

1512

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 21/06/2013 4:18 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter Alastair Fabian Organisation Name: Personal Email:
Phone: Postal AddressA:
Wellington. Postal AddressB: Postal City: Wellington Postal Region: Wellington
Postal Post Code: Postal Country: New Zealand Submission: Electoral:

That general elections be held every four years so that there is reduced scope for inter party bickering or quasi electioneering going on and giving the elected party a better chance to concentrate on fundamentals of running the country.

Sent on the 21 June 2013 at 16:17

880

From:
To: <constitutionalreview@justice.govt.nz>
Date: 20/05/2013 5:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Irene Mary Fagan Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: North Island Postal Post Code: Postal Country: New
Zealand Submission: I want our Constitution to remain as it is, unwritten. I do not want the Treaty of
Waitangi to be entrenched in it or mentioned. in it at all. The Treaty of Waitangi made us all British
Citizens (as things stood at that time), and it made us all equal
under British Law.

I believe that the chiefs understood that they were ceding their sovereignty to the British monarch and
were happy to be under British law..

There should be one roll now for all New Zealanders and there should be absolutely no laws based on
ethnicity. There should be no special seats for Maori now that everyone has a vote and no special
seats on city councils. All settlements should be finished as
quickly as possible and they should be absolutely full and final. Mokopuna must accept the
arrangements made and that will be the end of all compensation for any true or imagined (yet
uncontested) grievances.

The Principles of the Treaty should be completely forgotten. They are fictitious ideas based on a
revision of the meaning of the Treaty of Waitangi.

From now on we should all be New Zealanders first . Our ethnicity is an addendum. which each
person may use to promote that culture or not as he/ she feels inclined .No one culture should be
more important than another.

The Parliamentary term should be 4 years.

If sufficient people sign a petition for something a BINDING referendum should be held. If it is binding
more people will take part and it will not be a waste of money.

It is my wish for the future of this country that it shall be a country with no division into Maori and the
others ,as it is today.. This state has evolved over the last thirty years and with the fanciful and false
revision of the Treaty that the revisionist
academic historians and parliamentarians have promoted we are fast approaching a state of division
according to ethnicity. There must be no room for tribal law in the democratic Government of New
Zealand.

Sent on the 20 May 2013 at 17:04

340

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 10:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Joseph Fagan Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Ngaruawahia Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: I do not believe that New Zealand
should have a written constitution. Great Britain does not have a written constitution and is arguably
the most stable democracy in the world. It is also the country which New Zealand's institutions are
most closely based
on. This is simply another case of New Zealand having 'delusions of grandeur'. A small country like
New Zealand should be concentrating its resources on more important matters - such as the country's
appalling child poverty statistics. How about making doctor's
visits free? That would make a difference to people's lives. A constitution does not protect the rights
of the people because it is just a document which can be ignored. Strong institutions, laws and
traditions are what protect the people. Great Britain's
system of government has proven effective for nearly 1000 years so I say stick with what works. I
would also like to point out that you need a few wise men (and women) to write a constitution - how
many of those are we likely to find in a population of 4 million?
I have travelled the length and breadth of this country - and it ain't full of George Washingtons... Stop
wasting money on things like this.

Sent on the 14 April 2013 at 22:51

3887

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 7:54 p.m.

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

Full Names: Robert Mark Fagan Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I do not want the Treaty of Waitangi to be written into or to be the basis of any new
constitution. Since returning to NZ in 1994 I have studied and read NZ history in detail. I understand
NZ history well and do not believe the treaty to be our founding
document. We must remain equals under the law, with no race based privileges. " we are now one
people" that was the wish then and now after seven generations of intermarriage are surely becoming
that now.

Submitted on the 24 July 2013 at 19:53

1685

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 11:37 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: My Aspiration for New Zealand in the future.docx

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

Full Names:	Walter Fagan	Organisation Name:	Email:	Phone:
	Postal AddressA:		Postal AddressB:	Postal City:
Alexandra	Postal Region:	Central Otago	Postal Post Code:	Postal Country:
Zealand	Submission:	Submission Upload:	My Aspiration for New Zealand in the future.docx	

Sent on the 28 June 2013 at 11:35

My Aspiration for New Zealand in the future.

As I am now a grandfather of three young girls and growing increasingly concerned about the values being introduced I feel it is now more important than ever to redress the balance that is heavily in favour of continuing the ever increasing trend toward apartheid in our society.

Imagine the huge outcry that would follow the announcement of a Pakeha All Black Team, The Pakeha Business Person of the Year, The Pakeha Farmer of the Year or indeed any of the other celebrations and opportunities preceded by the word "Pakeha" that currently are available to only the Maori population.

The popular opinion is that many of our, bright, motivated and educated young people are moving across the Tasman for financial reasons but that does not explain the issue of many of these people choosing to flee even knowing they are not eligible for any of the rights and benefits people from other parts of the world enjoy when they move to Australia. Some of our young people say they are becoming frustrated and angry that NZ is becoming a society where race is becoming an important factor in our growth or lack thereof. Nobody, in our increasingly PC society is mentioning "white flight" as amongst the reasons people are choosing to leave NZ.

Gradually there are more and more race based programmes being introduced into our society under the guise of positive discrimination but in reality it means that the majority of our population does not participate equally or have the ability to access these programmes. This applies to an overwhelming volume of situations from sporting opportunities based on the colour of ones skin through to educational scholarships and cost opportunities only available to Maori people.

It appears that not only are they eligible for many things that Pakeha do not have access to but it seems that more and more of our nation's wealth and resources are being consumed by a small indigenous population. They are hugely overrepresented in the worst of our statistical information such as prison, justice, health, child poverty and infant mortality and therefore by inference much of our resources are consumed in providing services to this small percentage of our population. A relatively large amount of police, education, health and justice resources are utilised in servicing the needs of this statistically small present of our overall population.

How much has been paid out by our Government by way of Treaty of Waitangi claims and yet there is little indication of much of this huge industry benefiting the general population. It appears the Government is even settling monies on Iwi that was not part of the Treaty yet still manages to be able to access a multimillion pot of gold.

My vision for my antecedents is that they will live in a country where opportunities are based on equal ability and people from all races and backgrounds share our cultural and historical traditions.

I would like my grandchildren growing up in a country where mutual respect for one's history and culture is a cornerstone of our society.

4147

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 10:14 a.m.
Attachments: Submission to theConstitutional Advisory Panel.docx

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

Full Names: Roger Willaim Fagg Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Timaru
Postal Region: Canterbury Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Submission to the Constitutional Advisory Panel.docx

Submitted on the 30 July 2013 at 10:13

Submission to the Constitutional Advisory Panel

On the matter of

Consideration of Constitutional Issues.

This submission on the Consideration of Constitutional Issues. Is by Roger Fagg.

Matters addressed in this submission are:

1. The size of Parliament
2. The term of Parliament and the election date
3. Number and size of electorates
4. Electoral integrity legislation
5. Māori representation in Parliament
6. Māori representation in local government
7. The role of the Treaty of Waitangi
8. Bill of Rights issues
9. Written constitution

Introduction.

The review of the constitutional issues of a country is of vital importance to the role of its citizens and democracy. It is a way to preserve the notion of those who govern are selected by the people for the people and that the laws passed by parliament are for the benefit of the majority of the people and not dictated by political agenda. This should always be the basic principle behind the role of government and the placing of measures that ensure that the voice of the people are heard and represented.

1. The size of Parliament

The size of parliament should be of no more than 120 members split in two with an upper and a lower house. The upper house would be made up of electoral independent representatives of the people and the lower house contested by political parties contesting the party vote only

with the largest party having the right to form government.

Legislation would have to be passed by both houses.

2. The term of Parliament and the election date

I am comfortable with a three year term but would not be opposed to a 4 year term.
The election date should be fixed as the last Saturday of November.

This would take out the political aspect of the timing of the election. Early elections can only be called with the 2/3rd of each house agreeing.

3. Number and size of electorates

This should be reduced to 50 electoral seats. Population nor the area size of an electorate should dictate the number of electorates. Look at the US senate as an example.

4. Electoral integrity legislation

This needs to be updated. All bills regardless of coming from the government or opposition must be allowed to pass the first reading and put to select committee. This takes the politics out of what legislation is put to the public for submission.

The role of Governor General needs to be enhanced and the reverse powers the role has put into force. Currently the Governor General receives with the bill to sign a written document from both the Attorney General and the Prime Minister stating that there is no reason that the bill should not be signed. This also applies to bills that have been overwhelmingly rejected by the public submission process but still pass.

The Governor General should be allowed to lay on the table the bill for 10 working days so that the people should speak.

5. Māori representation in Parliament

There should be no difference in Māori representation in Parliament as there is with any other person. We are all one people

6. Māori representation in local government

Same comment as above

7. The role of the Treaty of Waitangi

The Treaty should now be placed into history as a document of the past.

8. Bill of Rights issues

Any Bill of Rights should not extend to that of allowing the people all people the right to a fair hearing on all matters, the freedom of speech regardless if it upsets some, and the right to live in peace, work, feed and house themselves and their families.

