

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.

Alison Eades
Nelson
New Zealand

2026

From: "Gerry A Eady" <
To: <Constitutionalreview@justice.govt.nz>
Date: 2/07/2013 1:54 p.m.
Subject: Submission
Attachments: Submission to the Constitutional Advisory Panel.docx

To whom it may concern.
Please accept my submission for consideration, regarding a proposed New Zealand Constitution.
This has bounced back once.

Gerry A Eady

Masterton

2026

.....
.
From Gerry A Eady

Masterton

Submission to the Constitutional Advisory Panel

.....

Items of Interest:-

.....
.

Constitutional Panel Selection

It would have been more democratic if the panel had included citizens selected at random, rather than the usual collection of University and Political appointees. As a tradesman, I feel slighted that there is an absence of people with technical skills, making decisions on my behalf.

.....

Format of the Constitution-

The concept of a Constitution should remain as at present; ie; drawn from the various laws, and Parliamentary legislation of New Zealand.

A Constitution drafted as a separate document, could lead to conflict between Parliament, and the Constitution.

Also of note is that the Constitution of many states makes for restrictive rule, rather than wide ranging application.

.....
.

The Head of State

The role of the British Monarch as the Head of State of New Zealand requires discussion. Britain's role in the world, and indeed the role of the Monarch in Britain, is changing slowly over time. New Zealand citizens are treated as aliens, when entering the UK, whereas Common Market citizens do not require a passport.

New Zealand is an independent democracy, a Member of the United Nations, and in every other way, is an Independent law making country.

The relevance of the Commonwealth, itself made up of many forms of government, several of them dictatorships, and where the majority of its citizens live under Presidential government, should be reviewed.

The office of President, or Head of State, will require consideration in conjunction with the question I raise under the section relating to the structure of Government.

A more practical solution is for NZ to declare itself a Republic within the

Commonwealth

.....
.
.....

Law and Government

New Zealand should strengthen the present system to ensure that Parliament makes laws that all citizens, including the government, can accept. This requires another group of elected representatives to act as a second chamber of Parliament.

I favour an elected person from each constituency, to meet as required, and consider the legislation of the House of Representatives; and to have powers of veto, and/or amendment.

.....
.

The Legal Situation of The Treaty of Waitangi

The New Zealand State exists as a result of colonisation in the 19th century, where the indigenous people were encouraged (compelled?), to sign a document, ***The Treaty of Waitangi***, leading to a separation of sovereign rights, as between Maori and non-Maori citizens.

The Treaty of Waitangi was signed on behalf of the 19th century British Monarch, Queen Victoria, and by a majority of Iwi of the Maori people, by way of signatures or marks made by the chiefs of each Iwi or Hapu.

Consideration must be given to those Iwi, including Tuhoe that did not sign the Treaty.

In other words, not all Maori are represented by the Treaty obligations.

.....
,

The Treaty of Waitangi

I favour recognition of The Treaty of Waitangi as a legally binding document within the Laws of New Zealand.

Discussion is required with regard to the situation that arises, should the Queen cease to be the Head of State in New Zealand.

.....
.

Maori Representation

As a Pakeha, I do not feel my views on Maori representation are required. Maori are more than able to represent themselves

There is a conflict however with two options for Maori on electoral roles. The Maori Role does not incorporate all Maori, and the General Roll does not incorporate all New Zealand citizens.

If the Treaty is to mean anything, then all Maori should be on the Maori Roll.

.....
.
.....
.

Bill Of Rights Act

There is a significant difference between New Zealand, and Britain, where tradition plays a large role, and law stretches back many centuries under different forms of government. 1215 at Runnymede; the Commonwealth of Parliament under Cromwell; and the institution of Parliamentary democracy; as late as the 20th century.

MMP must be refined to take account of fairness and actual representation.

A party with one seat can, and does, dictate what a majority of voters did not vote for.

The MMP 'coat-tail' provision must be repealed, being a situation that is grossly undemocratic.

The Security Service should not be allowed to spy on New Zealand citizens. Any citizen acting against the interests of New Zealand must be a matter for the NZ Police.

#A referendum should be held within six months of any successful petition to Parliament.

.....

Local Government Democracy

#Electors of local government may have two votes if they own property in two separate areas. This is undemocratic, and favours those with more assets and money.

#The principle of One Person-Two votes in Local Government is a hangover from British 19th and early 20th century inequality. This anomaly should be changed forthwith.

General Election Policy

Although the outcome of the MMP referendum has been under discussion by Government, there is reluctance by the major parties to introduce legislation, to support the wishes of voters who made submissions.

#7½% of the popular national vote should be the threshold for representation by parties that do not gain constituency seats.

#The percentage for a one seat party, gaining extra members, should also be 7½% of the total national vote.

#List, and elected members, should resign if they change their allegiance, or are expelled by their party. This should be a Parliamentary rule, not something left to Party leaders.

#I favour a reduction of the number of list MPs to 30.

#I also favour the elimination of the right to speak by List MPs, in conscience votes.

The same principle of percentage can operate with 30, as with 60 MPs. This would reduce the cost of Parliament, and prevent the unelected List MPs from dominating debates, as is the situation at present.

Decline of Voting

The percentage of electors that do not vote is of growing concern.
31% did not vote in the 2011 General election;
More than 60% did not vote in the 2010 Local Elections.

The Right to Vote should also include Legislation requiring that everyone must vote.

Voting and Citizenship

The right to vote is presently extended to non-New Zealand citizens.

Only NZ citizens should have the right to vote.

Citizenship Ceremonies should **emphasise** the responsibilities of citizenship, and be ceremonies of **significance**, rather than the more relaxed attitude that currently prevails.

The Oath at Citizenship ceremonies, should be to The Laws and People of New Zealand, not the Queen.

.....
..

4244"

From: "Paul Eady"
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:18 p.m.
Subject: CAP submission
Attachments: Constitutional Submission.pdf

From: Paul Eady
Sent: Wednesday, 19 June 2013 2:28 p.m.
To: 'constitutionalreview@justice.org.nz'
Subject: FW: Submission for Constitutional Advisory panel

This bounced again for some reason.

Please see below.

From: Paul Eady
Sent: Tuesday, 18 June 2013 11:56 a.m.
To: 'constitutionalreview@justice.org.nz'
Subject: Submission for Constitutional Advisory panel

Hi,

I tried to submit this via the website last night but received an email saying it had bounced and another one that said it had made it through.

Just in case I am re-submitting it direct by email.

Regards,

Paul John Eady

Napier

NEW ZEALAND

New Zealand

I would like to see NZ continue to develop its own identity and independence. I do not wish to see it become merely a version of another Anglo-Saxon dominated culture like the USA, or be swamped and assimilated into a very different culture like China. I want us to recognise and draw heavily from our Maori and British heritage and use these as foundations on which to add the variety of other perspectives the other cultures within our society bring, and use this to continue to evolve our own unique way of doing things. This will require recognition and acceptance of a variety of things, but most importantly The Treaty will have to be a foundation document, although this does not mean it will have to be in a prescriptive way.

I do not like the view that there is 'The State' and then the citizens. As individuals we are part of a society. The State is not a different entity, but is actually simply a reflection of all of us combined. As our society wishes, so those we entrust to manage our wider affairs should act. The apparatus we empower to act on our behalf must remain strictly in the citizenry's in our control.

Our nation should be run along the line of giving as much responsibility to the individual for their own affairs as practicable without imposing on the freedoms or rights of any other citizen and ensuring that people have the freedoms and rights to carry out those responsibilities as they see fit.

At the same time, I do not believe that any person should be disadvantaged in the opportunity to: grow up, be healthy as their genetics allow them to be, gain an education that will lead to a productive life, or access the basic necessities of life (food, water, shelter) simply because they didn't come from wealth. In this context, a citizen should be expected to look after themselves and their own, and society should then only be obliged to look after those who through no fault of their own cannot look after themselves.

As NZ born citizen, I have no automatic back up plan to go back to if I don't like it here, nor do my children, let alone their children. If someone wishes to emigrate to NZ they should be welcomed, however they should be expected to commit fully to this country as those of us born here are. Immigrants must integrate with the rest of NZ society and become part of it, not form enclaves and stay withdrawn. It is not acceptable that immigrant citizens cannot understand the meaning of the Treaty, or even understand our dialect of English.

NZ should exist purely to advance the interests of its citizens. Ownership (thus control) and access to resources (and possibly even property and business's) should be limited to NZ citizens because these are the only people with the implied responsibility of Kaitiakitanga (as much as Maori are) by virtue that this country is the only one we have.

The Constitution

It makes practical sense for the constitutional matters to be consolidated into one central document. Not only does this make it simpler to administer for the courts and legislature (instead of having to consider and balance between a variety of laws, only part of which may actually have constitutional import), but this also enables the ability to enshrine constitutional matters as THE supreme law.

A supreme law safeguarding rights and interests, and identifying responsibilities and obligations, of all citizens is important to prevent the 'evils of the majority' overriding the rights and perspectives of

minorities, particularly in terms of individual rights, freedoms, and responsibilities. At present a simple Parliamentary majority is enough to override individual rights (as has been shown in the recent passing of legislation that excuses the govt from the Bill of Rights when setting remuneration rates for family member care-givers). In this context, there is nothing stopping the "majority" from passing more extreme laws for example limiting the right to vote to land or business owners. If this occurs there is no legal recourse outside of Parliament. And even the three-yearly elections provide no opportunity to the disaffected person as they can no longer 'legally' vote.

The Courts should be the advisor and the arbiter on Constitutional matters. All legislative matters proceeding through Parliament should be checked over by the Court to identify potential constitutional issues, and where such exist these elements should only be passed into law with a substantial majority in a citizens referendum (say 66%), or a significant majority (say 75%) of the legislature. The Courts role is not to consider the intent of the legislation underway, but to simply consider whether it will breach the principles and safeguarded rights and responsibilities laid out in the Constitution. This 'constitutional vetting' requirement will also remove the potential for conflict of interest of the Attorney-General who is in fact conflicted by virtue of their close association with the Government. (There is a question however of how the Judges are appointed, in particular the Supreme court but a similar process to what I propose for the Head of State later in this submission could be adopted).

I am generally comfortable with the current arrangements for the Head of State. I do not wish to see this office politicised and as such the current arrangements with an absentee Monarch prevent this from happening. In the event we decide to replace the Monarchy, I feel that our current representative HoS process where the GG is appointed by the consensus of the elected representatives, (or at least significant majority), is the way to go. I would also go so far as to say that no former MP should be allowed to be nominated for this position and no campaigning for appointment should be permitted. I would like to see the HoS's powers to dissolve the legislature and call new elections expanded, allowing them to dissolve the Parliament based on advice from the Supreme Court where it feels the legislature is seriously contravening the rights of the citizenry as laid out in Constitution (for example enacting martial law without good cause) or to return law for reconsideration where there is a demonstrable opposition by a clear majority of citizens. I would also like the Constitutional role of the HoS as the Commander-in-Chief reinforced to clarify the chain of command and reduce the ability for a Government to call the police or the armed forces into the streets against the citizenry. The Government would still realistically exercise day to day control of the Services by virtue of controlling the treasury and setting policy direction and laws.

