

4310"

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 11:38 p.m.
Attachments: ConstitutionReviewSubmission.pdf

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

Full Name: Adam Evans Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: Postal Post
ConstitutionReviewSubmission.pdf

Submitted on the 30 July 2013 at 23:37

4870

Submission on the Review of New Zealand's Constitution

Adam Evans - 30 July 2013

I wish to make a general submission on the review of New Zealand's Constitution, in the form of a few brief comments. My submission will cover New Zealand's constitution (including the New Zealand Bill of Rights Act 1990) and electoral matters, which have been specified to be part of this review. I will also make some comments on whether New Zealand should become a republic. This is a fundamentally important issue for New Zealand's future, and if it is not considered in this review it will be a missed opportunity.

New Zealand's Constitution and Bill of Rights Act

At present, New Zealand has an "unwritten" constitution, in that it does not have a single formal written constitution comprising superior law. It's constitution is however of course made up by numerous pieces of legislation, conventions and prerogatives.

Underlying the whole constitution however is the principle of parliamentary sovereignty or parliamentary supremacy. In New Zealand, if parliament wishes to do so, it can pass legislation to do anything it wants. It can, for example, pass laws denying basic rights and freedoms (including rights for caregivers of disabled persons), laws to permit the security services to spy on New Zealanders, or even laws requiring all blue-eyed babies to be put to death.

While it might be unlikely that the legislature will pass laws as extreme as requiring all blue-eyed babies to be put to death, what is important is that it has the *power* to do so. Indeed, in times of great public hysteria about a particular issue, parliament may legislate on that issue to placate the public, leading to laws which are not well-thought through, or which infringe on rights unnecessarily. An example of this is the controversy which led to the Foreshore and Seabed Act 2004, passed to resolve public fears about access to beaches, but now widely regarded now as flawed legislation. In times of war or great public emergency, the scope for such bad laws being passed increases.

In this regard, it is fundamentally important for New Zealand to adopt a written constitution, to set out basic rights and freedoms held by individuals, and also to set out the structure of the institutions in the governance of New Zealand. This constitution must be superior law. That is, the courts must have the power to strike down legislation which is unconstitutional. Some have proposed that we adopt a constitution which is not superior to legislation. There seems little benefit to such an approach - there is no real point in creating a constitution without it being superior law. The present government has passed a number of laws since it came to power which the Attorney General has declared to be inconsistent with the New Zealand Bill of Rights Act 1990 (and the Attorney General has himself voted for those laws). There is no reason to suggest that this process would not continue if a non-superior constitution were put into effect.

The rights set out in the New Zealand Bill of Rights Act 1990 should be incorporated into the new constitution as a separate section of the constitution, but without the sections subrogating the rights to other legislation passed by parliament.

Electoral Matters

In relation to electoral matters, I wish to comment on a few points: length of parliamentary term, date of election and electoral integrity rules. In relation to the parliamentary term, three years is too short. A government has barely a year and a half in power before it has to start campaigning for the next election. What a government can do in a term is therefore quite limited. Many democracies have four or even five

year terms. A four year term would be preferable.

For the date of the election, this should be fixed, preferably in a written constitution. It is common for the government to select a date which is most favourable to its interests, such as it is riding high in the polls. A fixed date makes the process fair for all parties.

In relation to electoral integrity rules (i.e. the issue of list MPs who have been expelled from their parties but remain in parliament), a list MP holds his or her seat by virtue of the party being elected. Except for a party leader in a party with a particularly strong leader, rarely will a list MP hold his or her seat because the public has voted for them personally. In this regard, list MPs should be required to leave parliament if they leave their party. They hold their seats only by virtue of being members of the party, and when the public voted for the party, it would not have expected the MP operate in parliament as an independent. While there may be concerns that this will give the party leader too much control over MPs who have fallen out of favour, there are ways to control these concerns, such as requiring any decision to banish an MP from the party to be ratified by party members.

New Zealand Republic

The final matter I wish to make a submission on is in relation to a New Zealand republic. This matter was left out of the terms of reference for the constitutional review, but it is so important it should still be considered by the Constitutional Advisory Panel.

New Zealand is an independent sovereign country, with its own parliament and government. It does not however have its own head of state. The Queen, of course, does not really have any remaining power in New Zealand in her own right. But she is still the figurehead of the country. It is difficult to reconcile New Zealand being independent with the fact we have someone else's Queen as our head of state.

There is also the fact that the Governor General does have real powers in our system, such as the powers to dismiss the prime minister and dissolve parliament. Normally these powers are only exercised under instruction from the prime minister, but - as was the case in Australia in 1975 - this is not always the case. The Governor General is not however elected, so exercises these powers accountable only to the prime minister.

A straightforward solution to these problems seems to be to create the role of an elected president who essentially takes over the Governor General's role as umpire of the system, who can step in if there is a constitutional crisis. There is no need for the president to be a powerful United States-style president, and our existing parliamentary democracy can continue uninterrupted by the change from a Governor General to president.

While many people seem to confuse having the Queen as our head of state with New Zealand being a member of the Commonwealth, the two should not be confused. There is no requirement to retain the monarchy if we want to remain in the Commonwealth, indeed, a majority of Commonwealth members are now republics. Becoming a republic also does not mean we are turning our back on our history as a colony in the British Empire. We can of course continue to celebrate that history and retain links with the United Kingdom.

4003"

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 2:22 a.m.
Subject: CAP Submission
Attachments: Submission-ABE.rtf

Submission attached.

THE SUBMITTER

So that you know who I am and where I am coming from:

A. B. (Bram) Evans. Male, 66, married with two adult children; 5th-generation New Zealander, British and Irish ancestry, but no ties to British Isles; retired mathematics lecturer, intellectual, outdoor and conservation-related pursuits, living in Dunedin.

PREAMBLE

Let's begin by stating the obvious, and see where this leads. Some of these points are of course mentioned in the discussion document, but I should like to tackle them in an independent fashion.