9. Written constitution

New Zealand should have a written constitution in law that underlines the basic rights and natural laws that exist. It should acknowledge the myths, legends and fables of the original aborigine inhabitants of the country.

Contact details
Roger Fagg

Timaru

1715

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 9:23 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Edward Joseph Fahey Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Question(1) none, we need to move into the future.

Question(2) no we are now a multi cultural society all New Zealanders with no privileges for one race
of people we are all one under the constitution.E

Sent on the 28 June 2013 at 21:22

1715a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 9:51 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Edward Joseph Fahey Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: (1) To elect a representative to Parliment who supports the views Of the voters

(2&3) like all the rest of New Zealanders there should be no separate party for a culture,we are one nation,if we don't change now we will end up with racial arpartied.

Sent on the 28 June 2013 at 21:50

4446

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:15 p.m.

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

Full Names: Organisation Name: Komiti Pasifika PPTA Email:
 Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Auckland Postal Post Code:
Postal Country: New Zealand Submission: Our constitution should be one document so it is held
in one place for all people's to have easy access to.

The constitution should be held above other laws as the ultimate mandate for the country.

The constitution should be ruled on by the courts and not parliament where political agendas will have some sway on the way things are decided.

In addition komiti Pasifika ppta would like the constitution to recognise the status of the countries of the realm Tokelau, Niue and the Cook Islands and the special and unique relationship that these countries have with New Zealand.

Submitted on the 31 July 2013 at 17:14

2426

From: "Derek Falconer"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:06 a.m.
Subject: CAP Submission

MAORI SEATS - ABOLISHED

Regards
Derek Falconer

2188

From: stephen falconer
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 11:47 a.m.
Subject: CAP Submission

Constitutional review submission

Maori seats should be abolished because

- 1) They are undemocratic
- 2) They are unnecessary
- 3) It is racist and divisive to retain them

1) Every vote should be of equal value in a democracy, but Maori seats have around 20% fewer registered voters than a general seat meaning a vote on a Maori seat counts for more. Even more importantly under MMP they are causing an overhang in Parliament undermining the proportionality of the party vote. You can actually get an outcome were a party or block of parties could end up with over 50% of the part vote but not a majority of the seats. The two voting roles have created the situation were votes on the Maori role are more valuable than the general. This is undemocratic.

2) It is unimportant whether MP's look ethnically like me, what is important is that they share the same or similar principals. Any NZ citizen can hold the same principals regardless of how they look on the outside. Even if you subscribe to identity politics under MMP the lists seem to guarantee that all major ethnicities are represented in parliament.

3) As any advantage or disadvantage on the basis of race is racist. By creating two classes of New Zealanders, Maori and non Maori we are dividing New Zealanders. We would do well to remember Hobson's greeting at Waitangi 'He iwi tahi tatou' (We are [now] one people).

Regards

Stephen Falconer

214

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 7:43 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Hugh Falkner Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: Wellington Postal Post Code: Postal Country: New Zealand Submission: The
Treaties different versions and unclear wording are a good starting point for a constitution. But to
make it part of a constitution will only benefit the legal profession. The Treaty is a document of a time
and place in our history, but we have move
on significantly and much of it is very difficult to understand in our current multi cultural society.

Sent on the 11 April 2013 at 19:42

467

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 8:18 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: William falzone Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code Postal Country: New Zealand Submission:
One country; one people; one set of laws

Sent on the 16 April 2013 at 20:17

5082

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:30 p.m.

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

Full Names: Matthew Fanselow Email Address: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Country: New Zealand Submission: The number of MPs we have needs to be such as to ensure the integrity of the MMP system. Should we fall below a certain number of list MPs then the electoral system is no longer proportional. Whatever this number is, it must not be encroached upon.

The Parliamentary term should be extended to four years. The saying "three years is too short in government and too long in opposition" may have some merit, but I believe the reality is that three years is not enough time for governments to affect meaningful

change, or for new policies to be fully tested. Providing the additional year gives a government an additional 12 months to prove themselves, and may result in fewer appeals of "give us another three years, THEN you will see change" that we always see at election

time.

The election date should not be a political football. It should be legislatively set in stone. "The first Saturday of November", for example. In order to ensure maximum voter turnout, election day must not be a weekday.

There is a colossal imbalance between Auckland and the South Island. Auckland has a greater population than the entire South Island combined, and as a consequence it has far greater political sway. In any electoral revamp the South Island must be guaranteed

a certain number of seats, to ensure the South Island retains fair political bargaining power so that the North Island does not vacuum up all resources. Thought should also be given to whether so much political power should be concentrated to a single city

in a country of only 4 million people.

If an MP parts ways with their party, then that person should leave Parliament. If, for example, a National Party MP falls out with the party and then leaves, they have no mandate to remain in Parliament. They were elected as part of a NATIONAL PARTY cohort,

and cannot continue to claim this status once they have parted ways with the party. Most recently

Brendan Horan has fallen out with NZ First, yet has remained as an Independent MP. He has no right or legitimacy to remain in the House and should have been forced

to resign and leave the House fully.

Submitted on the 17 June 2013 at 15:36

4277

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:31 p.m.
Attachments: Constitutional ReviewSubmission - EF.docx

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

Full Names: Emma Te Hemoata Fantham Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Gisborne Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: Submission Upload: Constitutional Review Submission -
EF.docx

Submitted on the 30 July 2013 at 21:30

Submission to the Constitutional Advisory Panel

Name: Emma Fantham

Postal or Email Address:

Date: 30/07/2013

Overview

I believe that the Consideration of Constitutional Issues has been constrained by its overly narrow terms of reference and the inherently political nature of its origin.

I recommend that the public be engaged in a more wide-ranging constitutional discussion that addresses fundamental issues such as the values that ought to underpin our constitution.

I also recommend that, in any case, the Treaty of Waitangi be recognized as a central component of our constitution and that, until better mechanisms are established for Māori representation, the Māori seats in Parliament are retained and entrenched, and the establishment of Māori wards continues to be encouraged at the local government level.

Narrow Terms of Reference

There is a pressing need for constitutional reform in Aotearoa. However, the terms of reference for the Consideration of Constitutional Issues are too narrow to allow for any issues to be addressed that could lead to effective constitutional reform. The terms of reference focus on specific mechanical issues relating to our existing constitutional institutions. This assumes that the basic structures of our current constitution work well, provide for effective accountability and participation in the exercise of public power, and reflect values that are appropriate for Aotearoa in the 21st century and beyond.

A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

The Consideration of Constitutional Issues is also constrained because it has been established as an inherently political process. The entire process originated from the confidence and supply agreement between the Māori Party and the National Party. The terms of reference are coloured by the political imperatives that drive each of those parties. Those parties have a vested interest in portraying this process as a success. Other political parties have an incentive to paint the process as a failure. These issues are simply too important to be politicized in this way or to be controlled by politicians and political processes.

A non-politicized process of constitutional reform should be undertaken.

Maintenance of Basic Constitutional Protections for Māori

While the Consideration of Constitutional Issues is too constrained to lead to effective constitutional change, it is vital that basic constitutional protections for Māori are not eroded as a result of this process. The Treaty of Waitangi ought to be recognized as a central part of our constitutional arrangements that speaks to the exercise of public power in Aotearoa. The Māori seats in Parliament may be only a minimal form of Māori representation but they must be retained and entrenched until better mechanisms are established. Similarly, Māori wards should continue to be encouraged at the local government level.

4273

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:24 p.m.
Attachments: Constitutional ReviewSubmission .docx

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

Full Names: Seumas Fantham Organisation Name: Email: --
Phone: Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: Constitutional Review Submission .docx

Submitted on the 30 July 2013 at 21:22

Submission to the Constitutional Advisory Panel

Name: Seumas Fantham

Organisation (if applicable):

Postal or Email Address:

Date: 29/07/2013

Overview

I believe that the Consideration of Constitutional Issues has been constrained by its overly narrow terms of reference and the inherently political nature of its origin.

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A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

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791

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/05/2013 4:13 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: Ross Fanthorpe Phone: Email:
: Comment: Conversation Invite :

The Bill of Rights acts as an antiseptic salve after the injury is done and should not be expected to do much else. Keep it.

The Waitangi debate needs to be subject to the new agreed NZ brand based on collaboration.

Parliament should have a 4 or 5 year term.

We cannot afford the cost of debating the form of a new constitution, move on, leave things as they are and rebrand NZ for the good of all.

Maori and all other races in NZ should stand for government representation without fear or favour under the coming rebranding of the country. The new brand for New Zealand should be based on an inculcated concept of collaboration with each other to realise shared goals. This will be done by sharing knowledge learning and building consensus created by strong leadership where the vision can be multi generational over all citizens to offer a powerful point of difference for NZ. New flags and anthems will drive the new brand.