In summary, the Courts, the Parliament and its appointed Government, and the HoS must all agree before the citizenry can be overruled, and each should act as a safety check on the others to ensure the citizenry's rights, freedoms, and responsibilities are not overruled or unduly or unjustly imposed upon.

The Treaty

The Treaty (Maori version) should be explicitly recognised in our constitutional arrangements as this was the one signed by a vast majority of tribes. While historically this has been used to separate Maori from non-Maori, the principles contained should be extracted and built upon to help define our own indigenous and all embracing New Zealand culture and to provide a point of reference to

our social institutions as our society continues to evolve. The idea of the people of the nation exercising guardianship over their resources and authority over themselves, while being subject to a wider entity (like nationhood) that is something that the Treaty clearly articulates in terms of kaitiakitang and tikangatanga.

I do not believe that the Treaty should be incorporated in any constitutional arrangements in a prescriptive and literal way, particularly once the Treaty Settlement process has been completed, and a 'principles' approach, with Courts refining this based on precedent as already happens would be quite sufficient.

The Bill of Rights Act

Ideally I would see this merged into a constitutional document covering all individual rights and responsibilities expected from or accorded to citizens, including, property, economic, social and cultural, and also importantly the right to privacy. I would see this Constitutional document as a 'principles' piece of legislation rather than a prescriptive list of definitions and applications.

Rights should only extend until such point as they impose on the rights of others, at which time some balance must then be struck. The case where private club was challenged on religious discrimination because they would not relax a headress rule for a Sheikh is an example. A potential issue yet to be tested is where a church that hires its hall to the public chooses not to hire it out for a same-sex wedding ceremony thereby opening the door for accusation of discrimination on a sexual orientation basis but countered by the freedom of religion and the right to exercise control over private property is another.

In all instances where rights may be in conflict between various parties, logical application of the constitutional principles relating to rights and associated obligations must be determined, and the Courts are the best means for this. Parliament should not get mired into passing ever more detailed layers of legislation, the overarching principle for our legal and justice system should be 'plain english' and 'understandable by the average person'.

I do not support the continuation of the status quo where Parliament / Government is able to excuse itself from the Bill of Rights (or any other constitutional law) on a simple majority. As above, a simple (and democratically questionable) majority should not be sufficient to allow the Govt to differentiate in how it treats citizenry who otherwise would have redress through the Bill of Rights or other similar legislation.

As already stated, requiring a higher threshold of majority for changes to 'rights' related (i.e. constitutional) legislation than a simple majority can help reduce instances of 'lobby group' legislation. The increased balance will increase the continuity and integrity of the law relating to our rights, and I believe this will lead to a more stable and consistent democracy.

If I were to add any rights, one in particular would be around the rights of children. All kids should have the right to a good start in life. No child should suffer as a result of poor decisions made by their parents, and no child's rights should come second to their parents' interests. There should be no assumption that biological parents have an automatic right to be care-giving parents. The right to be a legal parent only extends so far as one discharges the responsibilities of being a parent and the threshold should be quite high to retain that right. (Note that this does not mean that a child should

be free from discipline or physical correction, only that that they have a right to be free of violence and fear).

I would also add the right to access fair and equal justice. Our legal system seems to be becoming increasingly attritive, where the litigant willing to commit the most resources to the issue is the one most likely to succeed. People should not be denied access to justice just because they have no money. If their rights have been breached they should be able to bring the matter to the courts irrespective of their financial position. A tiered approach would be the best system to address the possibility of frivolous litigation whereby a local magistrate looks at the case of the applicant and makes a prima facie decision whether it should proceed to a full hearing with the defendant. This should be an investigative session where the magistrate asks relevant questions of the applicant in plain English and without the need for legal briefs and lawyers. The full hearing should be a continuation of this approach. If after the hearing the judgement is for the applicant but the outcome is appealed, the Crown then fights the case against the defendant's appeal on the applicant's behalf. If the applicant fails, they may reapply at a later time if they can produce new information to the magistrate etc.

Another right would be to age and die with dignity, and at a time and means of one's own choosing.

The right to silence, and the exercising of that right without suffering prejudice, the assumption of innocence until proven guilty should also be embedded (but this should also be tempered by the fact that a not guilty verdict only means that the case could not be proven 'Beyond reasonable doubt'), are also key concepts that need to be retained.

The right to privacy is also becoming increasingly important particularly in the modern day of meta-data gathering by Govt departments and associated issues around the right to privacy. 'Terror threats' cannot be used as a catchall to enable agencies to go trawling for suspicious activity just because the technology allows them to, particularly if this potentially private information might end up in the hands of foreign agencies /states... or even worse private contractors.

Maori Representation

I think there is a place for formal Maori consultation until such time as our wider society has a much increased understanding of the Maori perspective. This perspective change will inevitably require a lot of people to put aside their prejudices and preconceptions and make an effort to learn the historical facts relating to Maori-Pakeaha relations and Maori-Crown relations and be objective about how things have got to where they are. The process of developing a more formal constitutional framework could well be the catalyst for this to happen and provide the vehicle for the necessary education and conversations to take place in the wider public domain.

I think the Maori seats are a good means to ensure a Maori voice in the legislature (in line with the underlying principles of guardianship and partnership in the Treaty).. Maori MP's are elected by a defined electorate and no one who is not enrolled in that electorate can vote in it. This is no different in practice than people from Helensville electing their representative and not being able to vote in Mt Albert. The fact that one can only be on the Maori role or the General role and electorate boundaries in all instances are set to represent approximately the same number of registered electors also means that there is no way that a 'Maori vote' can be worth more than an 'General

vote'. Anyone who wishes to claim to be a descendant of a NZ Maori is entitled to enrol, and that is a vast number of New Zealanders which thus means that the right to vote on the Maori role is by no means exclusive. Maori MP's should be electorate MP's, and thus represent the will of their electorate ahead of any party they may be affiliated to. *(Please see later comments on the makeup of Parliament and list MP's versus electorate MP's)*

No entity should have the power to remove the Maori representation in Parliament apart from the Maori electorate. This should be a constitutional matter and safeguarded accordingly. The five-yearly Maori roll reviews (as is currently underway) are a means for eligible electors to regularly review the relevance of these seats to modern citizens with Maori whakapapa, and the time may come where the Maori roll numbers fall to such an extent that a continued seat in Parliament cannot be numerically justified. At that time, and only at that time, it may well be argued that Maori have collectively decided that the provision of this form of representation for them is no longer required and a referendum of all eligible Maori voters could be carried out to test this hypothesis.

Local Body Maori Consultation

I think that by and large the Maori consultation processes are on the right side of the balance, although it is quite likely that in certain cases these legislated consultation processes have been abused by some minority Maori groups. Looking forward, at a minimum it should be a requirement in every public body that there should at least be a non-voting Maori member of the governance organisation to provide a communication link between the public body and the wider Maori community. Their role is to convey information and perspectives between the two entities. There needs to be some democratic appointment process to appoint this position, however in Maoridom it is often the most humble and unprepossessing person that has the most mana and ability to be objective, but these people are the least likely to be involved in politicking. Consequently finding the best person for the role will have potential to be a complicated process, further hindered by the nature of inter-iwi and inter-hapu relationships. What cannot happen is for this position to be filled by someone who merely represents the Maori group with the highest profile but does not have the mana and thus mandate to be able to claim to represent all of the community affected by the public body. We cannot let the mistakes of the past be repeated where it was assumed by the Crown / Pakeha that because someone said they spoke for their tribe, they actually had a mandate to do so. History has shown that this frequently was not the case.

The Structure of Parliament

I detest the party political system we have when applied to Electorate MP's. Electorate MP's should be constitutionally required to represent the electorate they were elected by ahead of complying with any political party caucus rules. Further there should be a constitutional means whereby the voters in an electorate can require a by-election if their MP fails to retain the confidence of the voters in that electorate. For example, if 9 months after the last election 40% of registered voters in that electorate signed a petition stating that they had no confidence in their sitting MP, a by-election should then be held to confirm that MP's mandate. (Note: This is 40% of ALL registered voters, which would often equate to be about 50-80% of the numbers that voted on polling day). To prevent frivolous petitioning, a by-election mandate should then not be able to be challenged for a minimum period of time (say another 9-12 months) but it can occur multiple times in an MP's term.

I would also like to see a separate house in Parliament where the Electorate MP's would sit. The legislature would be filled by list MP's and from here a Government would be elected. I would suggest with our version of MMP, the ideal Parliamentary structure be as follows:

A house which consists of 66 party list MP's appointed purely on a proportional vote basis. A 1.5% party vote translates to one seat in this house. This 'Party House' house elects the Government, and processes legislation as our current Parliament already does. The 66 MP's ensure that there is sufficient depth of technical and subject matter experts across all the Parties to carry out the duties of Parliament without having to 'scrape the barrel' for 66 MP's on one parties list, and the 1.5% threshold ensures that a full range of political perspectives is represented without opening the door to extreme fringe viewpoints. In the case of a hung Parliament, the other house I am proposing would have the deciding vote.

A separate house would be established consisting of 33 electorate MP's (including Maori seat MP's). These Representative's would ideally not be party affiliated, however it could be possible for them to have political affiliations but are not to be part of any party caucus. The roles of these MP's are to:

- advocate to the Government/legislature solely on behalf of their individual constituents and for the benefit of their own electorate,
- review all legislation progressing through the legislative house from the perspective of the individual electorates and send legislation back to the legislature for amendment if deemed necessary by the majority as a result of it being;
 - detrimental to the majority of electorates or
 - if the majority of Electorate MP's feel the legislation may breach an aspect of the constitutional framework, *(This should not be an issue if the Supreme Court has already reviewed the proposed legislation and advised the legislature on its compliance with the constitution).*

This new house of Representatives should also have the power to lobby the HoS to dissolve the legislature if a substantive majority of the MP's (say 75%) believe the legislature is not acting in accordance with the wishes of the people. The Representatives elections should be staggered to ensure continuity, say eleven MP's are elected to it each year. This house would also seek out and nominate the next HoS, for approval by a substantial majority (e.g. 75%) of the legislature, and thence endorsed in a public referendum at the next General election requiring only a simple majority.

Electoral Term

If there are sufficient constitutional mechanisms in place to force a legislature or Government back to the polls in the event it seems to be going rogue, (e.g like those I have already outlined for a citizens initiated referendum, the Supreme Court, the HoS, and the Representatives) I would support a considerably longer electoral term for the legislature say five or even six years, however in the current 'single-house-Parliament-is-answerable-only-to-itself' set up, I would oppose any move to extend to even a four year term.