Societies exist in a state of tension, because citizens differ in their opinions, beliefs, lifestyle preferences, health, wealth, *et cetera*. In fact, there are many tensions, they arise spontaneously, and most of them are not too serious. Tensions may be creative, but if excessively severe they become destructive.

To put it differently: societies naturally encompass a certain amount of diversity, and diversity *per se* is intrinsically neither good nor bad. (The PC view is that diversity is always wonderful. This is nonsense.) It depends on the details of the case: the effects of diversity may be creative, neutral or destructive. The "melting-pot" of the USA has in the past been largely creative, though now that nation has developed serious political and economic tensions, and these may well turn out to be destructive. Sectarian divisions (as in Northern Ireland and the Middle East) are often very destructive, and difficult to resolve. So too are racial/ethnic conflicts.

Societies need rules under which they can operate, so that life goes on in an orderly fashion, for the benefit of all. Citizens must abide by these rules, and the overwhelming majority generally do so with little complaint, if the rules are chosen carefully and wisely. Well-formulated laws can channel tensions into constructive and creative directions, minimizing their destructive effects.

If we are to have an explicit constitution (and I'm **not** convinced that we need one), it will function mainly as meta-rules – the general principles according to which we make our specific laws. Given the preamble above, I would suggest the following:

CORE PRINCIPLES

1. The Treaty of Waitangi

It would be most unwise to entrench a distinction between one group of citizens and another. The melting-pot ought to operate freely (as it has always done in NZ), and by doing so it will eventually remove racial/ethnic differences. A constitution embodying the idea of innate, enduring difference would be very divisive. There would be no shortage of lawyers eager to profit from it, and opportunistic claims of special rights and ownership would continue indefinitely. Taking a long view, we ought to see the Treaty of Waitangi as a central founding document, but also as a transitional document. The transition is now well advanced, and the explicit inclusion of Treaty principles in a constitution that is intended to serve our future needs would be short-sighted. For example, the provisions of the Treaty assume that Maori live

within a tribal structure – but this began to weaken long ago, and while tribal heritage will retain cultural and genealogical significance for many, for the great majority its relevance to everyday life will inevitably continue declining. The attenuation of tribal allegiance is a good thing, and ought to be welcomed.

2. Culture and Cohesion

We can think of a nation's culture in one way as the sum of its intellectual, artistic, sporting and recreational pursuits. This is the culture of our activities. But beyond saying that certain languages will be officially recognized, it is not a good idea to legislate this aspect of culture. It is something that continually evolves, now more than ever under the influence of advancing technology and the "global village". In the context of a developing global culture, trying to specify (let alone preserve) a national culture is a lost cause. However, our culture is distinctive, and will remain so – even if we don't know precisely how it will develop.

There is also a less obvious but no less important kind of culture, which we refer to when we speak of "a culture of . . ." – the next word may be "respect", "tolerance", "bullying", "violence", *et cetera*. This is the culture of our attitudes. It is crucial to appreciate that cultural attitudes (and associated religious beliefs) vary around the world, and may lead to tension and conflict. Example: do we want honour killings?

When we talk, therefore, about the benefits of a multi-cultural society, we must be clear about what we mean, and not fall into muddle-headed foolishness. If we mean things such as varied cuisine, or distinctive genres of music, we are on safe ground. But we need to be aware that diversity can also involve negative attitudinal aspects, which may have to be corrected by education, and that immigration can lead to much worse outcomes than the assimilation of minorities. There are certain basic principles that everybody must agree to – otherwise serious conflict ensues.

3. Education

It is essential to ensure that all citizens receive, free of charge, a thorough and secular education. Apart from a grounding in literacy, numeracy, science and history, this ought to include civics and ethics. The principle that progress comes from skeptical inquiry – questioning answers, and not just answering questions – must be emphasized. Allowing special-interest groups to set up their own private, integrated or charter schools may appeal to libertarians, but is fraught with hazards, and such institutions must be watched closely to ensure that they do not promote false ideas or divisive propaganda. This means that "free speech" – see item 4 – does not extend to subverting the required school syllabus.

4. Freedom of Expression

All ideas and beliefs (whether scientific, social, economic or religious) must be open to question and debate. While incitement to violence must be prohibited, and personal criticism of individuals must be constrained by facts, free speech is otherwise essential, and the law must distinguish ideas, beliefs and ideologies (which are all legitimate targets for criticism) from the people who hold them. (In particular, the multi-cultural mantra that "all religious beliefs should be respected" is naïve and

foolish. Some don't deserve respect.) Declaring absurd, offensive notions such as Holocaust denial to be illegal may be tempting, but is ultimately counter-productive. (For one thing, allowing obnoxious ideas to be expressed makes it easier to monitor those who hold them.) This is not to say that there is no such thing as "hate speech" but rather that hate speech – provided it is directed at a group rather than an individual – is better to be exposed and ridiculed than outlawed and suppressed.

5. Economy

At the present time, the world's economic systems seem to be experiencing a crisis, the causes of which can be broadly described as distortions of various kinds, such as trade and fiscal imbalances, the creation of huge amounts of artificial and highly insecure financial instruments, and the manipulation of markets. Governments, corporations and individuals have too often attempted to live beyond their means. At the same time, wealth has increasingly been concentrated in the hands of fewer people. We could improve economic conditions and social cohesion by setting out basic principles that are to be followed:

(a) In order to limit social tensions, distributions of wealth and income need to be monitored, and kept in balance by progressive taxation. Failure to regulate leads to *de facto* plutocracy, and eventually strife. Regressive taxes such as GST should be eliminated, and replaced by taxes on income and wealth.

(b) Fiscal responsibility of government is essential, though with enough flexibility to smooth out short-term fluctuations.

(c) Debasing of the currency through an unjustified increase in the money supply is not to be permitted.