Sign Up For Updates: Yes

Sent on the 2 May 2013 at 16:12

536

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 10:43 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitutional Review.doc

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

Full Names: Peter Joseph Farlev Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Gisborne Postal Region: Poverty Bay Postal Post Code: Postal Country: New
Zealand Submission: See attached. Submission Upload: Constitutional Review.doc

Sent on the 18 April 2013 at 10:43

Submission on questions listed

1. NEW ZEALAND'S CONSTITUTION

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

No. There is no evidence that having a single document constitution confers any benefit on a nation in terms of the security, financial or social wellbeing of its citizens.

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

It should have no "higher legal status" except that changes to any of the components of our constitution should require the approval of a referendum and possibly that approval should be by a majority significantly higher than 50% of those voting.

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

This must remain the function of Parliament. The role of the Courts is to apply the decisions of Parliament as set out in legislation¹. Parliament is answerable to the electorate for its decisions whereas the Courts are not. As the constitution is "the set of rules that determines how a country is governed and how its people live together" the final decision should rest with the people and not with a small group of judges.

2. TREATY OF WAITANGI:

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

It should have no more and no less than its present role. A record of the rights of citizenship guaranteed at the time that it was signed.

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

No. It is already part of our constitutional framework through existing legislative recognition. There is no need to alter the current arrangements.

3. MAORI REPRESENTATION:

1. How should Māori views be represented in Parliament?

In the same way as all other citizens. To say otherwise is to advocate for a different status of citizenship for different people.

The separate Maori seats were introduced at a time when the electoral franchise was only available to landowners and the communal tenure of Maori-owned land at that time effectively disenfranchised those owners. These seats should have been abolished with the introduction of MMP as recommended by the Royal Commission on the Electoral System.

¹ Reiterated in the Gisborne Herald on 16 April 2013: "The public need to understand that about the judiciary. We apply the law. We don't make the law".

2. How could Māori electoral participation be improved?

Why is the level of electoral participation by any sector of society a matter for the constitution? The constitution should simply ensure that there are not legal barriers to participation.

In the event that the level of electoral participation is seen as a problem, then the matter could be addressed by a compulsory voting requirement.

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

The same as everyone else's.

4. BILL OF RIGHTS:

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

Yes.

2. What other things could be done to protect rights?

Nothing

3. Do you think the Act should have a higher legal status than other laws (supreme law)? Why?

No. Individual rights cannot be unfettered. Protest rights versus damage to persons and property for example.

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

Parliament. Members of Parliament are answerable to the electorate, the Courts are not.

5. What additional rights, if any, could be added to the Act? Why?

None that I can think of.

5. ELECTORAL MATTERS:

1. How many members of Parliament should we have? Why?

Reduce to 100 and then consider further reductions to 90 or 80. New Zealand has one MP for about every 33,000 citizens. The comparable figures for some other democratic countries are Australia 88,000, UK 80,000, Germany 123,000, Japan 176,000 and US 548,000. Even allowing for size differences, NZ seems to be greatly over-represented. Another aspect is that the increase to 120 MPs does not appear to have resulted in any noticeable benefit to the citizens.

2. How long should the term of Parliament be? Why?

Four years. Likely to produce better policy stability.

3. How should the election date be decided? Why?

By law rather than political discretion. Would eliminate the possibility of political gaming with election dates.

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

The sole factor should be the number of electors. There is no good reason, particularly given modern communication technology and transport systems, for any other basis.

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

If an electorate MP, nothing – the electorate will decide whether or not it agrees with the change.

If a list MP, disqualification as an MP. In accepting a position as a list MP they agreed to support that party for the term of parliament. No replacement by another person from the list – the party made a bad choice of list MP and should not be able to opt out of the consequences of that choice until the next election.

Other Issues

Why does the website material refer to our country as “Aotearoa New Zealand”? This phrase has been adopted by some political and religious groups but should not be the basis for a constitutional review unless and until it has been legally adopted after a binding referendum.

3616

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 7:35 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Eva Farrand Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: I am actually more comfortable
with the idea of the status quo, that is a collection of informal legislation that make up our constitution.

Whether you want to break away from the commonwealth or not, the idea of a formal constitution fixed in time is really quite concerning.

Look at all the issues the USA has with their own, written hundreds of years ago, while it may have reflected the mentality at that time, getting any changes made to it has been virtually impossible. (I.e. simple background checks on firearm sales could not even get support earlier this year).

Regardless of what our constitution may mean or say at this current point in time, we should be very careful in the consequences that a formal constitution may have for the future. The values and opinions expressed in today's constitution will likely be frozen in time and there is no way for us to predict that they will be applicable to the future.

Overarching legislation needs to be dynamic and I believe that our current system, along with our MMP electoral system does a great job at just that.

Sent on the 16 July 2013 at 07:34

102

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

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

Full Names: Murray Farrant Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Nelson Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Keep Geoffry Palmer well away from
anything to do with it.

Sent on the 8 April 2013 at 19:32

220

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 8:50 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Grant Farrell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: I think it is important that our constitution embraces our common humanity
and does not enshrine racist concepts in a document that may guide our legal system for hundreds of
years. Words such as Maori, pakeha, indigenous and iwi communicate racist concepts
and there should be no place for them in a constitution. Needing to have Maori words in the
constitution comes from a racist view of humanity which should not be patronised in such an
important document. The constitution should only contain English as English
is the language used predominantly by the vast majority of New Zealand citizens. I will not endorse a
constitution which supports racist concepts.

Sent on the 11 April 2013 at 20:49

220a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 9:02 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names:	Grant Farrell	Organisation Name:		Email:		Phone:	
	Postal Address: ^			Postal AddressB:	-	Postal City:	
	Postal Region:	Canterbury	Postal Post Code:		Postal Country:	New	

Zealand Submission: I think the Treaty of Waitangi should have no influence on our constitution. The treaty was an agreement between Maori Chiefs and representatives of the English Crown, none of whom were democratically elected. It was an attempt for the existing inhabitants and the newly arriving people to merge without conflict. It failed shortly after being signed. A treaty has no legal standing in the courts. The treaty of Waitangi enshrines racist concepts which were widely accepted in the middle of the 19th century but we now know to be false. It would therefore be absurd to use it to lock racist concepts into a legally guiding document of the 21st century.

Sent on the 11 April 2013 at 21:01

722

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/05/2013 11:40 a.m.
Subject: CAP submission

Terms of Reference

The Size of Parliament

I would vote for a parliament of 100 members representing 100 electorates.

Some electorates would be small area and some very large. The variation could be covered by varying the number of staff or assistants employed, relative to the area.

This change could only be achieved following a binding referendum because, obviously, the 120 members of Parliament would not be happy about a reduction in their numbers.

Term of Parliament

I would vote for a parliamentary term of four years. The Government could achieve more and costs would be reduced. The term should be fixed.

Crown – Maori Relationship matters

At some time in the future we must strive for New Zealand to become one country. Not a racially divided two countries.

The Maori population of N.Z. could be 15% to 20% of total population. Most of the Maori could have as much Pakeha blood as Maori. It would be interesting to know the number of Maori we have today who are members of Parliament. (I understand that a person with any Maori blood can claim to be Maori).

We should all be one people.

I would vote to do away with Maori seats in Parliament.

I believe that Maori are well represented today, or people who claim to be Maori, are well represented.

To have special Maori seats in local government is racist and patronising to Maori.

The Role of the Treaty of Waitangi in Parliament, local government and constitutional arrangements. From my reading and understanding the Treaty of Waitangi was written in 1840, 173 years ago, in English. The Maori translation at the same time was similar. The Maori version produced by the Waitangi Tribunal in 1975 has a different interpretation.

Now we have two Treaties leading to much conflict. There will never be agreement.

Constitution

I believe New Zealand should shelve thoughts of a constitution, possibly until we become a republic.

I understand Maori are wanting a constitution, and for it to include "Abide by the principles of the Treaty of Waitangi".

I believe the principles would become everything the Maori claim it to mean, even though it may not be in the original treaty. The term was never included until recently, and exactly what are the principles of the Treaty of Waitangi.

Conclusion

3637

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 1:57 p.m.

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

Full Names: Patrick Damian Farrelly Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga
Postal Region: Bay Of Plenty Postal Post Code: Postal Country: New Zealand
Submission: It is my view any constitutional review, process or outcome must establish and address in truth, the question of Sovereignty. It is my view that Maori never ceded Sovereignty at all since the signing of The Declaration of Independance 1835. It is illogical and irrational to accept that given the estimated population of New Zealand at the end of 1840 is 80,000 Māori and 2,050 non-Māori, they would have willingly ceded sovereignty. Essentially a complete about turn within 5 years from the 1835 Declaration.

<http://www.nzhistory.net.nz/media/interactive/the-declaration-of-independence>
<http://www.teara.govt.nz/en/he-whakaputanga-declaration-of-independence>
<http://archives.govt.nz/events/declaration-independence>

Submitted on the 16 July 2013 at 13:56

5218

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 12:04 p.m.

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

Full Names: David Faulkner Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Christchurch Postal Region:
Canterbury Postal Post Code: Postal Country: New Zealand Submission: 1) A fair and
just society with one law for all citizens. No race based laws. Freedom of religion and freedom of
speech upheld. The right to peaceful protest upheld.

2) Parliamentary democracy run as it is now.