Aside from the need to be able to dissolve a legislature that no longer holds the confidence of the citizens it is supposed to represent, the election date and associated dissolution of Parliament

should be no later than the nominal term from the last election. However the ability to call an early election provides the governing party with a potential political advantage and thus it should require more than a simple majority to dissolve Parliament early, (e.g. it should require two thirds or even more). If this majority cannot be achieved, then the largest single party should have to see out the term as a minority government and all that entails in terms of reaching confidence and supply agreements and compromise with other parties. Some would argue the potential for this situation to become dysfunctional, but all parties would be aware that they would be punished come the election if they were to grandstand in this situation, and the likelihood is that the major parties would either cooperate giving rise to more balanced policy and legislation, or agree to go to the polls early ensuring the electorate has the best chance to have competitive alternatives in who to vote for.

Electoral Boundaries

I see two equal but opposite approaches to electorate boundaries in the current single house Parliament set up. Either way would divide the total population by the number of electorates, but then establish boundaries to either try and balance out the voting demographic thereby making each electorate a microcosm of the entire nation, or draw them to try and concentrate voting demographics into each electorate so that the total number of electorate seats closely reflects the party vote profile.

I do not like the idea of redrawing boundaries where a stronghold electorate is split and its parts are diluted and assimilated into neighbouring electorates aligned to another party. For example, how can people from the lowest socio-economic parts of Glenn Innes be assumed to have the same representative need as people in the multi-million dollar parts of Kohimarama by virtue of a boundary shift? This approach divests those voters whose perspectives were well represented at a local level in a stronghold electorate from having their voice in Parliament. The consolidation of party support within electorates will also consolidate the number of electorate seats and hopefully reduce the overhang scenarios. It would also allow parties to place their leadership on the list and free them up from electorate advocacy to focus on political business of governing the country, thereby opening up places for less senior candidates into the safe seats to consolidate their knowledge of Parliament works and to focus on working for their electorates. I therefore am more in support of the consolidation of voting demographics into single electorates wherever possible based on the party vote from the previous election(s). *(This view only applies as long as we have a single house Parliament, if we moved to the model I have outlined above the MP would be required by the constitution to be bordering on a political and the boundaries would be of less consequence).*

In a two-house Parliament with the constitutional arrangements I have outlined, the drawing of 'balanced' electoral boundaries would be a better option to ensure that electorate MP's had a balanced constituency to represent as the 'by-election' provisions I have outlined would prevent them from developing too much of a bias one way or towards the legislature.

Waka Jumping

If an electorate MP is required to represent their electorate ahead of their party, then it is of less consequence if they leave their party than if they were a List MP. List MP's should only remain in

Parliament if they continue to represent the Party whose list they were appointed from. The voters using their party vote gave the party the mandate, not the List MP. No party = no seat.

A true electorate MP, particularly in a system where the voters in that electorate have a mechanism to force a by-election, should not be bound by any party affiliation, but even if they were affiliated to a party they should be able to leave that party and remain in Parliament until they are removed in by their electorate in an electorate initiated by-election or in a general election.

Referenda and Electoral Commission Recommendations

All referenda of the wider electorate (citizens sponsored or any other referenda) on constitutional matters must be binding. If the voting public say they want the numbers of MP's reduced, then Parliament must comply.

Finally, all Electoral Commission recommendations must go to referenda. The recent events where the Govt ignored the advice of the Electoral Commission to amend the MMP structure, is completely undemocratic.

464

From:
To: <constitutionaireview@justice.govt.nz>
Date: 16/04/2013 7:29 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: SELWYN EAGLE Organisation Name: THE JUST DIRT TRUST Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Christchurch Postal Post Code: 1
Postal Country: New Zealand Submission: We need more community gardens all throughout this
great land.

Sent on the 16 April 2013 at 19:28

2365

From: Tim Eagle
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:27 p.m.
Subject: CAP Submission

I write to today, to make my opinion count as a submission to the
Constitutional Advisory Panel.

I say abolish the Maori seats and the Maori electoral role. They are outdated. They were only intended as a temporary mechanism. They are racist. It leads NZ down a more racial separated society. Without special seats Maori would still have a voice in parliament just like every other race in NZ. There are members of parliament of Maori descent without the need for special seats. Why should one race of people be given any special treatment when representing this country. It is simply unfair.

If the Maori seats were to stay then lets make it fair and have a percentage of seats for all races. If one takes this thought to its conclusion then we should base the number of seats that are allocated in parliament to the percentage of race across the population. But this is obviously ridiculous and racially divisive. So too are the Maori seats and Maori electoral role system.

I believe that race-based representation has no place in our modern NZ society.

I believe our democratic rights should be based on citizenship not race.

thank you for taking the time to read my submission

--
Tim Eagle

Hastings

281

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 2:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Kevin Neil Eagles Organisation Name: Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: I believe the consitution should be equal
rights for all New Zealanders no matter whether they come from. It is time we moved on from the
treaty to a multi racial equal opportunity New Zealand.

Sent on the 13 April 2013 at 14:02

5086

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:31 p.m.

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

Full Names: Neil Eagles Email Address: Postal AddressA:
Postal City: Postal Region: Hawkes Bay Postal Post Code: Postal
Country: New Zealand Submission: I think we should retain our present unwritten constitution as it is far and will not list rules which may become outdated. The United States Constitution sounds fine but when it gives authority to bear arms and be able to shoot each other it is bad. Law

becomes dated and that is the case there. The Common Law of UK is to be respected as being fair to all and dates back centuries, varied to make common sense out of the legal side of Government.

As the Treaty of Waitangi claims are settled the Treaty should take a back seat and only acknowledge origins not racial privilege. As most Maori have less than 50% ancestry and each belong to many Iwi they should not gain special privileges other than to be

acknowledged as the first humans to populate this country. I am 20% Scottish but that does not make me a Scotsman. Our family have been IN NZ since 1861 and value the Common Law of England. This over the centuries was amended in our land to give votes for

all. When my ancestors arrived they had no right to a vote for about 30 years after arrival. The women only gained voting rights about the same time so this right is valuable. All regardless of race once confirmed as citizens of NZ should have equal voting

rights.

The present rights conferred under common law as amended from time to time in Parliament seems the best way. Any government has the right to introduce law, have it debated and passed, amended or reversed by conversation by citizens with equal rights.

We have a good relationship with the Crown and seem to appoint good Governors General who are not there because of their political connections. An elected President would not be as independent.

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.

Nancy Earth
Dunedin
New Zealand

ConstitutionalReview - submission...

From:
To: <constitutionalreview@justice.govt.nz>
Date: 24/06/2013 9:07 a.m.
Subject: submission...

Submission for the NZ Constitution Review.

There should not be any race – based constitution. There must be equality for all and Non-Maori New Zealanders must have the same rights as Maori.

Regards
Perry Earwaker

533

From:
To: <constitutionareview@justice.govt.nz>
Date: 18/04/2013 8:49 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
<http://www.ourconstitution.org.nz/form submission>

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

Full Names: Ben Eason Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Christchurch Postal Region:
Canterbury Postal Post Code: Postal Country: New Zealand Submission: Do you think
our constitution should be written in a single document? Why?

No, i don't think that the constitution should become a single written document as this would adversely effect our current system which utilizes parliamentary sovereignty and MMP in a fluid manner which i believe is a much more pragmatic and 'correct' process especially for a democratic state.

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

No, for legislation to have a higher legal status would be unnecessary for my above mentioned reasons (parliamentary sovereignty and MMP) as this impinges (although slightly) on the current fluid nature of government.

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

The courts should have the power to decide whether legislation is consistent with the constitution, this is an obvious choice in my opinion as the judiciary is independent to the executive branch, and can make decisions without bias. Also if parliament had to decide whether or not the legislation it was creating was constitutional there would obviously be a strong possibility of bias to approve perhaps questionable legislation.

Sent on the 17 April 2013 at 00:36

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.

Samantha Eason
Christchurch
New Zealand

Submission to the New Zealand Constitutional Advisory Panel 2013

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

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

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

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

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

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

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

I therefore submit the following recommendations:

- 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.

Nicola Easthope
Kapiti Coast
New Zealand

158

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 6:37 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: James Eastwood Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: Northland Postal Post Code: Postal Country: New Zealand Submission: all
New Zealand citizens should have exactly the same representation at all levels of government and
local body input.

As a person with partly Maori lineage (of which I am proud) I resent the implied need for any sort of
hand out that can be gained by preferential voting or representation.

I have lived among, and worked with, many Maori who are completely capable of making their way in
the world so any adjustments should be made on a needs basis equally for all people of NZ..

Sent on the 9 April 2013 at 18:36

158a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 6:38 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: James Eastwood Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: Northland Postal Post Code: Postal Country: New Zealand Submission: all
New Zealand citizens should have exactly the same representation at all levels of government and
local body input.

As a person with partly Maori lineage (of which I am proud) I resent the implied need for any sort of
hand out that can be gained by preferential voting or representation.

I have lived among, and worked with, many Maori who are completely capable of making their way in
the world so any adjustments should be made on a needs basis equally for all people of NZ..

Sent on the 9 April 2013 at 18:38

1586

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 7:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: James Eastwood Organisation Name: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: Northland Postal Post Code: Postal Country: New Zealand Submission: The
Constitution and the Bill of Rights should form the basis of our countries governance for all New
Zealanders.

The Treaty of Waitangi does not, and should not, form any part of our Constitution as the Waitangi Tribunal is the body tasked with making any reparation for any Treaty issues. We need to move on as one people and not enshrine any form of apartheid.

Sent on the 9 April 2013 at 19:00

469

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 8:24 p.m.
Subject: NZ Constitution

One rule for all, scrap the treaty of Waitangi (passed its usedbye date) and all that goes with it.

A staunch KIWI. C,R,Ebbett.

1569

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 12:34 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gerrard Mortland Eckhoff Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Alexandra Postal Region: Central otago Postal Post Code: Postal Country: New
Zealand Submission: I am unsure as to whether a previous submission was received.

"There can only be one overarching tenant upon which our constitution can be based and that is
.....

"Equality before the same law for all NZ citizens.

No NZ law can discriminate between peoples of differing ethnic origins for any reason - least of all
based on their ancestry wealth religion or creed"

Sent on the 25 June 2013 at 12:33

461

From: _
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 6:58 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Eddie Organisation Name: _ Email: _ Phone: _
Postal AddressA: _ Postal AddressB: _ Postal City: _
Postal Region: Otago Postal Post Code: _ Postal Country: New Zealand
Submission: I think we should dissolve the treaty of waitangi and only have a constitution. Having a constitution makes a treaty un-unnecessary, that way we can put to rest the who owns what land, because ultimately this will give it to everyone regardless of race or background which no longer mater in our society.

We will have no need for labels like maori, European or pakiha. Because after all isn't everyone equal and untitled to everything that anyone else is, or am I just a dumb optimist.