(d) To minimize speculative bubbles, lending by banks must be firmly controlled.

(e) Faith in "market solutions" must be tempered by the realization that "the free market" is an unattainable ideal: markets can and do behave irrationally, and can be manipulated. (Manipulation of global markets has increased in recent years, and is ongoing.) Transparency and effective regulation are therefore essential.

6. Other Social Provisions

Although competition in business is essential, a constitution should make it clear that we are fundamentally co-operative rather than blindly competitive. We are not a dog-eat-dog or devil-take-the-hindmost society, but one that cares for the less fortunate and tries to provide equal opportunity for all. I should especially like to emphasize the following principles:

(a) Equality of all before the law: in particular, no discrimination on grounds of sex, wealth, or racial background.

(b) Only monogamous marriage can be accepted. (I mention this mainly because it may be challenged or subverted. It must be firmly upheld, with no exceptions.)

(c) Freedom to enjoy life as one wishes, provided that others are not thereby harmed or harassed, and the environment is not damaged or degraded.

7. Electoral Provisions

In my view, the introduction of MMP is the best thing that has happened to our political system since universal suffrage – but it can still be improved:

(a) The "coat-tails" provision must be removed.

(b) Some MPs are of dubious quality, especially those who are low on party lists. (List MPs who "jump ship" should be expelled from Parliament. Electorate MPs who do so have a stronger claim to remain.) But I see no need to have as many list MPs as we do at present. We could instead agree to have the smallest number required to achieve proportionality. Because of the way that FPP works in the electorate seats, this could usually be done by limiting the party with the greatest number of electorate seats to just those seats, and letting the other parties have as many list MPs as they need to make the proportions correct.

(c) Implementation of (b) would allow an increase in the number of electorates, and this might be desirable.

(d) The Maori roll and electorates ought to be abolished as soon as possible. They are increasingly anachronistic, and are certainly not needed under MMP.

(e) Given extra safeguards (see item 10 below), the parliamentary term under MMP could be increased to four years.

(e) State-funded election campaigning (with no private or business donations) would provide useful protection against the kind of abuses now afflicting the USA.

8. Participatory Democracy

A defect of our present system is that a government, which may be elected for no better reason than dissatisfaction with its predecessor, will often assume a mandate to implement ideologically-motivated policies that the electorate does not actually want. (Asset sales are a case in point: most people understand, even if only instinctively, that selling productive state-owned assets is unlikely to be beneficial. It will probably worsen the balance of payments, and exacerbate inequalities of wealth.) MMP has reduced this problem, but has by no means eliminated it. The role of referenda should therefore be expanded, and when a sufficiently strong public view has been expressed, the referendum should be binding. The growth of the internet will allow new and more accurate methods of opinion polling, so that deciding whether a referendum is required will become easier.

9. The Democratic Republic of New Zealand?

I see no convincing reason for NZ to become a republic, though I would not necessarily oppose such a move – it would depend on the specific proposal.

10. A Constitutional Court?

This could be a good thing, given the tendency of governments (notably the present one) to pass legislation in a cavalier and high-handed fashion. Such a court might have the power to review and delay new legislation assessed as violating the constitution. But if legislation is rejected in this way, the final decision ought to be made either by a new parliament (after an election), or better still, by referendum.

TWO FINAL (AND RELATED) THOUGHTS

The purpose of a constitution is not to preserve the past, but to anticipate and thus improve the future. And let me repeat: though mindful of the part that the Treaty of Waitangi has played in our history, I believe that it would be a dreadful mistake to give it an indefinitely continuing role in our legislation.

I appreciate the opportunity to make this submission.

A. B. Evans,
29 July 2013

4403'

From: Carolne Evans
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:19 a.m.
Subject: SUBMISSION / CONSTITUTION

Q 1 Do you think our constitution should be written in a single document? Why?

A; I think we should have a single written document as it s easier access for everyone .

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

A; Yes, as I do not believe that governments should be able to change the constitution as they do the law, just to suit their needs.

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

A ; The courts are more suited to decide ,as i don't think Parliament represents enough of the public's opinions nor are they able to be impartial.

Caroline Evans

3565

From:
To: <constitutionaireview@justice.govt.nz>
Date: 14/07/2013 12:25 p.m.
Subject: CAP Submission

Abolish seats. We all must have equal rights. That is democracy

547

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 8:44 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitution.docx

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

Full Names: Ian Evans Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal Region:
Canterbury Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: Constitution.docx

Sent on the 18 April 2013 at 20:43

What are your aspirations for Aotearoa New Zealand?

To be a truly equal society. Currently one group has a disproportionately large say on how the majority of New Zealanders go about their lives. This needs to be addressed as there is currently the perception (rightly or wrongly) that one particular race is getting a bigger slice of the 'community pie' than all others.

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

The current democracy system works well for New Zealand. We understand how the system works and fully embrace it.

Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?

No role. Too many people have applied their own interpretations to the Treaty for their own gains. This has led to the current situation where the majority of New Zealanders resent the 'Treaty gravy train'.

Do you think that the Treaty should be made a formal part of the constitution? Why?

It is acknowledged that there are two versions of the treaty, an English one and a Maori one. Which one is the correct one and should be used? There have been widely differing interpretations of both treaties which has caused the racial differences currently dividing the country.

How should Māori views be represented in Parliament?

Maori are currently very well represented in Parliament. They have two political parties based on their race and, numbers of MPs within the other parties. In this way it could be said that they are over represented in our current proportional representation system.

How could Māori electoral participation be improved?

Given the statement above, why does it need to be improved?

How should Māori views and perspectives be represented in local government?

Currently there are a number of local Governments that have Maori only seats. This is racially divisive (apartheid) and counter productive. Why should they strive to better themselves and represent their people when they continually get hand outs? Everyone has the opportunity to be a part of the local government system on their own abilities and merits. Why are they so different?

How many members of Parliament should we have? Why?