Submitted on the 10 June 2013 at 13:06

1493

From: "Graeme Faulkner"
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 5:45 p.m.
Subject: CAP submission

~~I reject any references to the Treaty of Waitangi or its principles in any constitutional document~~

My reasons are that what was a sound reasonable document in 1840 that made all citizens equal under the law in New Zealand and the tribes ceded complete sovereignty to the crown has in recent decades been turned around completely by politicians, lawyers and the courts to mean something else entirely

A written constitution with any such reference would take away what little redress ordinary citizens have now

as the courts are not answerable to the general population and interpretations can mean anything

Because of the reasons mentioned above and to return some democracy to ordinary citizens I believe some form of binding referenda

is the only way forward I suggest the 100 days system where any law is subject to a binding referendum within 100 days of proposal providing

a certain number of signatures are gathered

This would put some curbs on wayward politicians and back room horsetrading that we have at present

Best regards
Graeme Faulkner

1091

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/06/2013 1:36 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter McElwain Faulkner Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Tauranga Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: I wish to make a submission against any form of written constitution.

I believe the system in place at the moment, whereby the government makes the law and if necessary, the Courts interpret it (bearing in mind the original purpose of the legislation) is working well and requires no change. It would be, in my mind, a retrograde step should Judges ever be placed in a position whereby they would have more power than New Zealand's elected representatives.

To attempt to incorporate The Treaty of Waitangi into any form of constitution is fraught with extreme danger. The Treaty is not a legal document and offers Maori nothing more than British citizenship and crown protection for themselves and their property.

It is not a so called "founding document"; nor does it offer any form of partnership and to give it greater standing than it merits will be the beginning of a State based on race.

New Zealand is a country where all have equal rights and the concept of "a New Zealand citizen first but with different cultural backgrounds" is one that should be fostered.

It appears from all the reading and research I have done that a disaffected minority is attempting to alter the laws to promote their pro Maori anti Caucasian agenda. This must not be permitted to happen.

Sent on the 5 June 2013 at 13:36

2594

From: Chris Faulls
To: <constitutionalreview@justice.govt.nz>, <constitutionalreview@justice.go...
Date: 4/07/2013 4:35 p.m.
Subject: CAP Submission

I vote for no future Maori Seats. Pure racism! May the best PERSON, black, white, brown or
brindle gain a seat, through their merit and not their race. One New Zealand for all of us.

1153

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 4:30 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Leona Fay Organisation Name: Women's International League For Peace and
Freedom Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Christchurch Postal
Region: Canterbury Postal Post Code: Postal Country: New Zealand Submission:
The Treaty of Waitangi benefits all New Zealanders and enriches us as a country, therefore it should
be central to the constitution.

As Pakeha/Tauitiwi WILPF understand that the Treaty of Waitangi provided for the establishment of a
government which allowed us to come here. It is important to our status as non-Maori that this
document is the basis for our constitution.

Sent on the 7 June 2013 at 16:29

3979

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 8:20 p.m.
Attachments: 130721 Constitution NewZealand.doc

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

Full Names: William Fay Organisation Name: Email: Phone:

Postal AddressA: Postal AddressB: Postal City:
Wanaka Postal Region: Central Otago / Queenstown Lakes Postal Post Code: Postal
Country: New Zealand Submission: Submission Upload: 130721 Constitution New
Zealand.doc

Submitted on the 28 July 2013 at 20:19

Submission on New Zealand's Constitution Enquiry

Three questions were asked by the panel:

1 Do I think our constitution should be written in a single document, and why?

No.

New Zealand does not need a written constitution for the same reason that the UK does not have one.

By cementing in the authority of a handful of Judges, a written constitution overrides the democratic process which we have inherited from Britain under the "Westminster" model. This Westminster model works well for New Zealand and a number of other countries.

2 Do I think our constitution should have a higher legal status than other laws?

No.

Recent events in the USA point out the dangers of a written constitution where the Supreme Court can overrule every legislative assembly. In this case the will of the people of California as well as a federal law (Defense of Marriage Act) was set aside by a ruling of the Supreme Court.

In particular, I think it would be very dangerous for the Treaty of Waitangi to be included in any written constitution, as the Treaty was devised as a simple remedy for the lawlessness of a particular time. Much time and effort has been spent on various interpretations and translations, and the recompense to Maori interests both before and with the Waitangi Tribunal – some of it questionable. In particular, the relatively recent notion of the Treaty being a partnership between the Crown and Maori, put forward by a former senior Justice, is as false as it is ridiculous.

I think the Treaty is still to be respected by all New Zealanders as a statement of noble intent.

3 Who should have power to decide?

The people of New Zealand.

It is the prerogative of the people – the voters and their Parliament – to decide on the laws which apply in any time.

A written constitution places the Justices of the Supreme Court above Parliament. These Justices would be appointed for life by the political party in charge at the time, whereas Parliament is answerable to the people every three years, and a later Parliament can undo anything that an earlier Parliament has done. In this way grave mistakes can be remedied.

The parliamentary seats reserved as Maori seats must be discarded, as the reasons for their incorporation – while valid at the time – have been displaced by universal suffrage. Other bodies and local councils with representation reserved for Maori are equally odious, and their

promotion is nothing more than a step towards apartheid.

If we intend to live here and contribute to our nation, we are all New Zealanders, whether we or our ancestors arrived five hours ago or five centuries ago.

We are one people, with one destiny no matter how many cultures are involved.

W F Fay

William Francis FAY

Wanaka

1170

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 12:13 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jonathan Craig Fea Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Katikati Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: I believe our country should repulse any law which establishes, provides for,
anticipates, contemplates, or promotes racial distinction or division.

I ask that this country reject any reference to the Treaty of Waitangi or its principles in any constitutional document.

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

I ask that race based parliamentary seats be abolished.

I ask that race based representation on local bodies be abolished.

I ask that the waitagi Tribunal be abolished once all currently registered treaty claims are completed.

Craig Fea

Sent on the 8 June 2013 at 12:12

3750.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 8:41 a.m.
Attachments: Constitutional Review.doc

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

Full Names: Richard Featherstone Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Woodridge
Postal City: Wellington Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: Constitutional Review.doc

Submitted on the 23 July 2013 at 08:41

New Zealand's Constitution

Introduction

Many colonies on becoming independent need to signify on their creation that there will be a major break with the past. The USA and many African states are prime examples of this. Detailed written and enforceable constitutions and bills of rights have usually been inevitable given the events leading to independence, including ethnic conflict or war with the colonial government. They may also have been drafted in a rush and expected to apply under rudimentary government, legislative and legal systems. Written enforceable constitutions are also necessary where the powers of a federal government have to be legally-defined relative to those of constituent provinces or states.

Fortunately, New Zealand's path to independence was more straightforward, although not from the perspective of some iwi.

I think most New Zealanders want to live in a democracy that protects individual human rights.

A legal and political system that promotes democracy and protects individual human rights needs to be robust and resilient and scrutinised constantly by the people affected. Those people should be as well-informed as possible about the political decisions being made, i.e. on 'who gets what, where and when'.

People need to be alert to forces both within New Zealand and elsewhere that would undermine democracy and infringe human rights. It is wise to assume that such forces will always exist.

There should be ongoing debate about the nature and limits of democracy and human rights. For example, "*government by the people*", if taken literally and to the extreme, would be impractical. A representative government of some kind, all other things being equal, is more efficient than a plebiscitary one. Likewise, individual human rights in a developed and well-ordered society will always be, in terms of section 5 of the New Zealand Bill of Rights Act 1990, "*...subject...to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society*".

Hopefully this debate will never need to arise in New Zealand in relation to the fundamental concepts of democracy and human rights but, whatever the issue, it should be a well-informed debate, facilitated by a highly-educated society. The quality and universality of our education system is thus integral to the ongoing health of our constitution.

The Dangers of an Enforceable Written Constitution

Written constitutions and bills of rights invariably require that they have the force of law. In that situation, courts have the power to veto Acts of Parliament.

This would be fundamentally undemocratic because Parliament would no longer be supreme, with unelected judges able to override the decisions of elected representatives.

A democracy does not benefit from elected judges because such people would effectively become politicians. Even a very good and respected judge who is elected to office will never be able to convince the wider public that his or her judgements have not been influenced by electoral considerations.

Even if we continued to appoint judges in the way we do now, if they were required to make judgements on a legally-enforceable constitution/bill of rights (i.e. they had the power to veto Acts of Parliament), then the process for the appointment of judges would become politically charged in a way that is not, thankfully, the case at present.

Our “Unwritten” Constitution

Much of our “unwritten” constitution is in fact written down in numerous publicly-available documents and includes legislation from the 13th century (in force by section 3(1) of the Imperial Laws Application Act 1988) up to recent times (e.g. the Treaty of Waitangi Act 1975, the Official Information Act 1982, the Constitution Act 1986, the Public Finance Act 1989, the New Zealand Bill of Rights Act 1990, the Electoral Act 1993, the Human Rights Act 1993 and the Supreme Court Act 2003). Non-statutory constitutional provisions include: Letters Patent constituting the office of Governor-General of New Zealand (1983), the *Cabinet Office Manual 2008*, the *Standing Orders of the House of Representatives 2011*, and periodic SSC guidelines for public servants at the time of parliamentary elections.