Sent on the 16 April 2013 at 18:57

203

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 9:44 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Anthony Alan Eddy Organisation Name: Email:
 Phone: Postal AddressA: a Postal
 AddressB: Postal City: Hamilton Postal Region: Waikato Postal Post Code:
 Postal Country: New Zealand Submission: The Plank of A Nation

"A nation should rejoice in celebration of its birth. A nation should know of the purpose for its creation. A nation should be grateful for a history with a Lion.

A nation's plank of creation should be an object of thanksgiving, should uplift the peoples thereby committed, should give security of tenure. A nation's plank of creation holds a vision for the future, has signatures bound in agreement, has brevity with wisdom, has hope laced with trust, has sharing of resources that neither favour nor deprive.

A nation's plank of creation is the start of a new beginning. The journey of a nation never follows a straight path. The rearward glance at a nation's footsteps is there for all to see. The rearward glance slows a forward journey, causes a conference of souls, spreads missions of dissent.

The creation planks of nations rarely have splinters at their birth. The creation planks of nations are hacked at by the greedy, are whittled by the wily. The creation planks of nations are spliced for expansion, are bonded to abstraction. The creation planks of nations are later heard to utter what the tongues of the signatures never spoke when signing.

The creation plank of a nation is not open to re-interpretation when the journey's well begun. The creation plank of a nation is to be honoured without equivocation. The creation plank of a nation does not change according to discoveries, according to the self-aggrieved, according to the benefits that fall into the hands that labour. The creation plank of a nation does not fluctuate in intent because of more recent values.

The creation plank of a nation is not to be splintered to rejection, is not to be splintered born through malice, is not to be splintered born through murmuring from those with their own agendas. A nation cannot be of one voice if the plank of its creation is later filled with splinters of injustice.

The journey of a nation is as according to the divisions of man. The forward glance at a nation's future encourages a vision made known. The forward glance shines as a light on a way of life with wonders, speeds all to a common goal, brings unity of purpose not easily distracted.

The creation plank of a nation is steeped in hallowed ground. The creation plank of a nation speaks to the present of the past, speaks to the present of the future, makes possible a vision on a tablet for the herald with which to run.

The creation plank of a nation speaks of the God that first invested in a plank, that invested in the builder of the nations, that was invested with due reverence within the lives of those who knew.

The creation plank of a nation should not be readily overturned. The creation plank of a nation stood before the faces of men who swore that it was so. The creation plank of a nation stands before the God who witnessed it and knows."

Sent on the 11 April 2013 at 09:41

2034

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 9:47 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Anthony Alan Eddy Organisation Name Email:
 Phone: Postal AddressA: Postal
 AddressB: Postal City: Postal Region: Waikato Postal Post Code:
 Postal Country: New Zealand Submission: The Plank of A Nation

"A nation should rejoice in celebration of its birth. A nation should know of the purpose for its creation. A nation should be grateful for a history with a Lion.

A nation's plank of creation should be an object of thanksgiving, should uplift the peoples thereby committed, should give security of tenure. A nation's plank of creation holds a vision for the future, has signatures bound in agreement, has brevity with wisdom, has hope laced with trust, has sharing of resources that neither favour nor deprive.

A nation's plank of creation is the start of a new beginning. The journey of a nation never follows a straight path. The rearward glance at a nation's footsteps is there for all to see. The rearward glance slows a forward journey, causes a conference of souls, spreads missions of dissent.

The creation planks of nations rarely have splinters at their birth. The creation planks of nations are hacked at by the greedy, are whittled by the wily. The creation planks of nations are spliced for expansion, are bonded to abstraction. The creation planks of nations are later heard to utter what the tongues of the signatures never spoke when signing.

The creation plank of a nation is not open to re-interpretation when the journey's well begun. The creation plank of a nation is to be honoured without equivocation. The creation plank of a nation does not change according to discoveries, according to the self-aggrieved, according to the benefits that fall into the hands that labour. The creation plank of a nation does not fluctuate in intent because of more recent values.

The creation plank of a nation is not to be splintered to rejection, is not to be splintered born through malice, is not to be splintered born through murmuring from those with their own agendas. A nation cannot be of one voice if the plank of its creation is later filled with splinters of injustice.

The journey of a nation is as according to the divisions of man. The forward glance at a nation's future encourages a vision made known. The forward glance shines as a light on a way of life with wonders, speeds all to a common goal, brings unity of purpose not easily distracted.

The creation plank of a nation is steeped in hallowed ground. The creation plank of a nation speaks to the present of the past, speaks to the present of the future, makes possible a vision on a tablet for the herald with which to run.

The creation plank of a nation speaks of the God that first invested in a plank, that invested in the builder of the nations, that was invested with due reverence within the lives of those who knew.

The creation plank of a nation should not be readily overturned. The creation plank of a nation stood before the faces of men who swore that it was so. The creation plank of a nation stands before the God who witnessed it and knows."

Sent on the 11 April 2013 at 09:44

2036

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 1:18 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Anthony Alan Eddy Organisation Name: Email:
 Phone Postal AddressA: Postal
 AddressB: Postal City: Postal Region: Waikato Postal Post Code:
 Postal Country: New Zealand Submission: The Secrecy of Governments

"The secrecy of the governments of man always is the encourager of corruption, of bribery, of payment for a service when none should be required.

The secrecy of the governments of man invites payments for delivery, promotes preference in opportunities, offers selective allocation of a contract, seeks self-gain garnered from the tables of the planners, leaks foreknowledge of a rise in value, imparts foreknowledge of a loss in value, winks in foreknowledge of an initial approach from the market place of man.

The secrecy of the governments of man puts a cloak upon a corpse, bears false testimonies galore, puts a ghost on a follower on a shadow on a tail, hides dishonesty in connivance, trumpets a deemed success of little value, whispers in the galleries to ears attuned to gossip, primes the windmill of the voters with a foul wind called as fair.

The secrecy of the governments of man employs the unscrupulous to make it so, contracts to achieve an aim that is undeclared, frequents the taverns of man in the middle of the night, uses innuendo to destroy a character in promotion of another, seeks like with like in the lifestyles of depravity, burrows in the darkness with agendas which are private, would have belief in declarations professing the greater good.

The secrecy of the governments of man bury their effronteries deep within the trivial, bury an objection in the volume of the noise from the mouth, bury aspirations with the mindsets of the devious, agree only in cartels which offer something in return, do not front to answer when the questions are too hard, always front to answer when the questions are from a mind of feathers, dip into the public purse with the misnomer of a perk.

The secrecy of the governments of man always is in denial when caught with a hand within a purse, when caught in animal-like behaviour which is unbefitting, when caught incapacitated in a lifestyle of excess, when caught with a lie arising from what is claimed as 'never said', from what is 'completely unintended', from what is 'clearly misunderstood', from what is 'definitely misquoted', from what is 'simply taken out of context', from what awaits the final exit of the rogue: that it is 'unfair'.

The secrecy of the governments of man is as an evil boil for lancing, is as the repository of iniquity which feeds upon itself, is advocated by the shameless for the proliferation of misdeeds, is the absence of accountability from those who claimed they would so be, is the source file of deceit which bears approval as its stamp, is the breeding place of blow flies with access to a rotten carcass, is the shelter sought by the ethics of man in the discarded absence of the morals wrought by God.

The secrecy of the governments of man is a cloud of darkness which obscures the light, is a flickering of a shadow on a shadowed face, is a whispered word destined for a non-attributed life without recourse, is a fox terrier on guard who knows where the fox does dwell, is an unlit candle which will not share the flame, is deaf to the entreaties of the

203c

From: . . .
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 1:15 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Anthony Alan Eddy Organisation Name: Email:
 Phone: Postal AddressA: Postal
 AddressB: Postal City: Postal Region: Waikato Postal Post Code:
 Postal Country: New Zealand Submission: A Land of Plenty

"Far from the kingdom of God lies a land of plenty. A land of plenty that sacrifices to unknown gods. A land of plenty that breeds a cult of worship of gods not known to the Risen King.

A land of plenty that believes it has no need for the God of its scriptures. A land of plenty that has accepted gods of materialism, gods of humanism, gods of idolatries. A land of plenty full of recriminations, full of anxieties within its soul, full of the cravings of its eyes.

A land of plenty that does not value life yet are hypocrites over deaths from the hands of others. A land of plenty that does not value the marriage bed but approves beds of defilement. A land of plenty that does not reverence the scriptures in the raising of a child. A land of plenty that supplies poisons to its youth – poisoning its soul – poisoning its future. A land of plenty that is governed by, exists within, slowly dying through, the destitution of its own morality.

A land of plenty that does not honour any flag in its respect for nationhood, that staggers as a drunkard with no place to sleep, that is without direction - to arrive at only God knows where, that belches from its stomach the sins of yesterday, that gurgles down its throat the sins set for today, that feeds into its soul – its mind – the sins that feed tomorrow.

A land of plenty is admired from many shores. A land of plenty is mired in its own mess. A land of plenty – that extends welcomes to its guests. A land of plenty often claimed to be God's own.

A land of plenty that harbours great delusions - no longer in the shelters of God – no longer embraces the sanctity of life – no longer confesses its heritage of Faith – no longer honours the gifts of children in its midst – no longer has integrity in those with sporting prowess – no longer gives voice in concert to prayers of thanksgiving.

A land of plenty is not a land of greatness. A land of plenty is not a land of wisdom. A land of plenty is not the harbinger of the Spirit, is not the harbinger of example, is not the harbinger of enlightenment.

A land of plenty can yet be the epitome of nationhood, the epitome of righteousness, the epitome of Truth. A land of plenty can yet turn from, can yet be the antithesis of, the past – in the fulfilment of a vision – as the adoptee of a new beginning – in this: the onset of the three fold seventh century by which the wise do measure time.

A land of plenty that once had wisdom can attain it once again. A land of plenty that knew and shed its blood on a distant land of favour. A land of plenty that is a friend of God, that grieves the heart of God, that walks in the sight of God.

A land of plenty should reset its standards, should fly high its flags of jubilation, should uplift its banners of proclamation – that all may know a purpose re-established – a renewed belief – a turning from the past – a celebration of the future – the new dawn of righteousness – the new dawning of things to come."

Sent on the 11 April 2013 at 13:15

2031

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 1:14 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Anthony Alan Eddy Organisation Name: Email:
 Phone: Postal AddressA: Postal
 AddressB: Postal City: Postal Region: Waikato Postal Post Code:
 Postal Country: New Zealand Submission: The New Day

"I, the Lord, speak to the people of this nation. I, the Lord, speak to the government of this nation. I, the Lord, speak to the councillors of this nation. I, the Lord, speak to the stewards of this nation – all those in positions of accountability to the people of this nation – all those who oversee and apportion the resources of this nation – all those in tiers of command that affect the lives of their fellow citizens. I, the Lord, speak to all the leaders across this land – across this island nation – where the new day of man begins with each rising of the sun.

