

4689

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:13 p.m.

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

Full Names: William and Joan freeth Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: auckland Postal Post Code: Postal Country:
New Zealand Submission: We believe all New Zealand Citizens should be treated equally in all
aspects of our lives, and no individual, group or race should receive preferential treatment.

We are all one, and must be treated

Submitted on the 31 July 2013 at 14:12

4441

From: Graham French
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:08 p.m.
Subject: Constitutional discussion contribution
Attachments: Constitutional Review Panel.doc

Constitutional Advisory Panel

Copy of my contribution attached. My apologies that it is technically late but I have been experiencing problems with xtra's new format so that what should have taken a minute has actually taken about 10

Regards
Graham French

Submission to the Constitutional Review Panel

Preface

I am grateful to the Government for commissioning this review. It comes at a most opportune time when “rights” issues are regularly dominating the news.

The need for a written constitution in 21st Century Aotearoa/New Zealand

It is my belief that as New Zealand society becomes more culturally diverse it is highly appropriate to examine our current fragmented “constitution”, to consolidate and clarify its different elements (conventions, written and unwritten law) and codify them into one readily accessible document.

The place of the Treaty of Waitangi in any constitutional reform

If New Zealand is to move towards the adoption of such a written constitution I further believe that will require a long overdue examination of the place of the Treaty of Waitangi in our law. I regard the Treaty as this country’s founding document which legitimises the presence in Aotearoa of the bulk of the present population (Tangata Tiriti) so that it therefore follows that the Treaty should be the starting point of any major constitutional reform.

I do not intend to comment on this at great length because I am aware of detailed contributions to the discussion from Dr Susan Healey, the Social Justice Council of the Auckland Anglican Diocese and the Yearly Meeting Clerks of the Religious Society of Friends Aotearoa New Zealand of which I am a Member.

The British Crown, as Dr Healey remarks “overrode the will and intent of those from whom it sought a right to govern in the first place”; subsequent constitutional arrangements failed to fulfil the guarantees made under the Treaty and have perpetuated past injustices. Quite distinct from Treaty claims historic grievances continue to surface angering and frustrating those aggrieved and acting as an irritant for or enraging those who would deny Maori Treaty rights.

Recognition of Treaty Rights/Tangata Whenua under a written constitution

(1) Through devolution

In Britain the devolution of power to the Welsh and Scottish has afforded greater independence and recognition of the cultures of those two nations. Would it be possible to devolve power in this country to an elected Maori Assembly along similar lines? Article 2 of the Bolivian constitution recognises the rights of that country’s indigenous peoples and “their ancestral dominion over their territories” guaranteeing “their self-determination within the framework of the Unity of the State...” That is

not so very different from s.71 of the New Zealand Constitution Act 1852 which allowed for Maori self-governing areas.

(2) Through an Upper House

The Anglican General Synod with its three tikanga could provide a model for an Upper House of Parliament made up of 50% Maori representation and 50% non-Maori (Tangata Tiriti) operating (marae-style?) on a strict consensus model (deliberately avoiding the confrontational politics which the Westminster system engenders) one of whose functions could be to review all prospective legislation before the Lower House (our present Parliament) which impinged on Treaty or other constitutional rights. My personal experience of General Synod about twenty years ago was that the process could be time-consuming but that it was infinitely more satisfying when all voices had been heard: more durable outcomes would be likely where no dominant group can railroad a weaker party into acting against their best interests.

Broader Human Rights

Any written constitution would need to be entrenched as supreme law. One of the weaknesses of the present Bill of Rights Act is of course the fact that other statutes can override it. My hope would be for the Constitution to include an expanded Bill of Rights (embracing broader rights like Freedom of the Press and economic rights; see Article 8:II of the Bolivian Constitution for a Utopian vision) drawing on documents like the Charter of Fundamental Rights of the European Union. Alongside those rights I would see scope for a provision requiring the State and its agencies (certainly in non-criminal matters) to engage in Alternative Dispute Resolution processes in disputes involving them and citizens thus avoiding expensive/fruitless litigation (cf the Defence Force and John Stephenson and EQC claims). It would be commendable if a provision rejecting war could also be incorporated in the Constitution along the lines of Article 9 of the Japanese constitution and Article 10 of the Bolivian Constitution.

Environmental Protections

There has never been greater awareness of the fragility of the planet on which we live. I note in conclusion that the Constitution of Ecuador (2008) not only includes environmental (ecosystem) rights (Articles 71 et seq but also (Article 281) Food Sovereignty some of which would bear on Article 2 of the Treaty of Waitangi.

Thank you again for the opportunity to make this submission.

Graham French MA LLB MLitt 31 July 2013

Christchurch

1422

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 2:47 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: sue frewin Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal
City: paraparaumu Postal Region: wellington Postal Post Code: Postal Country: New
Zealand Submission: 1. I would like the number of MPs reduced to 99, as there are far too many
fingers in the pie for the number of people in this country.

2. The length of parliamentary term should stay at 3 years as too many MPs have their own agenda to push and waste valuable time on that instead of running the country.