Note that the New Zealand Bill of Rights Act does not allow judges to veto legislation but simply ensures that where *“an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning”*.

In addition there are constitutional conventions that govern political and ministerial behaviour. They include:

- ministers answering to the House of Representatives for the exercise of their powers, including their powers to direct the public service within their portfolio and within the law;
- collective Cabinet responsibility, giving Cabinet the power to direct individual ministers, since all ministers have to publicly support the decisions of Cabinet;
- the conduct of a caretaker government by significantly constraining its decision-making if it loses the confidence of the House of Representatives, even while having full legal powers to govern;
- the convention that the Sovereign only acts on the advice of ministers, thus subordinating the Sovereign’s legal powers (and those of their representative in New Zealand, the Governor General) to Cabinet.

I would see value in the Government commissioning the on-line publication (including in e-book form) of a “digest” of the New Zealand Constitution that brings together all the essential elements of our “unwritten” constitution. This would inform ongoing public scrutiny of the legal and political system to ensure that our unwritten constitution is being protected.

Protecting our “Unwritten” Constitution

It is trite but still opportune to quote the United States Judge Learned Hand who in 1942 said:

“...What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it...”

Maybe he was mindful that, despite the US Constitution and Bill of Rights, slavery in the US

was not abolished until 1865. Significantly, the Weimar Constitution in 1919 declared Germany to be a democratic federal republic and while this constitution survived on paper until 1945, as everyone knows it effectively became a dead letter from 1933.

I'm sure that the relatively good health of the New Zealand constitution, in its numerous guises, is due in good measure to the hearts and minds of the vast majority of men and women who have made it work for us over a long period of time. This majority comprises people, whether in Parliament, the Executive, the courts or the public service, who have displayed the requisite integrity – i.e. doing the right thing when nobody's looking – to ensure that democracy and individual human rights in New Zealand have been promoted and protected. For some of these individuals these issues can arise daily, whether by way of (e.g.) bipartisan cooperation in Parliament where appropriate; adequately managing conflicts of interest; or maintaining a politically-neutral, corruption-free core public service.

However, we must always remain worried about the hearts and minds of the *minority* of men and women who from time to time do things that tend to undermine the health of our constitution. There is always the risk that this minority could quite quickly do major damage to it.

There are of course "checks and balances" to keep the system honest, not least the separation of powers between Parliament, the Executive and the courts. Another trite but opportune quote is attributed to John Philpot Curran in *Speech upon the Right of Election* (1790):

"...It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt".

In the modern context it is therefore important that we have an open society with strong freedom of speech and unshackled news media who in their reporting of events are able, and are seen, to hold to account (in the court of public opinion at least) politicians, courts, officials and other public figures.

Being a small country helps New Zealand to be an open society. However, this openness is also due to the existence of the Official Information Act 1982 (OIA) that, in *Commissioner of Police v The Ombudsman* [1988] 1 NZLR 385 (CA) at 391, was described as "*entitled to be ranked as a constitutional measure*". It is perhaps true to say that the operation of the Act over the years has now generated a climate and momentum for increased openness in government leading to unsolicited disclosures of information where the Act now plays only a tacit role.

Despite its key constitutional role, the OIA (and its local government equivalent) is not user-friendly and would benefit greatly from a re-write that incorporates where practicable the lessons learned over the past 30 years. Neither requesters nor decision-makers under the Act should have to consult so extensively case law or ombudsmen's case notes to help understand which way decisions should go. The Act also needs to more helpfully dovetail with the Ombudsmen Act 1975 and the Privacy Act 1993.

Even if the Act were more user-friendly, requesters and decision-makers will continue to have honest disagreements, which is where an ombudsman is needed. However, re-writing the legislation should reduce these disagreements and thus ombudsmen's workloads.

The Treaty of Waitangi

For the reasons above, giving the Treaty of Waitangi itself the force of law would be a mistake.

There is now jurisprudence on what are the "principles of the Treaty". Even if there could be a strong consensus on the content/nature of those principles, these also should not, *by themselves*, have the force of law.

Rather, the principles should be considered, and given expression, by the government and Parliament in relation to all pieces of draft legislation that are relevant to the Treaty and its principles.

This jurisprudence arose out of litigation arising from section 9 of the State-Owned Enterprises Act 1986, which provides that:

"Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi".

Such a provision today should be regarded as bad law because it fails to define the principles and leaves it to the Crown, litigants and ultimately the courts to determine the principles relevant to the case in hand. Nevertheless, perhaps serendipitously, section 9 forced the Court of Appeal in *New Zealand Maori Council v Attorney General (1987)* to outline helpfully the principles relevant to the case.

Significantly, and illustrative of the above view, the relevant Treaty principles outlined by the court had to be given direct expression by Parliament in the Treaty of Waitangi (State Enterprises) Act 1988.

Also illustrative of this approach, the New Zealand Public Health and Disability Act 2000 contains a quite general "Treaty" provision in section 4 that recognises and respects the principles of the Treaty. However, this generality is, by Part 3 of the Act, limited to specific and self-contained provisions.

The Treaty of Waitangi will be relevant to New Zealand's constitution for as long as there are New Zealanders of Maori descent who regard the Treaty as relevant to their lives. How the Treaty is to be given expression, whether via legislation or otherwise, will be at the heart of political debate for years to come, but a strengthening consensus is achievable, perhaps assisted by the settlement of historical Treaty (Article II) grievances and the avoidance of new grievances.

Maori Electorates

As long as the number of Maori electorates correlates with the number of Maori opting to be on the Maori roll, then what is the problem?

There would seem to be no real need for what would be a very divisive policy of abolishing these electorates. Indeed, their existence provides an ongoing incentive for political parties that are predominantly reliant on general electorate voters to make their culture, policies and, not least, their electorate candidates, more attractive to Maori voters.

My view presupposes that the formula for calculating the number of Maori electorates is fair vis a vis the number of general electorates. However, there are technical issues relating to these calculations that I consider need to be reviewed.

The general electoral population is the total population as shown at the last Census minus the Maori electoral population (MEP). The MEP is in turn calculated as follows:

$$A/(B+C)$$

where:

A is the number of Maori at the last Census (721,431 in 2006); B is the number of electors on the Maori roll (244,121 in 2006); and C is the number of Maori on the general roll (178,139 in 2006). The MEP in 2006 was therefore 417,081. Section 45(3)(a) of the Electoral Act requires the MEP to be divided by the general electoral quota for the South Island (57,562), which, when rounded to the nearest whole number, yielded 7 Maori electorates for the 2008 and 2011 parliamentary elections.

The first technical issue arises from the 2011 Census form where it asked:

Are you descended from a Māori (that is, did you have a Māori birth parent, grandparent or great-grandparent, etc)?

By contrast, an electoral enrolment form asks:

Are you a New Zealand Māori or a descendant of a New Zealand Māori? No/Yes

The related explanatory note says:

Only New Zealand Māori, or descendants of New Zealand Māori, may answer by ticking the "YES" circle. All other people must tick the "NO" circle.

In my view the differences in wording, including the emphatic nature of the enrolment form and the context in which each form is completed, would seem to be sufficient to cause an undercounting of the number of Maori on the general roll. This undercounting increases the size of the MEP and number of Maori electorates beyond what seems to be appropriate, consequentially reducing the number of general electorates.

The second issue arises because the way the Census answers are treated by Statistics New Zealand may overstate the total Maori population, and thus again increase the number of Māori electorates beyond what is appropriate. This article explains the issue:

<http://publicaddress.net/legalbeagle/a-little-known-story-of-the-maori-seats/>

To summarise, added to the "Number of People of Māori descent" is a proportion of people who answered the question with "*I don't know*", or who gave confusing answers (for example by leaving it blank, or selecting more than one option). These imputed additions are important: in 1997 they were 8.4% higher than the clear Māori descent answers; 11% in 2001 and 12% in 2006. Significantly, these imputed figures were not used in the Census results but only for the calculation of the Māori electorates.

If the number of people who clearly indicated Māori descent in the 2006 Census had been used (643,977), i.e. there had been no imputation, the number of Māori seats would have been only 6.

Whatever the technical approaches to calculating the Māori population for Census and electoral enrolment purposes, I see two main issues that need to be addressed.

The first is the difference in wording between the Census and electoral enrolment forms. One option is that the wording of both be the same as the enrolment question. Also, it should be made very clear in the presentation of the Census question that the answer will feed into the formulas for calculating the size of the Māori and general electorates.

The second issue is that many New Zealanders do not know whether they have Māori forebears. The size of the Māori and general electorates should not rely on a testing of individuals' knowledge of their DNA.

One option would be to use only the enrolled population to determine the size of the general and Māori electorates. However, this would still require knowledge of one's ancestry.

Another solution, which only sounds radical but would resolve both issues, is to give the right to every elector, regardless of their ancestry, to be in either electorate (but not both).

Māori Electorates in Local Government?