I state for all to hear – a new day approaches that will usher in a new era never seen before by man. The new day sets new boundaries for man. The new day sets new goals for man. The new day brings fulfilment of hope and the rewards of disbelief.

The new day that breaks across the heavens will greet men who take a forward step, will dismay men who take a backward step, will greet children as they stand. Women are not bound to follow men who take a backward step – who turn their backs and run.

The new day brings change and dissolution. The new day brings forth new allegiances. The new day will establish fresh laws of governance. The new day will bring forth the standards and the qualities of the day.

The new day will bring safety to the family. The new day will bring honour to each marriage. The new day will bring the voice of God as a restraint upon the bearers of the power of man. The new day will bring the death-throes of laws that are unjust.

The new day will bring the sanctifying of the Spirit to this nation. The new day will bring a turning of the minds of man. The new day will bring an opening of heart to this nation. The new day will bring the young to seek and serve.

The new day will bring forth wisdom from those who are mature. The new day will bring forth purpose and intent, guidance and direction, exuberance and passion. The new day will bring forth the blessings of the Lord upon this nation – at a crossroads in time and of opportunity."

Sent on the 11 April 2013 at 13:13

3628

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 12:20 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: James Eder Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Christchurch Postal
Region: Canterbury Postal Post Code: Postal Country: New Zealand Submission: I
believe that in New Zealand, we should have the right to decide whether we want to take part in
smoking marijuana or not. Decriminalizing marijuana will save millions of NZD spent on anti-marijuana
operations and jail terms for convicted marijuana dealers.
Also the NZ government will gain a profit if they own the marijuana distribution stores. Although I
believe that marijuana should be legal, I also believe it should have an age restriction of 21 and other
restrictions like a limited intoxication level for
drivers or users of heavy machinery. The decriminalization of marijuana in New Zealand is a big
aspiration of mine for the future. Please take this opinion into consideration.

Sent on the 15 July 2013 at 19:47

3630

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 12:21 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
http://www.ourconstitution.org.nz/form_submission

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

Full Names: Katherine Eder Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: My aspirations for Aotearoa New Zealand are for our country to stop treating
Maori better than everyone else. I understand completely the history of European settlement here,
and the mistreatment of the Maori people, I am in fact part Maori myself. However,
having a Maori Party, making special houses only for Maori, etc. do the complete opposite of what
we should be doing. Its enforcing segregation. I say resolve any remaining issues with the Maori
people, and then move forward as one. We all need to be treated
equally, not as Maoris and Pakeha, but as New Zealanders.

Secondly, I would like to bring up a subject that has been addressed by the entire country except the
government. This issue is important to many Kiwis, and in fact if resolved could literally save lives and
the economy. Before you skip this paragraph because
of pre-misconceptions, just keep an open mind. Cannabis. And no, not the synthetic stuff but the real
thing. We are all so concerned about the dangers of synthetics but no one has stepped back and
asked how we get the people of New Zealand not to want them
anymore. Simple, legalize cannabis. In places where cannabis is legal, no one wants any synthetic,
in fact many places overseas have gone out of business when cannabis was legalized. Cannabis has
many medical uses, like for example, a 2007 Harvard University
Study concluded that the THC in cannabis actually kills cancerous cells. LITERALLY CURES
CANCER. If that's not argument enough for you, consider the fact that thousands of conditions and
diseases can be medicated, are across the world, successfully with
cannabis. Cancers, Insomnia, Nausea, Arthritis, Dementia, Multiple Sclerosis, and so many more. My
father died from cancer, and maybe if he could have been allowed to use cannabis oil he would still
be alive today. Or at least have been able to sleep, eat and
active enough to have LIVED when he was alive and suffering. Have you ever seen someone suffer
in pain everyday? Have you lost someone close to you?

Not to mention the benefits of utilizing Hemp. The first ever diesel car was made to run on Hemp Oil,
as can ever diesel car today without any modification. You can make naturally fire-resistant, carbon
absorbing homes from hemp.

Taking the above into consideration, along with well-known (and researchable!!) facts such as,
cannabis is less addictive than coffee, less harmful than alcohol, and has NEVER KILLED ANYONE
EVER, don't you think its worth reconsidering the laws on cannabis?

As one of the only conventional treatments available for cancer is chemotherapy, which I personally
watched the horrible effects of, I think that even IF cannabis WAS harmful, those who are dying
anyway deserve the choice of which they use. There is absolutely
no way cannabis is as harmful as chem=0, therefore since cannabis is proven as an effective
treatment, it should be made available to those suffering.

I say legalize for medicinal purposes first, so you must have a prescription to receive the plant from a
licensed dispensary, who has bought their stock from a licensed grower. Then, you can continue to
punish those who grow or sell without a permit, eg. gangs
etc. With that in place you are taking profit from gangs, AND helping those who benefit from it, while

using strict regulations. THEN, you can do extensive research on the effects, and decide based on those how safe its use for recreation is. Laws based on facts is what we need! The psychoactives bill should include cannabis. If you can prove its safe, you can sell it. Cannabis and indeed every other drug should be regulated by level of safety. That's what the law is for right? Protecting us from harmful substances.
So if cannabis can be proven safe, which it is, then it should be legal.

My biggest aspiration for New Zealand is for drug laws to be based on hard facts. For New Zealanders to have access to all medicines, regardless of their risk (because if we say low-risk only chemo would be outlawed). And for the people of this great country to have the freedom of choice as to what they put in their bodies (which I thought was a basic human right, but apparently not), so long as it isn't hurting others or their community.

I'll leave you with one final fact: New Zealand tax payers spend over \$100 Million every year on cannabis-related incarcerations. Imagine what we could do with that money.

Sent on the 15 July 2013 at 18:31

4906

Submission for the Constitution Conversation

Your name:

X DOHORES EDGE

Name of the organisation you represent (if applicable):

AMNESTY INTERNATIONAL TAURANGA MOANA

Postal address or email address:

TAURANGA

SUBMISSION: That all the rights covered by the "Universal Declaration of Human Rights" and other United Nations Human Rights agreements should all be included in the New Zealand Constitution.

4477

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 7:30 p.m.

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

Full Names: Graeme Edgeler Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: My submission on the term of Parliament follows below:

I am not opposed to increasing the term of Parliament to four years, but nor am I yet supportive. If a vote were being held tomorrow, I would be voting against an increase, and urging others to do the same. But I am open to persuasion. At the moment, despite this being talked about for a little while (and with the 1990 referendum on the term of Parliament followed discussion of the length of the term by the 1986 Royal Commission on the Electoral System (.pdf)), I remain unconvinced.

The arguments we have been presented of late have mostly been simplistic observations to the effect that "four years seems like a good idea" or "three years is too short". Well, too short to do what? What laws that we don't presently have, do you think we would have today, if we had a four-year term?

One example I have heard offered in the past is a dealing with the long-term affordability of Government superannuation. However, the existence of three-year terms didn't prevent the government from increasing eligibility from 60 to 65 between 1992 and 2001 (over the course of three very different governments), and it didn't prevent the Labour Party from adopting an increase in the age as its policy at the 2011 election, or retaining it to this day.

I can appreciate the theory that a four-year term will enable a more considered policy formation process, better Parliamentary scrutiny of legislation, and less rushed law. It is a nice theory. But there seems to be very little evidence to support the idea that the theory will play out in practice. What is the basis for the belief that if we were to adopt a four-year term, that the concerns we express about the three-year term will actually improve?

We can't be the only country that has considered changing its term of Parliament, when other nations have actually done that, what difference did it make? Are all those other countries with longer terms than ours better governed than New Zealand? In what ways?

Have they passed the types of reforms we need, but which people assert we cannot adopt because of our short-term thinking? How exactly did the longer terms help any country which has actually done these things? These may be difficult questions. Other differences in the political culture may account for much of the change we might look at, but no-one has even tried.

And is there really a problem we need to fix? The idea that we cannot do major law reform in this country does not bear scrutiny. During the debate on the third reading of the Income Tax Bill, then Deputy Prime Minister Michael Cullen noted:

"The current bill, the Income Tax Bill ... is the culmination of 15 years' work towards making New Zealand's most widely consulted law more accessible and user-friendly.

...

The guiding principle throughout has been not to change the law as expressed in the current tax legislation but to re-enact it in as user-friendly a form as possible. The resulting bill, hopefully to be enacted later, is a tribute to the process, and to the people involved in bringing the bill to its second reading: the members of the rewrite advisory panel under Sir Ivor Richardson, the drafters, the tax specialists in both the private and public sectors, and the successive Ministers of Revenue, I think beginning with the Hon Wyatt Creech. He was the Minister who began this process of the rewrite of the Income Tax Act.

I finish by pointing out that we are the only country in the world that has successfully completed this project. Other countries have attempted to do so, but have had to abandon the project part-way through. That in part is because some of those countries have much more complex tax legislation than New Zealand—surprising as that may seem to many users of our tax legislation—and it is actually very, very difficult to complete the process."

Every lawyer, or public policy academic will have an example of a rushed, or ill-considered law that proved difficult to work under. A relatively recent example I have heard offered a lot is the Electoral Finance Act. It was undoubtedly a poorly thought-through law, but the reform efforts that replaced it (which in substance aren't all that different) do show that it wasn't necessarily the term-length which actually caused the Electoral Finance Act's problems.

Over the course of multiple Parliaments we have passed major law reform projects not only with respect to income tax, but search and surveillance and criminal procedure. That it is difficult to prepare and pass such laws in one Parliament, or even in one Government may in fact be one of the strengths of our system.

All the ground-breaking policy we have, we have been able to get with a three-year term. We are often told that our Accident Compensation system is the envy of the world, but countries with four-, five- and six-year terms still haven't been able to enact one.

The strongest argument I have seen is that a longer term would enable governments to do unpopular but (objectively?) good things, in the hope that short-term pain may have subsided in time for the election. There are obvious flaws with this analysis.

This is a democracy, and politicians should seek mandates for their actions. And I simply do not accept that the vast majority of voters are unable to make tough choices if they are fairly presented to us; sometimes, others may not like the choices we make,

but they are ours to make. And as unpopular as we are now told Roger Douglas's reforms starting in 1984 were, the Government he was a part of was re-elected in 1987. I don't really see that countries with longer terms are doing all that much 'better' that we are in this regard. The ability of economies in Europe to take 'tough choices' arising from the Eurozone crisis seems entirely unrelated to their electoral calendar.

We are being asked to relinquish a very real measure of our democratic control for the vague promise of a better tomorrow. If someone want to make the case – with actual evidence – please do. Do democracies with longer terms actually have better long-term planning? What reason is there to believe that a four-year term will actually enable us to 'fix' anything that might be 'broken' with our system?

And just because our three-year term is somewhat of an international outlier does not mean we should leap from the bridge that every other country has. Differences in the New Zealand political system strongly tell in favour of a shorter term.