100. Our country is too small to be overburdened by a large number of MPs and their staff.

How long should the term of Parliament be? Why?

4 years. This gives a Party time to implement its policies and make a difference one way or the other.

How should the election date be decided? Why?

By the Government of the time. It is then governed by the parliament and therefore the people.

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

Local Government size and geographical boundaries. The local Governments should be the conduit of the people through their councillors and MPs to central Government. Geographical boundaries will affect the way an elected member can travel their electorate and meet the constituents.

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

They should leave Parliament. They were elected to represent their people via that party. The party is why they are there.

Make a submission

3066

A constitution is the sets of rules that determines how we are governed and how we live together. In New Zealand, our constitution reflects our national identity - who we are, our unique history, values and aspirations.

These are the questions we would like your feedback on:

1. What are your aspirations for Aotearoa New Zealand?
2. How do you want our country to be run in the future?

If you do not wish to make an online submission you can email your completed submission to **constitutionalreview@justice.govt.nz** or post it to:

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

Please submit your comments by 5pm 31 July 2013. If you are sending your submission to us by mail, you should put it into the post by 5pm, 30 July 2013.

To make a valid submission you must supply your name. If you are submitting on behalf of an organisation please supply the name of the organisation.

Public submissions are official information under the Official Information Act 1982. Your submission and your name are likely to be made public if requested under the Act. The Panel may publish your submission, or extracts, on the website, in social media and in reports.

Be part of it!

START.

Submitter Details

My/Our Full Name(s)*:

Kenneth James Evans

Organisation Name:

Private

Email*:

I want New Zealand to be a Country which embraces all cultures equally. I want Real Direct Democracy in the form of Citizens Binding Referenda at all levels of Government. I want Parliament to be subject to The Will of the people every day. I want The Swiss Style of Government at all levels of government. I do not want a Constitution which is written and includes Treaty of Waitangi references. I want the current system to remain. I want the Government to acknowledge that there are no Principles in the Treaty Documents. I want the Treaty Largess stopped now.

I want the destructive adversarial style of Parliament stopped. I want Effective Law and Order in our country. I want the Law made stronger and judges to be answerable for their decisions. I want Judges to be elected as in other countries. I want no Parole system for convicted persons and The Parole Board scrapped. I want all steps taken to keep our communities safe from criminals. I want The Criminal Gangs to be made illegal. I want The Racist Crimes, committed by Maori on other groups, recognised and dealt with severally by the courts.

I want Life to mean The Whole of Life in Court Sentencing. I want The Law to be hard on Criminals and our Country to be a safe place again.

I want The Government to embrace Electric Vehicle Technology and promote it. I want Solar Power made affordable and promoted. I want environmentally safe forms of Energy Produced in NZ.

Or upload a text file (txt,rtf,doc,docx,pages,odt,pdf):

No file chosen

YOUR COMPUTER WOULD NOT
ACCEPT my SUBMISSION!

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4470.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 6:56 p.m.

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

Full Names: Marilyn Evans Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: I believe for this wonderful country of ours
to move forward we need to let go of the past. Learn from it but let go of past mistakes/grievances
and move on. The Treaty of Waitangi was written for a time that has since past and I believe it is no
longer
relevant in this day and age. If it is to stay then it should be amended to protect the interests of both
sides and not just the one, as it seems at the moment.

New Zealand is not bicultural (a statement that comes up often by a certain section of the population).
New Zealand is multi-cultural and should be recognised as such. Holding one particular section of the
population above all others because of their ethnicity
does not bode well for the future, it holds us in the past. How can we call ourselves a true democracy
if we continue to put the desires of one ethnic group of the population above the rest. Every person in
this great country of ours should have equal opportunities.
I therefore think that seats in Parliament put aside for particular ethnicities should be abolished along
with any race/ethnicity based programmes that put forward one above all others. I feel fortunate to live
in a country where we treat all religions as
equal - why can't we do that with race?

Why not focus on true need and help people along those lines rather than those of culture and race?

I hope the country my children will grow up in will be one of tolerance and equality.

Submitted on the 31 July 2013 at 18:55

1443

From: Steve Evans <
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 6:58 p.m.
Subject: CAP submission

The thing that has worried me the most about the NZ Constitution has been the willingness of some governments to abandon traditional means of seeking redress, especially in the courts. The decision to remove the ability to appeal to the Privy Council was a serious mistake in my opinion, and the need to have a juridical decision-making body outside our small country has already been demonstrated in various ways.

To return to the Privy Council might upset some self-styled republicans, but I humbly submit they have not thought the issue through. Even if they have, NZ needs an independent appeal body outside the country. We are not even 5 million; the opportunity for conflicts of interest is too great.

Another body might be chosen. But it seems to me that the tie to Britain that we have through our legal system including our court system is worth not merely retaining, but strengthening. Tradition is worth something and we need to realise this and act accordingly.

Kind regards

Stephen Evans

Tararua

4468

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 6:48 p.m.
Attachments: review submission - .rtf

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

Full Names: T Evans Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: review submission
- .rtf

Submitted on the 31 July 2013 at 18:47

My aspirations / hopes for New Zealand are as follows:

- Non- racial approach to governance where need not ethnicity are the driving factors. We are a multicultural nation, not a bicultural one as promoted by one sector of the population.
- Government to be representative of the general population with no racially based seats- racially based seats have the appearance of apartheid. Note: there were once valid reasons for the Maori seats; I do not believe they exist anymore. If we currently exclude the Maori seats there are some 15 or 16 MPs of Maori descent elected through the general electorate, this is a significantly greater % of representation in relation to population.
- For people to be comfortable that they are not individually being disadvantaged due to birth ethnicity.
- I want to see NZ lead the way in the world on the just treatment of the living - this will mean putting the past grievances in the past and learning from them to prevent wrongs reoccurring. The world as it was 150years ago is very different to the world 50 years ago let alone now. We as a country have been improving in our treatment of others. No one alive today wronged anyone 150years ago.
- That we as a nation have outgrown the need for non-democratic systems of governance and class structures of the past. Cultures develop and change, holding ourselves to past systems may hold us back from developing fully as a nation.
- Recognise that perhaps principles' being applied to a document written in the past is faulty reasoning as we do not know what the exact principles were of the original authors. Future interpretations could be different to the current principles.