I can see no Treaty or other basis for having Māori electorates in local government. However, consistent with what I say above under "*The Treaty of Waitangi*", my view presupposes that Treaty principles have been considered, and given expression, by the government and Parliament in relation to all pieces of draft legislation that relate to local government.

For example, consistent with Article II of the Treaty, section 81 of the Local Government Act 2002 outlines how local authorities must establish and maintain processes that allow Māori to be involved in contributing to local authority decision-making.

An Upper House of Parliament?

I do not support an upper house of Parliament, and not just because of the extra cost. Appointed, non-elected, members would be clearly anti-democratic, while with elected members there would be ongoing and time-wasting political arguments over which house had the largest voter mandate. Given the difficulty in finding talented people to enter Parliament, I am concerned there would be legislative log-jams, with little added value to the quality of legislation.

This issue has relevance to the term of Parliament.

The Term of Parliament

I would support a referendum to increase the term of Parliament from 3 to 4 years. Four years would reduce the inefficiencies in government that tend to arise in election years.

However, I am mindful of the argument of some that the 3-year term is the quid pro quo for not having an upper house. Accordingly, I would support a requirement that this referendum (whatever the outcome) be repeated every 20 years.

Monarchy or Republic?

Under this heading it is politically tempting to follow the maxim "*if it ain't broke, don't fix it*", but New Zealand's legal and political system needs to address this question if our system of government is to remain robust and resilient.

There is no doubt that the monarchy has served New Zealand well, not least because of the

qualities and dedication of the current Queen and her appointees as governors-general.

However, that the ongoing history of one family determines the person who is our head of state is anachronistic in so many ways and a weakness of our constitution. Nevertheless, I regard this as a secondary problem.

~~That this family resides in Britain is also a secondary problem.~~

There is an inherent weakness in the way in which New Zealand would be involved in remedying any constitutional problem affecting the monarchy, not least that the prevailing remedy would likely place Britain's interests ahead of any other country of which the monarch is head of state. However, I regard this likewise as a secondary problem.

I see the primary problem for New Zealand is that a constitutional crisis surrounding the monarchy in Britain could likely precipitate a rush to create a republic in New Zealand without sufficient wide and careful debate and consideration of the form that that republic might take and the management of any transition.

I therefore consider it would be better to start now a well-managed and informed public debate on this specific issue. Practical politics suggests that no major political party would lead this debate. Indeed, any movement for change should be driven by the people and subject to a referendum at some point, but it is in the public interest that that debate is an informed one. For this reason government funding may be necessary to facilitate the debate, including the engagement of relevant expert input and advice.

1727

From: Lynnette Feder <
To: <constitutionalreview@justice.govt.nz>
Date: 29/06/2013 4:24 p.m.
Subject: constitutional review

NEW ZEALAND DOES NOT NEED A WRITTEN CONSTITUTION and I STRONGLY OPPOSE
ANY LEGISLATION OR REFERENCE TO THE TREATY OF WAITANGI SHOULD ONE BE
DRAFTED NOW OR IN THE FUTURE

Lynnette Feder Mount Maunganui

1727A

From: Lynnette Feder <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 12:33 p.m.
Subject: CAP Submission

MAORI SEATS MUST BE ABOLISHED

Lynnette Feder
Mount Maunganui

681

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 7:18 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: Marilyn Feely Phone: Email:
Comment: It is time for us to all work as one nation. We are all just New Zealanders. There should be no special privileges defined by race. The Treaty of Waitangi has run its course and is now being used for financial gain and the people who really need the assistance do not seem to be benefiting. Let's stop racial definition (apartheid) in this country and share the land and resources. It appears that those of European descent just keep on paying.

Sent on the 15 April 2013 at 19:18

3038

Constitutional Advisory Panel
C/- Ministry of Justice
Wellington

Fritz Fekling

Harikari

15/4/13

Constitutional Proposals

Enclosed is:

- a) "Constitutional Necessities for a Safeguarded Democracy Against royal freemason fascism" August 2012, 4 pages, showing the necessary minimum changes needed to safeguard a constitutional democracy against the monarch's freemason/rotary/lionsclub fascism;
- b) "Constitutional Bill of Rights and Human Rights" 4 pages, showing the legal & constitutional proof of the monarch's illegality;
- c) "De-sanitised history: crown breached 2 Constitutions" 3/2/12, 2 pages, showing the historic and systemic fascism of the monarchy, its criminal corrupt character that even falsifies historic facts!
- A constitution for a safeguarded democracy needs to be developed by a monarchy- & fascism-independent panel with repeated public consultation, before being decided via public referendum. The 2 monarch- & fascism-controlled options offered by the monarch's panel show the panel's bias, incompetence & corruption! *
- Maori could obtain a temporary right (30-50 years) for one Maori president and one constitution-court-judge position!

The panel members need either to publicly revoke their oath of allegiance to their monarch that forfeits their and everyone's human rights (incl. the right to self-determination/democracy) and reducing them to monarch's prostitutes & sefs; or declare their fundamental conflict of interest that provenly disables them to honestly and independently present, collect & evaluate the constitutional proposals (~~≠~~ submissions to a criminally corrupt monarch!), and remove themselves from this panel position!

However, fascists' nature is cowardice, corruption and incompetence — jobs for the mates

— And yes, like the monarch, the prime minister is a criminal corrupt fascist!

* — And yes, it's the criminal fascistic-corrupt Supreme-Court judges with their self-appointed former Solicitor-Generals that need to be replaced by elected Constitution-Court judges — no point asking them to clean themselves out...
Copies widely distributed...

—

Constitutional Necessities for a Safeguarded Democracy Against royal freemason fascism

by Erik Fehling
August 2012

4 pages

- 1) Appointment of Presidents, Judges & Officials (enshrined in "Constitutional Constellation")
 - a) Presidents, at least 3 at a time as miniature Upper House, be publicly elected by a modified single transferable vote that gives candidates from minor parties or independents a real chance; For experience continuity only $\frac{2}{3}$ of the presidents are STV-diselected and STV-elected each General Elections.
 - b) Constitution-Court judges at least 7 at a time, are STV-diselected and elected like presidents under a); they need not be lawyers.
 - c) Appellate-Court judges be appointed by presidents' majority, which can also remove them and lower court judges in cases of incompetence.
 - d) District-Court and Tribunal judges be appointed by Appointment Panel
 - e) Appointment Panel be appointed by Parliament: any party that gained at least 10 seats appoints one member, as do smaller parties combined if they together reach 6 members of Parliament; party-internal STV-vote.
 - f) Leading officials be appointed by Appointment Panel to reduce free-mason-bond appointment by e.g. one states-service commissioner using masonic recruiting companies... All are sworn-in to the Bill of Rights-constitution.
- 2) Constitution-Court Appeals (enshrined in "Court Instances Law")
 - a) Access via constitutionality of laws and/or their use as the fundamental public-importance & Bill of (human) Rights test;
 - b) Bypassing of all other court instances on questions arising from constitutional constellation under 1), incl. election verification and -corrections (e.g. new elections) or when fundamental human rights need to be upheld against life-threatening govt/registrat brickwalling/time wasting, or when right to appeal cut;
 - c) In all other cases the District Court/Tribunal level is the starting instance; [The "exceptional circumstances" test is too vague and has been effectively voided].
- 3) Appellate Court (enshrined in "Court Instances Law")

The corrupt High-, Appeal- and Supreme Courts be restructured into new Appellate Court, thus sacking old-bog's & girls' gangster rule - too many incompetent lawyers. This court sits with 3 or 5 judges in a High-Court-like district roster, but can shift place of court regarding circumstances. [more District-Court/Tribunal competence would make appeals fewer & weightier]
- 4) Business Accountability Court (enshrined in "Court Instances Law")

A new Economics Court (incl. Small-Claims Tribunal) should replace elitist High Court preference with special-competence district-court level similar to Employment- and Environment Court.

5) Appeals & Court Rules (enshrined in "Court Instances Law")

- a) The nonsense leave-to-appeal hurdle be scrapped, as it contravenes the right to appeal; If an appeal has no merit due to nonsensical argumentation or lack of points/questions of Law, judges have always the power to dismiss/disallow it esp. when frivolous & vexatious, as do registrars;
- b) Appeals can either be heard/read, or disallowed (see above); A fair correction chance for lay persons should be required by law referring to forms and readily accessible (eg. internet) layout & structure examples;
- c) Heard/read appeals cannot be disallowed; they can either succeed, partly succeed/fail, or fail, enabling appeals to higher instances;
- d) Strict adherence to Court Rules (ie. printing, numbering, layout and structuring) only by legal professionals in all court instances; For lay persons these rules only mean strong recommendations to enable optimisation of these rules by more suitable structuring etc.; Appeals by lay persons cannot fail or be disallowed on Court-Rules grounds only, because of Law purpose and right to appeal be superior to formal grounds.