Things have changed since voters rejected increases in the term length in 1967 and 1990, we now have MMP, which acts as somewhat of a brake on governments pushing too far. But other things are steadfast: we retain a unicameral legislature, we lack an entrenched Bill of Rights, and we still have the strongest parliamentary whip of any of the nations we like to compare ourselves to (and I suspect, almost all of the others as well), we don't have binding citizens initiatives, or even ability to call an abrogation vote (citizen's initiative are legislative proposals advanced from outside the legislature; abrogation votes or citizens' vetoes are referendums that seek to overturn laws recently passed by a legislature), we don't have primary elections, or recall elections, and we don't have a head of state with a power of veto.

Which isn't to say that changing any of these things would be good, but that we have a system which has adopted the option that provides the least check on governmental power in respect of all of them suggests we should be reticent about abandoning the one major democratic check we actually have – our relatively short legislative term.

Submitted on the 31 July 2013 at 19:29

1300

THE CONSTITUTIONAL ADVISORY PANEL

11 5 13

DEAR SIRs, WE DO NOT NEED A WRITN CONSTITUTION

IN A FAST MOVEING WORLD PARLIAMENT NEEDS TO HONOR M M P AND NOT USE IT TO GET CRONYS IN TO STACK PARLIAMENT, IT WAS SUPPOSED TO RECRUTE TALENTAND SKILLS. IF YOU NEED AN EXAMPLE OF A DESTRUCTIVE CONSTITUTION LOOK AT THE U S A .

IT IS NOTED THE ADVISORY PANEL IS STACKED WITH PEOPLE WHO ADVOCATE SEPARATE ,PRIVILGES AND DEVELOPMENT FOR MAORI THESE SEVEN WILL IMPOSE THE TREATY OF WAITANGI, A FLAWED DOCUMENT IF THERE EVER WAS ONE, ON ALL NEW ZEALANDERS.

THIS ACTION GROUPE IS SETTING IN PLACE APARTIAD, TO BENEFIT SIX PERCENT OF THE POPULATION

THE REST OF NEW ZEALANDERS WILL PAY THE COSTS AS USUAL

ALL REFERENCE TO THE TREATY SHOULD BE WRITEN OUT OF OUR LAWS , AND ALL SPECIAL PRIVILAGES SHOU;LD BE PHASED OUT . WITH SUCH A MIX OF RACES WE MUST ALL BE EQUAL. AFTER ALL THE TREATY SETTLEMENT CLAIMS HAVE PAID OUT BILLIONS OF TAX PAYERS MONEY, NOT THE CROWN AS IS CLAIMED.

MAORI SEATS MUST BE ABOLISHED, WE NEED EXPERIANCED MPS NOT EGOS WITH HIDDEN ADGENDERS

OUR CONSTITUTIONAL MONACY WORKS WELL, WHY WOULD WE WANT A REPUBLIC LIKE THE U S A CIRCUS.

OUR MONACY GIVES US A HEAD OF STATE BEYOND THE REACH OF POLITICS, AND AS ALAST RESORT WOULD DO THE RIGHT THING WITH AN EVEN HAND

YOURS FAITHFULLY MAX EDKINS
SILVERDALE

S178

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:49 p.m.

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

Full Names: Thomas Edmon Email: Phone: Postal
AddressA: Postal City: Feilding Postal Region: Manuwatu Postal Post
Code: Postal Country: New Zealand Submission: 1.The befuddled British colonial Treaty
of Waitangi has no relevance or legal bearing in post-colonial New Zealand. New Zealand can only
have a future with a modern constitution that has a bill of rights that treats all people equal regardless
of there

racial origins.

2.Any constitution that make the treaty of Waitangi a formal part will solidify New Zealand's current
status as a retrograde, racist, violent, backward colonial banana republic that cannot carry the respect
of its own citizens. It is imperative that this ridiculous,

irrelevant, nonsensical, British imperialist Treaty have nothing to do with New Zealand's constitution.

Submitted on the 11 June 2013 at 21:48

5070

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:22 p.m.

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

Full Names: Katrina Edmonds, Ata Apulu Email Address:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country:
New Zealand Submission: It needs a written constitution so that everyone can see it.

The Articles of Te Tiriti O Waitangi should be added to the Constitution so that partnership is recognised between the Crown and Maori.

Legislation should be passed so that Parliament would be held accountable especially when it comes to breaching Human Rights, and the Rights of Indigenous people.

Submitted on the 17 June 2013 at 19:58

4804

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:04 p.m.
Attachments: My Constitutionalsubmission.doc

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

Full Names: Moengaroa Gardenia Edmonds Organisation Name: Individual and on behalf of
Wharepapa Whanau Email: Phone: Postal
AddressA: Postal AddressB: Hamilton Postal City:
Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: My Constitutional submission.doc

Submitted on the 31 July 2013 at 16:04

HAMILTON

31 July, 2013

Tēnā koutou

Submission to the Constitutional Review Committee

Please find herewith my submission on the Constitutional review. I am using the questions posed as a basis to frame my response to this review and submit the following:

My Aspirations:

What is important to me about how New Zealand is run is that we are governed not on the basis of how other countries are run, but that we continue to demonstrate our uniqueness by tapping into what is uniquely New Zealand. We should be proud of the fact that we have an indigenous culture that is a "living culture". Colin James referred to the fact that the majority culture is becoming more and more influenced by the minority culture and this is reflected in everyday language and symbols. New Zealanders immediately can relate to that with more Maori words being used from "Kia ora" to other expressions that serve to clearly identify who we are in the world. Moana Jackson points to examples of coming across a Maori overseas and the acknowledgement through a lifting of the eyebrow clearly distinguishes "us" from "the other" in the way that only a Maori would be familiar with. These nuances are what makes us unique and so we should continue to influence the other through simple ways of doing things and not through copying what others in the world do. We stood out from the crowd when we said "No" to nuclear weapons. This was based on our values and aspirations. That is how we should continue to be governed. We can be global players and leaders within the global arena without the need to copycat others. What works for others, may not "fit" with our culture, our values, our aspirations.

I would also like to think that we can embrace all cultures but that in so doing, we recognise and acknowledge in real ways, the culture of our own country. Maori should not be relegated to being "another" culture in this country. It is not. It is "the first culture" of this country and therefore the rules that determine how we are governed and how we live together as a country needs to reflect Maori history, values and aspirations. This means that Maori should be able to share equally in the governing of this country and on that basis, I make this submission.

I am fearful that we are becoming more and more like a Police run state. We have so many laws that influence our everyday lives. These include bylaws that are made by local government. I would like to think that we could learn from the Maori traditional ways of dispute resolution. We should have long ago adopted the ideas put forward by Moana Jackson in terms of the Justice system. Many of the problems we have today stem, in my opinion, from a failure to take into account the traditional ways of resolving disputes and dealing with issues. I would like to see a more transformative system of governance as posited by Moana Jackson and Margaret Mutu.

New Zealand's Constitution

I don't necessarily believe that having a constitution written in a single document is relevant or necessary. This is because I like the idea of a flexible living constitution and not one that is set in stone. Just because we don't have a written constitution, doesn't make our unwritten constitution any less valid. In fact there are many instances in the world of countries with a written constitution whose treatment of human rights issues are truly questionable.

On the other hand, the idea of a written constitution that is based on our founding document, Te Tiriti o Waitangi would serve a far greater purpose and be more meaningful for us in Aotearoa NZ. It also continues to reflect our uniqueness discussed in the first part of this submission.

Te Tiriti o Waitangi was and is the founding document of our constitutional government by Article 1. It is time we long accepted this fact. I agree with James when he says that this "...is not seriously contestable now" (James, 2013). I could be more accepting of the idea of a written constitution that contains the article 2 guarantees of protection of taonga and rights and control to hapu of their resources whilst allowing for constitutional government. To do this would make this exercise truly a transformative one and not one of just "tinkering with what we already have" as alleged by Moana Jackson; a point I fully agree with. Finally there is the matter of citizenship rights which could also be incorporated in perhaps a Bill of Rights type section of our Constitution.

Failing the above, then of course we are left to continue to "tinker" with the current system and in this respect, there are areas requiring attention especially around the separation of powers; the use of urgency to push through legislation thus by-passing the Select Committee process, a process that is meant to act, amongst other things, as a check and balance on the use/abuse of power; conventions (what are and are not conventions); the lack of transparency in appointment of people to positions of power by Ministers and such matters. These latter matters currently are already part of our constitution but are not clearly understood by the wider New Zealand public and in this sense you have to wonder about the transparency of our current constitution. We will continue to be defined by what we are not rather than

what we are.

If we had a written constitution, then yes we should have a higher supreme law. Our current laws and governing mechanisms and systems are a product of western hegemony greatly influenced by the values of a majority culture that does not truly and wholeheartedly take into account the minority culture of this country. It is timely, and especially in light of the current moves around the GCB Spying laws, to begin discussions around having a supreme law that reflects the aspirations set out in Te Tiriti o Waitangi. The current situation is unacceptable, particularly if we are to remain unique in this world and more importantly if we are serious about relationship building and building a nation together.

I believe that the Courts should have the power to decide whether legislation is consistent with the constitution. This is because the Courts are more independent than Parliament who makes the laws. We cannot have the same organ that makes the law, decide on whether or not the laws they make are consistent with our constitution. That is not true separation of powers.

New Zealand's Bill of Rights Act

The Bill of Rights Act as it currently stands does not protect our rights enough in my opinion. This is because it is not supreme law. If a law is inconsistent with the Bill of Rights, then the power to decide this should rest with a body and not with one body even though that one body may receive advice from one of its own, e.g. The Crown Law office. I don't believe that the current law around this issue is robust. This is because under the current law, the decision to bring Parliament's attention to an Act that may be inconsistent with the Bill of Rights is left to the Attorney-General's discretion. In my opinion, ALL legislation to be considered should pass through a body to consider if there is a Bill of Rights issue. Because it is still only a Bill before it is passed through to Parliament to decide and make law, it is not correct that the Courts have the power to decide. This is because, in keeping with our understanding, Parliament makes law, the Courts interpret the law. Therefore, such decisions should be considered by a select group comprising Maori, the Attorney-General and other members of Parliament (perhaps a committee comprising these people) as opposed to the sole right being bestowed on the Attorney-General. Importantly, this section of the Bill of Rights Act requirement should kick in right at the time the Bill is introduced at its first reading and subsequent readings and not be lost after the first and subsequent readings where amendments may occur. In my opinion, the current law around this whole issue seriously needs to be amended and strengthened. In this way, it should minimise or remove the need for any review around whether or not legislation is consistent with the Act.