Comments to above points:

- I understand that the past and in some cases current environment in NZ has resulted in some ethnic groupings being disadvantage.
- Currently the makeup of parliament is of a reasonably diverse mix - which every election seems to be more diverse as the political parties seem to be more inclusive. One thing I find puzzling is how many of the Maori MPs seem to disregard their mixed heritage; perhaps they find some value to disregarding their mixed heritage and ignoring their own history.
- When being asked what tribe I belong to (as I would be entitled to more assistance) made me cringe and think why must I be considered needing extra help based on my Iwi / tribe - do people think being an Iwi member means I am handicapped in some way?
- Cultures do change; at one time in many cultures owning slaves was accepted. Locking ourselves into a culturally based constitution would be holding us to the past and its errors and wrongs
- Having unelected leaders can result in nepotism and corruption.
- If we are going to be a strong country legally enforced racial recognition will hold us back.

I want NZ to be a place that people do not have to fear governmental discrimination based on their ethnicity.

If the Treaty principles are enshrined in a constitution I feel that the government is saying that one ethnicity has more rights than all the other ethnicities that make up our wonderful country, why should one race have more rights than the rest, why should an accident of birth give more rights.

473

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 8:42 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: timaru. Postal Region: sth canterbury Postal Post Code:
Postal Country: New Zealand Submission: iwe BELEIVE the treaty of wiatangi should be
ABOLISED, on the grounds that it refers to the ethnic abourigine of the land,(which would have been
the maorioory) of which there are none left, also there are NO maori left , they are all 1/4 1/8 1/16
1/32
1/64 1/100 all cross breeds. any nz resident, should be ONE kiwis, not with the favoritism we have
at the present for the MINORITY gruop that are getting preference ,+ financial gifts at the cost of
the nz,working TAX PAYERS /////nz is only a few years away
from aparite, and the same situation as sth, africa.MAKE EVERY BODY EQUAL,..... BEFORE ITS
TOOOO LATE /

Sent on the 16 April 2013 at 20:41

473a

From: barryeverett@xtra.co.nz
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 8:56 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: barry everett Organisation Name: Email:
z Phone: Postal AddressA: Postal
AddressB: Postal City: timaru Postal Region: sth. canterbury Postal Post Code: -
Postal Country: New Zealand Submission: make all kiwis the same CUT OUT THE
UNEQUALITY maori cultuer is wheras, rimus, tungis, hungis, grass skirts+ cooking in the dirt,
EUROPEAN culture is fridges, freezer, cell phones , roads + rail ,air travel. state houses. the
dole, dpb, all payed for by
the workers TAXes , not minority groups that only TAKE , and give NOTHING bake to the nzcountry,
barry everett.

Sent on the 16 April 2013 at 20:55

1283

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

My submission to the Constitutional Advisory Panel

1.....I believe we should keep our current constitutional arrangements, it works well as it is, and I strongly oppose a written constitution for New Zealand.

2.....I also strongly oppose any legislation or reference to the Treaty of Waitangi in any current or future legislation. If in the future a written constitution is drafted I am strongly opposed to any race-based legislation.

3...I believe the NZCPR "Declaration of Equality" should be legislated into law by Parliament to unite all New Zealanders under one law.

Signed



Name

BEVERLEY EVERETT.

Address

PAPAMOA.

932

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/05/2013 12:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Submission - MatthewEveringham.pdf

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

Full Names: Mathew Everingham Organisation Name:
Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Christchurch Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Dear Constitutional Review Panel,

Please find attached my submission outlining the limitations and improvements that should be made to our constitutional situation.

Regards,

Matthew Everingham

Musician and Student

Christchurch

New Zealand Submission Upload: Submission - Matthew Everingham.pdf

Sent on the 28 May 2013 at 12:02

“Aristotle believed that law was ‘the principal and most perfect branch of ethics’. A constitution is the most ethical branch of law.” – Dame Sian Elias

As New Zealand emerges into the 21st century as a diverse nation of increasing independence, our constitution has become a fundamentally important issue not only of law but also of society in its entirety. While the current Constitutional Advisory Panel takes submissions now is perhaps the most relevant constitutional moment of all to address the most urgent issues and improvements that must be made in regards to the constitution. These include the entrenchment of the principles of the Treaty of Waitangi as a constitutional foundation, and the need to address the current fragility of human rights in New Zealand by stronger judicial review.

Before addressing possible improvements, a brief outline must be made of the general issue of our constitution and constitutionalism. New Zealand’s constitution is an international anomaly. This is due to our unwritten “common law constitution”¹ consisting of a framework founded on a “hotch-potch of laws, some ancient some modern.”² The ambiguity in the lack of an entrenched constitution has led to “persistent unease” which keeps the idea of change constantly stirring.³ Our country’s leading constitutional figures have highlighted this. Dame Sian Elias CJ has stated: “There are real risks for any society in which there is such confusion as we have about what is fundamental.”⁴ A close re-examination is needed to develop a constitutional identity in this nation, be it written or unwritten. Loveland states we cannot understand any constitution “without looking beyond and behind its surface image.”⁵ In going beyond the opaque surface image of our constitutional situation various necessary improvements become clear.

One of the key improvements that could be made to our constitutional situation is the acknowledgement of the Treaty of Waitangi in entrenched legislation. This is an option that many academics and legal experts endorse. Famously described by Palmer as “simply the most important document in New Zealand’s legal history”,⁶ this document is also perhaps the most controversial document our history. In the space of a century it evolved from being described as a “simple

¹ Rt Hon. Dame Sian Elias, Chief Justice of New Zealand, “Fundamentals: A Constitutional Conversation” (Harkness Henry Lecture 2011, University of Waikato, Hamilton, 12 September 2011) at 3.