6) Provision of Court Justice and independent election voting checks

- a) Abolishing of fees in all criminal court cases to guarantee right to natural justice and to appeal; court fees/costs can be added to sentence as is done with infringement-offences fines - No first-past-the-post "justice"! A determination by a judge as part of an appealable decision is better than an incompetent registrar's govt-serving brickwalling of justice (see 5)); Excessive start-up fees very often prevent justified courtactions for the public good against govt institutions and fascistic corruption; The correction of illegal practises is superior to administration costs! (true rule of law...)
- b) Legal aid for public-interest groups open to everyone (not fascistic organisations, chartered clubs or businesses), preliminary step-by-step as determined by a judge in cases of public importance, incl. constitutional matters. This is especially important where public safety is the object, eg- misuse of Nazi warfare poison 1080 and lack of safeguards, because govt-serving officials bow the knee and use any PR stunt to prevent rightful criticism and safeguards...
- c) Basic legal self-representation aid, because trust to crown lawyer cannot be forced, and defendants have the constitutional right to present a defence on similar terms as prosecutors (see my illegally ignored Supreme Court case).
- d) Representatives of political parties must have the right to be present at election vote counting for direct verification checks at every polling place...

7) Better & fundamental Structuring of Laws

- General: democratic Laws are agreements of the public; If their structure and contents can only be understood by lawyers, they cease to be agreements!
- If a law relies on other laws for its purpose, it should explicitly refer to them and thus include them for appeal purposes and clarity, sub-program-like;
 - Recurring law functions & structures should be separated like computer sub-programs, eg. one law for all
 - appeals, called "Court Instances Law"
 - crimes, called "List of Crimes and Penalties", with reference to originating Laws
 - offences, called "List of Offences & Penalties", similarly with infringement offences
 - criminal court proceedings, called "Criminal Proceedings Law" and including
 - subprogram-Law "Jury Proceedings Law" that includes proper jury selection (at present there is a deliberate confusion by Crimes Act, Summary Proceedings Act, District Court Act, etc., and jury selection is by computer open to prosecution hacking...)
 - civil court proceedings, called "Civil Proceedings Law", structured like above
 - costs, damages and court costs awards, called "Cost Awards Law" similar to S. 92 & (3) Human Rights Act, wider definition of "costs" than merely disbursements
 - evidence matters, called "Evidence Law" (already existing)
 - Human Rights, called "Constitution" or "Bill of Rights" (already existing...)
 - standardisation of costs, fines & penalties, called "Court Dollar Law" (C\$) as lasting, reliable, consistent & independent basis; The Human Rights Review Tribunal has created a fairly consistent precedence example; This Law should also include determination of actual multipliers with which all Court Dollars are consistently adjusted to inflation, income & wealth...

8) Official Accountability

- Restructuring of the corrupt Ombudsmen into an overarching Official Complaints Office with subcommissions/committees including Police Conduct Committee, Human Rights Commission, Privacy Commission, Banking Commission, Health Commission etc. All complaints go through this one-stop shop, because they can contain facts that require examination by several subcommissions;
- These Offices are not to be run by single freemason/rotary fascists, but the investigators are also the adjudicator, panel assisted by their registrars/secretaries similar to Human Rights Review Tribunal; At least 3 adjudicators deal with a case, achieving majority decisions— unanimity not required; Cost Award Law applies!
- Each Subcommission has an appeal instance either specifically or generally as the Official Complaints Tribunal similar to Human Rights Review Tribunal.
- The Appointment Panel (see 1e)) appoints the commissioners/adjudicators.

-4-

9) Mail Security

a) Interfering with mail should become crime of similar gravity as Intimidation up to assault, because a result of lost mail could mean loss of appeal possibility against fines and other court sentences, and could also lead to unjustified arrest. The damage or theft of letterbox accounts to interference of mail, but is at present only a minor theft/damage offence that police does not prosecute!

b) If repeated mail/letterbox damages occur, the owner should have the right to a free-of-charge PO Box, because s/he must have the right of a valid mailing address to uphold human rights regarding financial life-support/benefit and complaints/court business. At present rural- and town delivery customers would have to pay for a PO Box, \$135+ and \$25 Redirection fees, which becomes illegally discriminatory for unemployment beneficiaries as a Massey-Cossacks' govt-sanctioned intimidation — the Freemason/Pottery/Lions fascist network provides the info-flow for their "Massey" Cossacks!... This right-of-mail has been destroyed by the national-party fascists' Post CEO... 1 mail redirection per year should be free, incl. temporary holiday redirection. If rural delivery costs too much, raise stamp requirements for RD and/or reduce frequency to every 2nd or 3rd-day delivery...

10) Police Accountability

a) Withdrawal of charges by police after causing arrest & damage to persons ~~be~~ made impossible — police need to learn to properly gather evidence before arresting and laying pretence charges, because this damage of innocent people's lives causes the antisocial behaviour police is meant to prevent! Laid charges can only be modified or dismissed by a judge, while the Cost Award law applies, because the public needs to hear about police's mal-practices; at present it is cheaper for innocent persons to admit to lower charges...

b) Habeas-Corpus Safety provisions should automatically kick in, when arrested person refuses to accept bail or enters Hunger and/or Thirst strike!

c) Policemen are deemed professionals and must always act on reasonable grounds, not on unprovable circumstantial beliefs like a Freemason cult... provoking victims to desperate acts before executing them!

11) Spy Accountability

The govt's unchecked total-power Freemason spy master also be restructured into a panel with minor-party presence, because shit-sniffers can be misused by govt against members of Parliament to get that election advantage...

Constitutional Bill of Rights and Human Rights

The monarchy's incompatibility and illegality is not only proven by NZ's citizens and governments being officially owned by the monarch in a medieval tradition, but also by section 5 & 6 of the Bill of Rights 1990 (BoR), which elevate it to constitutional status!

As this Bill of Rights does not use such direct wording – its creators were bound to the monarch by oath --, I will examine its wording, which also shows the true but hidden and maybe even unconscious desires of its creators for true power-distributing democratic self-determination; I will also show the need for safeguarding checks & balances through eg. popularly elected presidents and constitution-court judges to obtain the necessary power mandate! Let us examine both sections in this regard:

S. 6 : Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning.

This elevates this Bill of Rights 1990 above all other laws!

S. 5 : ..., the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

This elevates this Bill of Rights to a constitution for democracy!

Laws are limitations of rights and freedoms, and human rights are the reference measure-stick for a democratic society, because without this protection of minorities, their democratic participation is either directly curtailed, or indirectly through intimidation and fear, thus disabling the democratic character of a society. Hence NZ's society is not a democratic society as per S.6 Bill of Rights, which is an ideal reference into which a society should develop also with the help of the judicial system as a safeguard for minorities that even the inert mainstream majority consists of!

Again, a monarchy is by definition not a democratic society!!!

Ambiguous S. 4 favours Bill of Rights

S. 4 reads : No court shall, in relation to any enactment (whether passed or made before or after the commencement of this Bill of Rights),

- a) Hold any provision of the enactment to be impliedly repealed or revoked, or to be in any way invalid or ineffective, or
- b) Decline to apply any provisions of this enactment by reason only that the provision is inconsistent with any provision of this Bill of Rights.

NZ's government's judiciary interpret this section in a way that impliedly revokes and invalidates this constitutional Bill of Rights by rendering it ineffective and notoriously toothless, as reported on Radio NZ National repeatedly over years. The judiciary calls this Bill of Rights to be "not established"!

However, it is hereby argued that this Bill of Rights

- * never commenced, because the governments' judiciary prevented it from commencing;

- * was passed or made before its commencement, as is common for most laws unless they have a retrospective clause included;

- * is in itself also an enactment upon which S. 4 applies!;

- * is, in conjunction with its interpretation directive per S. 6, the primary object for S. 4, which therefore enshrines this constitutional Bill of Rights beyond legislative trials to remove its validity – a typical character of democratic constitutions!

Therefore S. 4 must allow inferior laws to be corrected or even partly or fully invalidated in line with this Bill of Rights in order for this Bill of Rights to become valid and to commence!

Or to describe it in the English first-past-the-post way of pseudo logic: If S.4 has the power to invalidate the Bill of Rights, then this Bill of Rights has the power to redefine S. 4, because this section is part of this Bill of Rights leading to its commencement!