Te Tiriti o Waitangi

I have tried to show the role that Te Tiriti could have in our constitution. It can play a very important role if the measures I am proposing as an alternative to what we have are in some ways adopted or applied in parts. In this way, Te Tiriti can be made a formal part of the constitution. However if not, then Te Tiriti needs to remain outside of any proposed written constitution and recourse should be to a

body like the Waitangi Tribunal to decide if Parliament through its acts, omissions etc. are in breach of Te Tiriti. Furthermore, if the latter, then such a body should have greater powers that are binding on Parliament and not just recommendatory where Parliament can ignore at its whim whether or not to adopt the recommendations. Matthew Palmer has argued for a Treaty of Waitangi Court to have binary powers and it well may be that that could be a consideration. James doesn't believe Parliament or the New Zealand public is ready for such a change, at least in this decade. Perhaps not, given that there is still so much educating required around Te Tiriti. This government needs to tell the real story and begin by adopting Te Tiriti, as opposed to the Treaty. Perhaps this can be achieved through slow changes, beginning with whanau ora type initiatives.

Māori Representation

Firstly Maori views can be represented in Parliament by ensuring that Maori is equally represented in Parliament (i.e. relative to its population according to the last census). Electoral participation can be improved by allowing Maori to choose between voting for the person and party of the place that Maori relate to. For example, I have no tribal affiliation to Waikato/Tainui and so I am less caring of who represents this electorate that I live in than if I was able to vote in the Waiariki electorate of which I do have tribal affiliation to. I regularly go home to meetings that affect my community, my hapu and my iwi. And so, I would like to have a relationship with the elected person in that particular area. This would be more meaningful for me. My preference then is to be able to vote for the person and party in the electorate I have tribal affiliation to. If that were an option, I am sure that Maori electoral participation will be greatly improved. This does not mean that I don't exercise my right to vote. On the contrary, I do. However, I can understand if people are not committed to participating. I believe that this is one reason there is a lack of interest or participation. Some people may not have the same obligatory thinking as me; others may not even have a relationship at all with their hapu or iwi let alone have knowledge of their hapu or iwi. The main thing however is that we be given a choice in this matter. In my opinion this would not be too difficult a task to adopt. When enrolling on the Maori roll, one should be given the choice as to which electoral area they wish to cast their vote. A similar process can be adopted for voting in local government, for local Health Boards and the like.

In terms of local government, I strongly believe that there should be equal representation or representation relative to the population in the area. There should be Maori representation on local government as of right and in accordance with Te Tiriti o Waitangi. Maori have a vested interest; they are the tangata whenua and have mana whenua. All local and regional government should adopt the same process for this as that adopted by the Bay of Plenty Regional Council. It is my understanding that this type of relationship has produced very good outcomes for all concerned in that particular area and serves as a good example of what can be achieved in true partnership. That has to be worthwhile investigating and if correct, adopting.

Electoral Matters

I don't have any real concerns around this area other than the fact that I believe

the number of Maori seats should be increased to take into account the number of Maori in an electorate. For example, the Waiariki electorate has a high percentage of Maori constituents and yet only allows for one Maori representative for that electorate. To be truly transformative, the number of Maori electorate members should reflect the number of Maori on the Maori roll for that electorate. Alternatively, closer attention should be had to the way the boundaries are set out to determine electorates. Factors that could be taken into account when determining size and numbers should include tribal boundaries, local government boundaries, remoteness, demographics, etc. All of these factors are important in terms of people participation. People participate if they feel part of the process.

Apart from the above, I don't have any views either way about the term of Parliament, the decision around the election date or even if a Member of Parliament parts ways with the party from which he or she was elected. Those are procedural matters I am less concerned with and prefer to leave that to others to comment on other than to say that if a Member of Parliament parts ways with his or her party from which he or she was elected, then that is the nature of this business. You go into this believing one thing only to find that it isn't all that it was cracked up to be! Therefore, the member, if elected, should be able to continue to represent the electorate who voted for the member. This is because the people voted for the member and not the party, to represent them. However, if they have gained a position based on the party list, then I believe the member should resign and allow the next on that list to replace him or her. This is to allow the process of party support to continue. A member who parts ways with the party from which he or she was elected (from the party list) no longer has that party support so cannot truly reflect the views of the party.

Other Issues

A major topic, I believe that needs further consideration and is of sufficient public interest, especially at this time to warrant consideration of this review panel is that of government pushing through legislation under urgency. I believe that our current government is using its powers in this manner in a most unconstitutional way. Many of the bills pushed through under urgency are not, in my opinion of such an urgent nature that they require urgency. I truly believe that this is being carried out by the current government to prevent the constitutional process from being carried out, i.e. a check and balance of those bills through bypassing the Select Committee process and public scrutiny. Examples can be found in many of the bills that have been pushed through since this government came into power without my identification of any one such act. The current situation with the proposals for the GCSB Spying Bill is obviously the last straw. It is these sorts of Acts that leads one to support a need for supreme law, something that we have managed to avoid and yet still remain distinct in this world.

Another issue that could be considered is our National Flag and our national anthem. I think those need changing to reflect any change that may result from this review. We have a National flag that doesn't really tell much about us. It often is confused with the Australian flag. It doesn't stand us apart from those and as James argues, "the flag features another country's flag and the national anthem enjoins it to leave everything to God" (James, 2007). What does that tell the world about who we are? I would far rather see a flag with Te Matariki on it than what

we currently have, or the koru or some other symbol that truly defines us. Even the Confederated Tribes flag tells more about our history than does our current one.

Heoi anō, nga mihi kia koutou katoa

Na, Moengaroa Edmonds

2261

From: "Allan Edmondson" ·
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:30 p.m.
Subject: CAP Submission

Hi There,

There should be ONLY one group of people in New Zealand otherwise we are encouraging REVERSE Apartheid and this country has enough to deal with let alone encouraging and approving a further SPLIT in the population of New Zealand.

Treat this country as ONE NATION WHETHER THEY BE BLACK, WHITE, YELLOW OR ANY OTHER NATIONALITY.

The Government is at fault here for encouraging such a split. Forget the TREATY. We are living the 21st century. Times have changed. If the Maori want to be selected for Parliament, let them go, head to head in an election with any other person standing for Parliament.

The Hospital system, ACC, WINZ and the such like do not discriminate because of Colour, Creed or Nationality.

Many thanks

Allan J Edmondson

Allan & Sandy EDMONDSON

Consider the environment before printing this email.

1560

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 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: richard edmund Organisation Name: nil Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: takaka Postal Region: tasman Postal Post Code: Postal Country: New Zealand
Submission: I do not see the need for a constitution in light of the relative effectiveness of the current
legislation. I totally oppose any constitution with distinguishes between classes of citizenship based
on race, ethnicity, religion or place of birth. Any form
of differentiation between citizenship is abhorrent and in conflict with a fair form of democracy.

No changes to the current system should be made without a binding referendum- any decision
requiring a clear majority of vote.

Sent on the 25 June 2013 at 09:27

Submission to the Constitutional Advisory Panel.

From:-

Richard Edmunds

Aspirations for New Zealand

I would like to see New Zealand further progress as an independent, sovereign nation with our own Head of State; cutting ties with the British Royal Family. It seems rather crazy that our Head of State resides about as far away from New Zealand as you can possibly get.

I would also like changes to local government, with the formation of States. In effect Auckland is, for all intents and purposes, a state already. I believe we have too many local councils and the introduction of State Government's would eliminate the need for local councils. I would also see the introduction of State Health Boards, Education Boards and the like.

I would also like to see local rating systems scrapped and a State Tax introduced, paid by all over 18 who live in a State.

These steps should be taken at the time of writing a new constitution.

New Zealand's Constitution

I believe the new constitution should be wide reaching, not only covering human rights and the legislature, but include a person's rights concerning topics such as welfare, education, health, fire arms, alcohol, drivers licensing. A comprehensive constitution would allow a lot of current legislation be repealed as being not necessary.

The new constitution should be one document, becoming the handbook for life in New Zealand, having higher legal status than other laws.

Once a new constitution is written and approved by the Nation, its interpretation should be left to the Courts, to eliminate political bias.

The Constitution Act 1986 bill would be among the acts to be repealed on completion of a new Constitution.

The Bill of Rights

The New Zealand Bill of Rights Act 1990 is a very good bill and clauses 2 to 29 should be incorporated into a new constitution.

The Bill of Rights well protects the rights of New Zealanders providing a good base for a new, written, constitution.

The Solicitor General should review all proposed laws and rule whether or not a bill can be introduced into Parliament. All bills would need to comply with the wording and spirit of the constitution.

The Treaty of Waitangi

The Treaty of Waitangi should have no place in The New Zealand Constitution.

The Treaty is a “dead” document, as, in all versions of the Treaty, there is no mention of “heirs and successors” being subject to the Treaty, so the Treaty “died” when the first signatory died.

I find that the information in the guide regarding the Treaty is potentially misleading.

New Zealand became a colony belonging to the United Kingdom in 1814. So Britain had sovereignty over New Zealand well before the Treaty was signed. I refer to the section on New Zealand in the “Book of Dates” version 9, published in 1860, pages 464 and 465, which I have transcribed for the panels information:-

“NEW ZEALAND (in the Pacific Ocean). Discovered by Tasman in 1642. He traversed the eastern coast, and entered strait, where, being attacked by the natives, soon after he came to anchor, he did not go ashore. From the time of Tasman, the whole country, except that part of the coast which was seen by him, remained altogether unknown, and was by many supposed to make part of a southern continent, till 1769-70, when it was circumnavigated by captain Cook. Captain Cook, in 1773, planted several spots of ground on this island with European garden-seeds; and in 1777 he found some fine potatoes, greatly improved by change of soil. New Zealand now has become an important colony. The right of Great Britain to New Zealand was recognised at the general peace in 1814, but no constituted authority was placed over it until 1833, when a resident subordinate to the government of New South Wales was sent with limited powers; but it was separated in April 1841. A charter, founded upon an act passed in 1846, creating powers municipal, legislative, and administrative the, Dec. 29, 1847. This charter was not acted on, and a legislative council was opened by the governor, sir George Grey, Dec. 20, 1848. Banks and other public institutions have also been established. A new constitution was granted to New Zealand, June 30 1852 (16 & 17 Vict. C. 72), and another act passed in 1857. New Zealand was made a bishop’s see in 1841, and in 1852 it was subdivided to form another called Christchurch. There was an earthquake here on Jan. 23, 1855: it did not cause much damage.”

You will note that there is no mention of the Treaty of Waitangi, while there is mention of other pieces of legislation. This indicates that in the 1860s, just twenty years after its signing, the Treaty was not considered to be of any significance.

The “general peace” referred to was the Congress of Vienna, following the Napolionic Wars, when many countries borders were altered and countries as a whole, changed hands, or sovereignty.

I am happy to lend the book to the panel, if the panel would like to view the original publication. I have transcribed the pages “as is” including the use of lower case for the words “captain” and “sir”.

The Treaty of Waitangi Act 1975 should be repealed and the Waitangi Tribunal disbanded. This unfortunate piece of legislation has probably done more to damage race relations in New Zealand than anything else.

Maori Representation

Maori should have no different representation than any other group. All New Zealanders should be treated as equals in exactly the same way.