² Keith Jackson *The Dilemma of Parliament* (Allen & Unwin, Wellington, 1987) at 25.

³ Elias CJ, above n1 at 1

⁴ Elias CJ, above n1 at 3

⁵ Ian Loveland *Constitutional Law: A Critical Introduction* (Butterworths, London, 1996) at 2.

⁶ Geoffrey and Matthew Palmer *Bridled Power: New Zealand’s Constitution and Government* (4th Ed, Oxford University Press, Auckland, 2004) at 346.

nullity”⁷ to a document whose principles were upheld in legislation such as s9 of the State Enterprises Act 1986. Yet the dangerous precedent set in *Wi Parata* showed later in *Te Heuheu Tukino v Aotea District Maori Land Board*⁸ and the Treaty was again walked over in *Ngati Apa v Attorney-General* with the Foreshore and Seabed Act 2004 overruling the Court of Appeal. Despite many positive steps from all branches of government since the Treaty of Waitangi Act including a range of iwi settlements (State Enterprises Act s9), the Seabed legislation proves how fragile these steps are until we further solidify our nation’s founding document in entrenched legislation: “while Parliament’s law-making power remains unrestricted, the rights of the Maori minority are insecure.”⁹ These indigenous rights are protected under the Treaty and also ratified by New Zealand in international declarations yet neither is enshrined in legislation. More needs to be done than constitutional lip service.

It seems our common law is moving much faster than any legislative steps to constitutionalize the Treaty. *R v Van der Peet*¹⁰ states the need to look at the actuality of indigenous practices, not to treat them as historically frozen. This has been proven with the early case of *Baldick v Jackson*,¹¹ where Maori customary rights to a killed whale were preferred over statute. Strong examples of common law in favour of the Treaty are *Ngai Tahu Maori Trust Board v Director General of Conservation*¹² and most importantly *New Zealand Maori Council v Attorney General*¹³. This landmark case emphasized the treaty as a living instrument that Cooke P. said, “signified a partnership between races” and famously stated that “what matters is the *spirit*” of the Treaty.¹⁴ It is precisely in this notion of the ‘spirit’ of the Treaty and its principles that the Treaty must be constitutionalized, as advocated by many academics. Baragwanath has said, “The treaty and the constitution – the set of basic principles that direct how we are governed – are indivisible”.¹⁵

It is clear then that the Treaty is undoubtedly a document of constitutional proportions by its principles. Common law in support of the Treaty, the legislative steps since the 1970s and the large amount of academic discussion all point towards the inevitable improvement that must be made to our current constitution: the entrenchment of the principles Treaty of Waitangi with a ‘super

⁷ *Wi Parata v Bishop of Wellington* (1877) 3 NZ JUR (NS) 72 at 78

⁸ *Te Heuheu Tukino v Aotea District Maori Land Board* [1941] NZLR 590 (PC) at 596-597

⁹ Duncan Webb, Katherine Sanders and Paul Scott *The New Zealand Legal System: Structures and Processes* (5th ed, LexisNexis, Wellington, 2010) at 245.

¹⁰ *R v Van der Peet* (1996) 137 DLR (4th) 289, 345-9

¹¹ *Baldick v Jackson* (1910) 30 NZLR 343

¹² *Ngai Tahu Maori Trust Board v Director General of Conservation* [1995 3 NZLR 553]

¹³ *New Zealand Maori Council v Attorney General* [1987] 1 NZLR 641 at 656

¹⁴ at 664

¹⁵ Hon. Justice David Baragwanath ‘The Treaty of Waitangi and the Constitution’ (New Zealand Law Society Seminar – Treaty of Waitangi Issues: the last decade and the next century, April 1997) at 15

majority' (75% of the house) needed in future legislation surrounding it. The Treaty and its vision seem to fulfill the purpose of a constitution, which is "to articulate and preserve its society's fundamental moral principles."¹⁶ There is no greater articulation of our society's founding principles than the Treaty of Waitangi. These principles must be entrenched or risk further fragility in volatile political climates. Elias CJ has expressed a bold vision for the future of the Treaty as the leading constitutional document:¹⁷

"A constitution needs values, such as those of justice spoken of at Waitangi. It needs to look to speak to the future with optimism, as the leap of faith taken in that beautiful setting did. It needs to bind us together and set us apart from other nations, as the Treaty accomplished. It needs to be grand – as what was done at Waitangi was grand."

The entrenchment of the Treaty of Waitangi as a constitutional document is a necessary step in improving our clouded constitutional identity: "a nation cannot cast adrift from its own foundations."

¹⁸ Indeed we cannot, as history shows that casting adrift from the Treaty is divisive. Therefore we must anchor our nation's waka on a constitutionalized Treaty of Waitangi.

Running parallel with the constitutional issue of the Treaty are the intertwined issues of weak human rights and judicial review systems. These are deeply important issues that need to be resolved before any serious erosion of rights occurs. Our "soft form of judicial review for human rights"¹⁹ is caused by unbalanced 'Parliamentary Sovereignty' and due to section four of the Bill of Rights Act 1990 - a heavily watered down version of Palmer's 'White Paper' where the Bill of Rights was described as "a set of navigation lights".²⁰ Unfortunately the fog of the subordinate legislation (stated in s4) in this act has clouded over these initially hopeful 'navigation' lights. This is evident in the reports of the Attorney-General who is obliged under section seven to "bring to the attention of the House of Representatives any provision in the Bill that appears to be inconsistent with any of the rights and freedoms contained in this Bill of Rights".²¹ These concerns are seen in the 27 negative section seven reports as at May 2011, which have been called "section four anti-constitutionalism" with "corrosive flow on effects"²². When compared to only two negative reports in the United Kingdom since the

¹⁶ Loveland, above n 5, at 3

¹⁷ Elias CJ, above n 1, at 20

¹⁸ *Te Runanga o Wharekauri Rekohu Inc v Attorney-General* [1993] 2 NZLR 301 (CA) at 308-309

¹⁹ Elias CJ, above n1, at 3

²⁰ Geoffrey Palmer 'A Bill of Rights for New Zealand: A White Paper' [1984-1985] 1 AJHR A6 at 6

²¹ Bill of Rights Act 1990 s7(b)

²² Janet McLean "Bill of Rights and Constitutional Conventions" (Victoria University, Wellington, 30 August 2011)

enactment of the Human Rights Act 1998 it is clear that there are underlying constitutional instabilities in this nation.