Now I will read quotes from a landmark Appeal-Court decision from 1992 that underline these facts. These are quotes from NZ judges in the appeal case 1992 Ministry of Transport vs Noort; 3NZLR 260CA

Quotes from the constitutional landmark judgment of the Court of Appeal in 1992 (Ministry of Transport vs Noort; 3NZLR 260 CA):

- 1) President Cooke: [Lord Wilberforce referring to European Convention] "These antecedents, and the form of chapter 1 itself, call for a generous interpretation avoiding ... 'the austerity of tabulated legalism', suitable to give individuals the full measure of the fundamental rights and freedoms referred to." p.268 1.35
- 2) The International Covenant ... speaks of inalienable rights derived from the inherent dignity of the human person. p.270 1.34
- 3) ... the long title [Bill of Rights] shows that, in affirming the rights and freedoms contained in the Bill of Rights, the Act 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. P.270 1.28, and 1. 44:
Subject to contrary requirements in any legislation, the NZ courts must now, ... , give it practical effect irrespective of the state of law before the Bill of Rights Act.
- 4) ... as well as the courts will be expected to try to approach the Bill of Rights Act with a sense of the democratic values for which [it] stands. P.271 1.3
- 5) ... basic human rights have to be seen as transcending administrative efficiency or a current phase of opinion. This point emerges as much more weighty than the outlook of any given individual, whether a judge or not, at any particular time. In any event, the Bill of Rights Act is on the statute book and it is the duty of the courts, as laid down by S. 5(j) of the Acts Interpretation Act 1924, to give it such fair, large and liberal construction and interpretation as will best ensure the attainment of its object according to its true intend, meaning and spirit. 1.18
- 6) Judge Gault: ... if the provisions of the Transport Act can be construed so as to be consistent with ... the Bill of Rights Act that must be done even if it involves departure from previous interpretations. p.294 1.8
- 7) Judge Hardie Boys (later Governor-General): Section 6 provides in effect that where a statute is fairly open to more than one interpretation, that which is consistent with the rights and freedoms in the Bill of Rights is to be preferred. And so it is only where consistency cannot fairly be found that S. 4 will apply. p.286 1.52
- 8) Judge Richardson (later president of the Court of Appeal) designed rather sensible guidelines for the use of SS. 4,5 Bill of Rights:
In the end it is a matter of weighing:
 - a) the significance in the particular case of the values underlying the Bill of Rights Act;
 - b) the importance in the public interest of the intrusion on the particular right protected by the Bill of Rights Act;
 - c) the limits sought to be placed on the application of the Act provision in the particular case; and
 - d) the effectiveness of the intrusion in protecting the interests put forward to justify those limits. p.283 1.56
- 9) ... legislative objective ... must be sufficiently significant [for] overriding a constitutionally guaranteed right; p.283 1.37

Here I wish to add one further point that this judge could not work out due to his fascistic power thinking:

8)e) the minimisation of unfreedom to enable and protect the free & democratic character of a society mentioned in S. 5 Bill of Rights; the natural plain human is here the reference with whom the degree of freedom is measured to achieve the maximum degree of freedom.

This is what judge Richardson has not included, but which would make sense to include: the minimisation of unfreedoms using the measure-stick of the plain human, because you can't measure anything without having a reference. That is a physical law, you can say.

And then the following last quote [9)] from judge Richardson could be point 8)f) of the previous quote.

Natural Justice

Not only does the general public believe that natural justice is the basis of the legal practise by their monarchy, but it is also that of the written Bill-of-Rights-1990 constitution per section 27.

However, the reality is shockingly straightforward behind the monarchy's PR-screen of the courts, and the monarchy's incompatibility with the Bill of Rights and democracy becomes clear for everyone to see:

Through the traditional practise of the monarch's highest courts to arbitrarily refuse to hear appeals, the monarchy actively prevented in its ca. 1000 years of existence any definition of natural justice, leaving the courts to practise fascistic-totalitarian might-is-right behind a PR-screen! All it has left through was the half-hearted right to present one's case – halfhearted, as the highest appeal courts' refusal to hear cases removed this right; This happened also with my 4 major cases a decade ago.

As words are man-made and man-defined, I now propose the following definition of natural justice to start precedence or convention law:

"Natural" in the legal context means following the logic and causal chain, combining cause & result in the correct order; It does not mean first-past-the-post practise, virtual or mad [justice]!

"Justice" basically means the balance of adhering to agreements, and the correction of breaches incl. compensation for victims as one part of discouraging repetitions. Agreements also include democratically originated decisions and laws under the safeguarding frame of the constitutional Bill of Rights that superposes Human Rights over any government's actions!

This justice balance of adhering to agreements is most fundamental to a human civil society; without it there will be violence and wars, and spoken language becomes unreliable and futile....-- Primitivity. -- end of transcript quote

Dated at Hanthar, Flies 2nd date of November, 2012

(Evelina A. Anapolant)

De-sanitised History: crown breached 2 Constitutions

Fritz Fehling, 3/2/12

Ⓐ & Ⓔ, 2 pages

- Ⓐ The British royals have a history of putting their psychopathic quest for absolute power above everything, be it Christian religion, peoples' cultures, honour, morals and even their royal relatives' lives. This mentally vegetative monarchy could only survive a 1000 years using fascistically organised brotherhoods, and is literally in bed with the secretive freemason gang — excommunicated by the Catholic Church...
- Ⓑ In 1860, 20 years after signing the constitutional contract called Treaty of Waitangi, the crown's freemason-governor-general Grey called the Maori chiefs to gather; He then told them either to submit, or to be forced to! Naturally, the honour (mana)ful Maori chiefs recognised this as the cowardly hidden ^{war} declaration that it was by international standards, and took up arms against the crown's English war within one year, which was dishonestly called the Maori wars since. Most honourably fighting Maori warriors were slaughtered by the ruthless crown and its freemason gang. More than a century of severe hardship followed, including the theft of Maori land from under their feet, forbidding existence of Tohunga (wise men, also health and culture professionals), and even the speaking of Maori language. Generations grew up under these conditions, so that reluctant hateful submission to the crown became part of Maori culture that also took up the main character of the white people, burying the remarkable environmental and social (incl. mana) Maori achievements. But not the crown-like hereditary class system that once engraved social status onto the faces (Moko)... This allowed selfish Maori leaders to make deals with crown agents regardless of the welfare of their people, adopting the dishonest behind-the-backs crown characters.
- Ⓒ In 1994 the crown apparently began to settle its Treaty breaches, after the right-wing government had been proven illegal via referendum for proportional parliament and the new Bill of Rights Constitution; a fact still hidden from the general public!... However, a NZ \$2-billion cap limited these settlements into peanuts-for-peace, but downtrodden Maori regarded this as a huge step upwards, after their leaders succeeded in convincing their people of a lack of alternatives — the election catch cry of the white political far-right. Meanwhile it had become acceptable practise of Maori politicians not only to reluctantly submit to the crown under duress, but also to swear the common oath of allegiance to their enemy, the crown, in order to obtain pseudo careers in royal corruption; The Ngai-Tahu chief even got a royal ~~Sir~~ title, becoming rich. And it is exactly this oath to the crown by most of the hereditary Maori leadership that sold their souls, mana (honour) and human rights — and with it the Treaty of Waitangi, making it null & void, except for window dressing purposes! These hereditary heroes believe to have got back the control over their people — as crown slaves

① In 1990 the crown signed the New Zealand Bill of Rights; Its arrogance mentally disabled it to realise that the provisions of democracy, natural justice and law-interpretation directive made the crown unconstitutional & illegal — it had included a section intended to invalidate this constitution that should have provided misleading windowdressing only, but this section re-inforced this human-rights constitution! Today the crown relies on the oath of allegiance by its officials, incl. judges, and its control over the media via an Australian royalist media businessman who "owns" most newspapers and even TV-channels, to ensure the crown-owned Maori politicians tow this line, too, in order to uphold hereditary Maori "internal" rule. One must **not forget** that **all** democratically elected politicians have sold their souls with this oath, making themselves prostitutes to the illegal crown instead of representatives of their electors. Yes, Britain, Australia, Canada, New Zealand etc. are run by crown **prostitutes**, and no rugby world cup can change this fact, because All-Blacks' heroic brains can only recognise rugby-ball/egg shapes...

Most crown-owned subjects still believe their queen to be a lovely, passive and powerless figure-head of their "own" country, even after reading a press feature in 1995, in which former respected NZ appeal-court judge Cooke said: All that matters is being in power and staying there — He received a royal lord title for this corrupt service to the crown. By now it must have become clear that parliamentary statutory laws are there to windowdress the only relevant unwritten 2-section law: S.1: the crown is always right; S.2: In the exceptional case that you are right, S.1 applies. Despite all modern technology, NZ is caught in a **medieval** royal Loop...

② But Human Rights are an international agreement to achieve a civilised world without royal or common fascist Hitlers, and are defined to be in-alienable. Therefore at least those humans who have never sworn allegiance to a royal etc., and those who have publicly withdrawn such sworn oath, are fully eligible for Human Rights — and especially for the right to self-determination expressed in the form of democracy! But with such honourless a monarchy you won't get them without a fight; A revolution of at least a mental kind is needed to achieve a 3-tier check & balance system to weed-out cowardly hidden fascist corruption regardless of skin colour, to prevent that the crown's freemason-controlled police can murder innocent persons, and that its freemason judges can sentence persons without a criminal conviction; we are talking New Zealand here, not just Northern Ireland:

1. A proportionally elected parliament that constitutes the day-to-day government with some checks by the law-creating parliament; A 1% hurdle is sufficiently workable for democracy;
2. A modified single-transferable - elected and dis-elected constitution court, thus independent from the government it is supposed to check & correct, but not from the general public...
3. A modified single-transferable-elected and dis-elected presidency of at least 3 presidents as a miniature upper house for emergencies and removal of incompetent or corrupt officials;

2 out of these 3 tiers have the power to resign in the 3rd for non-violent negative checks...