The Maori seats should be removed (they were never intended to be permanent anyway) with all New Zealanders voting on the same role for the same candidates.

We are reaching a point where the question will be asked "who is a Maori?" I understand the current recognition is for a person to be one 8th Maori blood. With continuing intermarriage, which is bound to continue, there will come a time, in the near future, where there will be no person who will qualify.

With a new constitution I believe it is time to call all of our citizens "New Zealanders". There is no place in New Zealand for racism.

Maori participation, and participation in the electoral system in general, could be improved by introducing on-line voting; reducing the number of voting booths required, saving costs, and providing earlier results for an election.

It is disturbing that at the last election, over a million potential voters did not exercise their right to vote. While registration is currently mandatory, it may be time to make voting mandatory also.

Electoral Matters

The Number of MPs

We have far too many MPs. The number should be at least halved, preferably pared back further.

We are out of kilter with other nations. I list a few examples.

Australia has 150 MPs for a population of 27,727,150 or 1 MP per 184,848 constituents

Canada has 308 MPs for a population of 34,300,083 or 1 MP per 111,364 constituents.

England has 650 MPs for a population of 52,056,400 or 1 MP per 80,087 constituents.

New Zealand has 121 MPs for a population of 4,465,060 or 1 MP per 36,901 constituents.

These figures are for the lower house and do not include the House of Lords or Senators, or state governments.

If we used the Australian ratio of MPs to constituents we would have 24 seats in our Parliament, using the Canadian ratio 40, and the English 56 seats. Conversely if we applied New Zealand's ratio to Australia, they would have 751 MPs! I think this clearly demonstrates that we have far too many MPs.

If we used the English ratio we could remove 65 MPs at an average of \$150,000 per annum we would save \$9,750,000 a year on salaries alone, let alone the other savings in travel, accommodation, and support staff. If we adopted the Australian ratio we would remove 97 MPs for even greater savings.

Parliamentary Term

The term should be lengthened as the present three year term means one real year of government. The first year in office is tidying up from the previous term and the last year electioneering. I would support a 4 or 5 year term.

Work needs to be done to make Parliament more efficient. Currently a lot of time is wasted in the house and a full review of Parliament procedures is well overdue. An example of this inefficiency is the "Psychactive Substances Bill", said to be urgent, mooted in 2007, with a report from the Law Commission in April 2011; but only given its first reading on April 9 2013. The regular six month period for submissions has been reduced to two months, with the Select Committee to report in August 2013. From inception to first reading, a period of six years; it's very hard to call progress as "urgent".

At the time of writing a new constitution in may well be the time to decide if we can design a better, more efficient way of passing legislation, and consider dropping the "Westminster System".

I believe the first Saturday in November should be fixed as Election Day in the last year of a term of Government. This is before the holiday season kicks in, and before many of the activities take place, which take up so much of people's time in the summer.

Party Jumping

I believe that if an electorate MP falls out with their party, they should be able to retain their seat as an independent member, or join another party. An electorate MP is elected as an individual, not a party.

I do not believe the same should happen to List MPs. They come into the house through their party and are not elected as individuals. If a list MP leaves or has their membership of their party terminated, I believe that MP should leave the house and the next person on the party's list should take the place of that member.

460

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 6:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Don Edser and Sylvia Edser Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: BOP Postal Post Code: 0
Postal Country: New Zealand Submission: The constitutional review must recognise all kiwis as
equal with no special concessions to the Waitangi Tribunal; or the self styled Tanga Whenua; or
indeed any group regardless of race colour or creed. Our recognition and loyalty to the Queen must
be
an integral part of our society.

Sent on the 16 April 2013 at 18:04

1672 11

From: Graeme Edwards <>
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 27/06/2013 2:56 p.m.
Subject: Fwd: Submission to the New Zealand Constitutional review Committee 3rd copy
Attachments: Submission to the New Zealand Constitutional review Committee.docx; ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: Graeme Edwards <>
Date: 27 June 2013 2:48:27 PM NZST
To: Graeme Edwards <>
Subject: FW: Submission to the New Zealand Constitutional review Committee 3rd copy

Disclaimer: This e-mail message and any attachments are privileged and confidential. They may contain information that is subject to statutory restrictions on their use.

Submission to the New Zealand Constitutional review Committee

1. It does appear that the current constitutional arrangements are not only working in a very satisfactory manner but possesses the value of flexibility. With a MMP Parliament it is not the most electorates but rather the most votes that win elections resulting in coalition governments involving different parties and a wide spectrum of opinion.

This in turn provides us with governments that achieve general public acceptance and in itself provides protection of fundamental human rights.

In this manner, along with statutes, conventions, cabinet manual and such, our Constitution is sound, working and provides a Sovereign Parliament, all found to be satisfactory by the 2005 Parliamentary Review.

2. The current review, driven by the terms of the Maori Party – National Government Coalition Agreement quite clearly carries the expressed and implied wish of Maori for the Treaty of Waitangi (the Treaty) to be enshrined in our Constitution as superior law which would result in political influence disproportionate to the size of their voting population and have the unintended effect of giving non-elected judges supreme power over our elected Members of Parliament. The ultimate consequence would be racial, legal, cultural and economic superiority over other New Zealanders thus condemning our

country to a future of racial division and civil unrest. Indeed lawyers are already rubbing their hands with glee at the prospect.

3. In recent years legal significance accorded to the Treaty along with Settlements under the Treaty have been based on the concept of 'first settlers' which in itself is a very dubious basis for the establishment of such privilege and is most certainly not universal.
4. Although Maori enjoy absolute political equity there is the unique privilege of race based seats in Parliament enjoyed by no other group of voters.

Currently all New Zealand citizens enjoy political equality (other than for these race based seats it may be argued) however the introduction of the Treaty into the Constitution would alter this balance. Further, the addition of political rights for Maori will of necessity diminish the political rights enjoyed by all other New Zealand citizens. The overall powers are finite thus favouring some will mean less for others. It is axiomatic, based on countries lacking a truly democratic system of government, that the resultant disenchantment and resentment would lead to civil unrest. The more so as New Zealand is an egalitarian society.

5. The underlying concern must lie also in the economic disharmony that has

already been seen in rent taking and access blockage resulting from already completed settlements pursuant to the Treaty leading to the disadvantage of all citizens and indeed other ethnic groups.

Beyond these discomforts lies the significantly longer and more problematic issue of market distortion and disruption. This has been evidenced in the recent past with the carefully timed claim for water rights that disrupted the governments legitimate plan for the partial sale of Mighty River Power and whilst a political intervention by opposition parties also assisted, the unresolved water rights issue resulted in much uncertainty in the market leading to a greatly lowered take up of shares and a significant loss of value to all New Zealand citizens as well as equity investors. The damage to the equities market so vital to the country is inestimable. Offshore investors, so necessary for our markets, made no secret of their distaste for the uncertainty so created.

An earlier example concerned the electromagnetic spectrum, which when learned about was claimed by Maori under the Treaty. A more current example is the claim for all flora and fauna in New Zealand which in many cases exist not because of but in spite of Maori. There are many other such examples.

6. The major concern to so many other New Zealanders is the 'interpretation' of

the Treaty of Waitangi. This has been slowly evolving since the birth of the Treaty with scholars, lawyers, judges, academics and even politicians seeking to understand, expand, impute, and otherwise reach their particular interpretations of the document. This is not to be surprised at given the effluxion of time. No other global treaty of which I am aware has remained in force for such a period, ignoring the realities of a dramatically changed world.

The implications of these varying interpretations of the Treaty lies in the fact that the ultimate interpretation, should the Treaty be enshrined in the Constitution, will lie in the hands of unelected judges of varied political and social predilections as has already been seen to some degree in some earlier court judgements and which will lead to many years of confusion.

Suffice it to say there appears general agreement that the Crown owes a duty of good faith to Maori, which whilst at some times breached is now being remedied as generously as possible. There is generally though not total acceptance of this by the public of New Zealand.

What is a concern is the expression that the Crown is in a partnership with Maori which it is not and is explicitly unable to be so with any citizen.

Of equal concern is the concept of 'principles', of the Treaty which are not

extant but the idea has gained Currency by common usage.

7. In conclusion may I request that no consideration be given to enshrining the Treaty of Waitangi in the New Zealand Constitution, nor any other legal areas of Maori privilege.

The purpose of these comments is not to demean Maori nor deny them of what is rightfully theirs on a careful reading of the Treaty of Waitangi in the context of the time at which it was written. Rather this is an attempt to discuss the risks to our trading nation of the introduction of uncertainty with the market, the potential for loss of wealth for all our citizens and the impediment to economic growth that the Treaty becoming part of our Constitution would undoubtedly result in.

In conclusion I implore the Committee to regard the comments herein with great care and express my thanks for the opportunity to make this submission.

Graeme M. Edwards

Auckland

Email:

Mobile:

27 June 2013

951

From: "Neil & Sandra" <
To: <constitutionalreview@justice.govt.nz>
Date: 30/05/2013 9:58 a.m.
Subject: no change please

New Zealand at the present has an "unwritten Constitution" made up of a number of Statutes and Acts that have accumulated over time which has served us well!

OUR submission regarding the NZ Constitutional Review is that we 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!'

Neil & Sandra Edwards

Papamoa Beach.

SECRETARIAT.
CONSTITUTIONAL ADVISORY
PANEL.

DEAR SIR/MADAM,

PLEASE ACCEPT
THE FOLLOWING AS A PERSONAL SUBMISSION
FROM A CONCERNED CITIZEN OF AOTEAROA (NZ)
RE: CONSTITUTION,
NOW REGARDED BY MANY AS THE FOUNDING CONSTITUTIONAL
DOCUMENT OF NEW ZEALAND THE TREATY OF WAITANGI HAS
HAD A CHECKERED LEGAL HISTORY FRAUGHT WITH THE
DIFFICULTY OF NOT RECEIVING DUE RECOGNITION AT LAW.
HOWEVER, CHANGING ATTITUDES IN SOCIETY AND GOVERNMENT
HAVE RESULTED IN A NEW PERSPECTIVE ON TREATY ISSUES.
THIS ALTERED OUTLOOK HAS GIVEN IT INCREASED LEGAL
AND CONSTITUTIONAL STATUS. IT IS UNDOUBTEDLY AN
IMPORTANT AND UNIQUE SOURCE OF NEW ZEALAND'S
CONSTITUTIONAL FRAMEWORK.

ANY FUTURE STATUTE LAWS PASSED BY PARLIAMENT
MUST MAKE PROVISIONS FOR CUSTOMARY RIGHTS
CUSTOMARY TITLE IS STILL VALID UNDER EXISTING
COMMON LAW.

PARTICULAR ATTENTION MUST BE GIVEN TO THE
MAORI VERSION OF THE TREATY, WHERE CONCESSION
OF SOVEREIGNTY IS DEBATABLE.

SINCERELY YOURS,
T. EDWARDS (MR)