The solution to fragile human rights is a stronger system of judicial review. Despite Parliament's apparent record of neglecting human rights on a smaller scale, the Courts have been quick to affirm the importance of rights in New Zealand but do not have the full power to enforce this. Key cases include *R v Goodwin* where Richardson J stated, "the Bill of Rights is intended to be woven into the fabric of New Zealand law."²³ While in *Ministry of Transport v Noort* Cooke P. said the Bill of Rights "requires *development* of the law where necessary. Such a measure is not to be approached as if it did no more than preserve the status quo."²⁴ Our current concept of judicial independence has been labeled as 'fragile'²⁵ and although Parliament has become more representative of the population through MMP, it holds as much power under the doctrine of Parliamentary Supremacy as ever. We must acknowledge that "enlightened statesmen will not always be at the helm",²⁶ especially in regards to rights. Judicial review ensures protection from what Madison describes as "acts in which the Government is the mere instrument of the major number of the constituents."²⁷ Public apathy in constitutional safeguards means we have forgotten Jefferson's famous statement, "government derives its just powers from the consent of the governed."²⁸ This foundation of democracy should never be forgotten, as the concept of a free democracy must carry with it some limitation on legislative power.²⁹ This limitation is manifested in judicial review. We must end the emphasis on an outdated Diceyan system of Parliament, which emphasizes Parliamentary Sovereignty over all else. Our warped perception of parliamentary sovereignty is a misnomer because sovereignty rests with the people in a fully democratic state that protects human rights.³⁰ Therefore it should be proposed that a constitutional rebalancing of the separation of powers should begin, a return to Montesquieu's more equal vision of power is necessary. Stronger judicial review in New Zealand will lead to a better protection of minority and human rights by limiting the Parliamentary Sovereignty that allows the representative majority to dominate under the guise of democracy.

It can therefore be seen that our constitution should be improved by developing a constitutional identity through properly entrenched Treaty principles and a stronger element of judicial review in

²³ *R v Goodwin* [1993] 2 NZLR 153 (CA) at 156.

²⁴ *Ministry of Transport v Noort* [1992] 3 NZLR 260 (CA) at 16

²⁵ Elias CJ, above n 1, at 11

²⁶ Loveland, above n 9, at 15

²⁷ Loveland, above n 9, at iii

²⁸ Loveland, above n 9, at 15

²⁹ Cooke, above n 5, at 164

³⁰ Caroline Morris, Jonathan Boston and Petra Butler *Reconstituting the Constitution* (Springer, New York, 2011) at 28

Submission to the Constitutional Review Panel – Matthew Everingham, Christchurch. 28.05.13

protecting Human Rights. Cases, statutes and sources all reveal that these improvements can and will inevitably be made. The question remains: when and who. The answer to this is in the hands of New Zealanders. A Chinese proverb says, “A journey of a thousand miles begins with a single step.” We must decide the next constitutional path our nation is to take, and take the step out into unknown territory, as our ancestors did not so long ago.

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4994

From: Gay Everitt
To: <constitutionalreview@justice.govt.nz>
Date: 27/07/2013 12:10 p.m.
Subject: CAP Submission

I'm backing NZPCR in this submission.

Ref: quotes:

1. "Party hopping" laws prevent MPs leaving a party and distorting the proportionality of Parliament by declaring their seat vacant and forcing them to quit. New Zealand had such a law in 2001 but it expired in 2005. A select committee was not convinced that replacement legislation was needed. I think it is.

2. Four Maori seats were established as a temporary measure back in 1867. They should have been abolished in 1893, when universal suffrage extended voting rights to all New Zealanders. The 1987 Royal Commission on the Electoral System recommended they be abolished if MMP was introduced. Their continued existence has now led to an overrepresentation Maori MPs. I think they should be reduced or abolished.

3. If Treaty principles were enshrined in a new written constitution, it would be a death blow to democracy as we know it. Unelected judges could use it to argue why the law should grant special privileges to members of the 'Maori race', and why any law that does not do so is defective. Even if judges should dare to decide against Maori favouritism, the threat of challenge would always be there. It would create a two-tiered society – a Maori elite, and non-Maori New Zealanders as second class citizens. The Treaty should have no role in our future constitutional arrangements.

4. New Zealand's present constitutional arrangements consist of written statutes, conventions and common law rights, which give our elected Members of Parliament the ultimate law-making power. It has been described as one of the most flexible and successful constitutions in the world. If a new written constitution was introduced, unelected judges and lawyers would be in charge of law making in this country, rather than elected MPs who can be sacked. If we want to retain parliamentary sovereignty, a "written" constitution should be avoided at all costs.

Gay Everitt
Mana Electorate

3839.

From: <website@cap.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 8:23 p.m.
Subject: The form on your contact page has just been submitted

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

Contact Name: John Everitt Phone: Email:
Comment: Public input is sought on the constitution.

The country votes into office members of Parliament to operate the affairs of the country. Yet this invitation is seeking leave for us to demonstrate our faith in the performance of Parliament. I believe

Parliament should be granted the courtesy of getting on with the job without further public interference.

Sent on the 24 July 2013 at 20:22

508

From:
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 3:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Mundell Ewart Organisation Name: nil Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Taupo Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: I would prefer that Parliament make decisions on my behalf rather than have the
Judges interpret the wording of any constitution that maybe settled on.Challenges to any part of the
constitution will be drawn out expensive and unsettling and not necessarily
be the will of the people.I oppose the introduction of a constitution.

Sent on the 17 April 2013 at 15:58

3860

From:
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 8:28 a.m.
Subject: CAP Submission

I am totally aposed to havina a race based constitution it must be equality for every one no matter what race Neil ewart katikati

Information from ESET Smart Security, version of virus signature database 8606
(20130724)

The message was checked by ESET Smart Security.

<http://www.eset.com>

3550

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 13/07/2013 2:08 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: terry and kaye exeter Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
napier Postal Region: hawkes bay Postal Post Code: Postal Country: New Zealand
Submission: we [2] are totally opposed to the treaty of waitangi becoming any part of our constitution
in any way shape or form. its is a racist document dividing this country.

Sent on the 13 July 2013 at 14:07

1237

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 9:20 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: PAUL eXLER Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Blockhouse Bay
Postal City: Auckland Postal Region: North Island Postal Post Code: Postal Country:
New Zealand Submission: I believe that all people born in New Zealand or having citerzenship of
this country are New Zealanders. There should be no divisions based on race, religion, or ethnic
backround . Historical diferences should not be an issue at this point in time as these
issues have been hashed over so many times . we are all New Zealanders and we should be proud
of this and work together.

Sent on the 9 June 2013 at 21:18

1237a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 9:40 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Paul Exler Organisation Name: Email: Phone:
Postal City:

Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: To be a country where we can expect to receive equal treatment regardless of race or religion. To receive a fair and just treatment at the hands of all government and local body departments. To see one system be it medical or social to handle their area of expertise and not waste our money by duplicating these services on racial or ethnic grounds. To be a country where we support financially and morally our Police, firefighters, Ambulance And Armed services. Politicians are voted in to express the will of their voters and not their party line. If finances are tight government ministers should cut their travel plans and put the money to better uses. No more perks at the expense of the tax payers. Cut the free use of travel to ministers or ex ministers family and limit these frebees.

Sent on the 9 June 2013 at 21:39

12376

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 9:53 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Paul Exler Organisation Name: Email: Phone:
Postal Address Postal AddressB: Blockhouse Bay Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I would like to see our country run as a free market society with every body paying their fair share of the costs. No more hiding behind trusts and offshore companies to avoid taxes. if you want to live here and do business her pay your fair share. We must protect our resouces and make sure that every body respects our rights to enforce our rules and regulations regarding fisheriers and offshore exploration. As New Zealanders we have to stand up and say this is our country and we will run it to benifit our people.

Sent on the 9 June 2013 at 21:52

3984

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 9:19 p.m.
Attachments: Constitutional review..pdf

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

Full Names: Alan Eyes Organisation Name: Individual submission Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Pukekohe Postal Region: Auckland Postal Post Code:
Postal Country: New Zealand Submission: Submission Upload: Constitutional review..pdf

Submitted on the 28 July 2013 at 21:18

ALAN D. EYES

M.Com., Dip.Mgt., CA., CMA.

DIKEKOME
NEW ZEALAND.

Telephone – Home
Cell
Email

28 July 2013

Re: Constitutional Review.

As well as reviewing Parliamentary representation, the system of local government should also be examined. Are we over-Governed in NZ? Is a significant change called to get a better balance of central and local representation in a far more cost effective way?

The perspective I bring is that of a long term resident of the Franklin District aware of the pluses and minuses of now being part of a larger Auckland City – approx 1/3rd of the NZ population.

120 representatives making up Central Government is considered by some to be large relative to our population of 4.5m. With nominally 50% of these not having any direct accountability to the electorate, the question does need to be asked if better value can be obtained for the taxpayer \$?

Local Government has changed and is changing:

1. Many of the core services such as water, sewerage, refuse disposal, recycling and roading are no longer carried out in-house, but rather contracted out or undertaken by Council business entities, some with apparent limited accountability to the establishing Councils.
2. Many of the major transport projects are considered (or wished) to be the responsibility of Central Government (eg Auckland Rail expansion) through the NZ Transport agency. Roading NZ members effectively manage 90% of State Highways and 70 of Local Authority Roads. I understand roading is the largest part of many Local Authority budgets.
3. Last week's Annual Local Government NZ conference further advanced the concept of providing shared services and joint-procurement.
4. Seemingly Central Government 'encouragement' for fewer and larger Local Authorities.
5. The operating deficits for local authorities have worsened in recent times. Is NZ following the US model of inevitable financial failures?
6. Local Government have moved away from core actives (as per 1 above) and as they undertake expanding social programs arguably move increasingly into the realm of Central Government.
7. The rating system is now inadequate. Property owners are bearing the cost of increasing rates, both direct and through the commercialisation of many services. This is just not manageable for low income families and those on fixed incomes.

At the same time we have a decreasing percentage of home owner/occupiers raising real questions of cost equity of the existing rating system..

8. A number of activities carried out at local level now demand a standard approach. Two prime examples are RMA issues and building consents.
9. There is now open debate between Auckland Council and Government as to spheres of activity and likely legislation curtailing Local Government activities.

I am requesting the Advisory Panel recommend a full review of Government structures with particular emphasis on incorporating Local Government under the central Government umbrella. This will include investigating:

- a. Disestablishment of all Local Councils.
- b. In most cases it is felt current activities will largely fall within existing centralised process or be moved to the SOE model.
- c. Local representation be obtained through:
 - a. A revamped list MP structure
 - b. Strengthened local Council Boards (Boards already in-place for Auckland City)
- d. Review of the rating system including the possibility a local (national) addition to GST.

I would welcome the opportunity to discuss these suggestions with the Panel

Regards

Alan Eyes