3. There needs to be a law to prevent 'party hopping'.

4. Maori Electoral Roll, Maori seats in parliament and Maori seats in local government should be abolished. To have a stable country it must be run as one law for all and not encourage separatism.

5. The Treaty of Waitangi is NOT to have a central role in constitutional arrangements. This original document was written in a hurry and not checked by any person/s of authority as well as there being 2 of them with different interpretations.

6. Democracy must rule by keeping our present constitutional arrangements, making our elected MPs the ultimate law-making power.

7. Any major constitutional change must be democratic and through a public referendum process.

Finally, I would like to say that I am proud to be a New Zealander, but not so on Waitangi Day. It is not a time to celebrate our Nationhood which should be on Sept 26 when we became independent from the British Government. This is a time when we can celebrate our achievements and move forward and leave Waitangi Day for those who will never be satisfied.

Sent on the 18 June 2013 at 14:46

against docking, military bases and engagement in war, except as ratified by a majority of votes by the people in a plebiscite held for that purpose.

Please take this submission forward to your Secretariat by 1 July 2013.

My name /cannot be used in publications.

Signature: M.G. Fricker

1274

CHRISTCHURCH
6 June 2013

The Secretariat,
Constitutional Advisory Panel,
c/o Ministry of Justice,
DX SX 10088,
WELLINGTON.

Dear Sir,

Please submit my views to the panel.

1. The Republic issue

There is no reason to change the status quo. We are a country of 4 million (about the same as the city of Sydney). We are governed in accordance with British principles of law, order, education systems, parliamentary government etc etc. The beauty of the system is that while the Queen is head of state she does not exercise any real power. But the power of the state is vested in "the Crown". And while it is there, no one else can get it. We do not want a political dictator to seize power.

2. The Treaty of Waitangi

The treaty is an historical document. I do not believe it was drawn up by the British government to determine how New Zealand should be governed 60, let alone 160 years later.

3 The flag

Our flag shows our history as well as our place under the Southern Cross. There is nothing wrong with it. There are occasional complaints that it is too similar to the Australian flag. But there is one major difference: the Australians fly their flag whereas we don't.

4 Maori seats in Parliament

Are there any other democracies where Parliamentary seats are determined by race?

5. Number of seats in Parliament

For over 100 years we existed with 80 MPs. With the advent of MMP the number was increased to a minimum of 120. I believe that is 20 too many.

6. System of Election

My major concern is the effect of the Mixed Member Proportional system on the way in which New Zealand is being governed.

MMP is - in theory - a wonderfully inclusive system of government. Each political faction in New Zealand - irrespective of size - is able to present its viewpoint in a reasoned, cogent manner in Parliament. Members of the house will then debate the issues intelligently and courteously, before they all agree to a consensus course of action. The trouble was that in taking aboard such a system - because of the advantages mentioned above - we forgot the most important aspect. What will make the system work? The politicians of course.

Another aspect which concerns me is that New Zealand is the only country in the world, apart from Germany, that has the MMP system. I understand the system was designed by a US political scientist at the end of World War II to impose upon Germany to prevent *inter alia* the rise of another Adolf Hitler.

When the first referendum concerning the method of election was held, only 64% of the electorate bothered to vote. And of those voting, 54% opted for MMP. In other words, 34.6% of New Zealand voters said they preferred MMP. In effect, a minority of the electorate landed us with the present system. And the proponents of MMP claim "that is fairer"! Those supporting the minor parties are still rapturously supporting MMP because it "keeps the big parties in line!" Many of the erstwhile supporters of MMP later regretted their actions but took refuge in the belief that they thought we were going to have another referendum after 2 elections.

That never was the case and it is an indictment on the many New Zealanders who failed to read the fine print. The decision on whether there was going to be another referendum was always a matter to be decided by a select committee of Parliament. And as most of those members owe their livelihoods to MMP the result of the select committee's finding was inevitable: "the system is working perfectly."

There was of course a referendum held subsequently - at the last election - but the major political parties did not participate to any real degree; they were too busy campaigning in the Parliamentary elections held in conjunction with the referendum. As a result there was no real discussion or debate.

As for the best system, many will argue that the last thing we want is a return to "first past the post" (FPP) because of its well documented failings. But with FPP it was relatively easy to remove an unpopular government from office. Not so with MMP. The late Rod Donald (Green list MP) long advocated the single transferable vote (STV) for use at local body level. There may well be a good argument for having STV at national level as well but I very much doubt if the Greens would agree with that idea. STV would give the electorate the chance to rate the candidates in order of preference and at least the great majority of New Zealanders would get the people they want in Parliament.

As most objectors to MMP will argue, the major problem with MMP is that the minor parties have a disproportionate say in matters. Single issue parties can frustrate the entire system. The series of MMP elections have illustrated the difficulty the strongest party has in forming a Government. The problem has come with the list MPs, who owe their elevation and livelihood entirely to their respective parties. It has nothing to do with democracy. When Mr Mike Ward became the 9th Green MP following the counting of special votes after the 2002 election he observed that "it was good that the electorate did not discriminate against him on the grounds of his age." I wonder how many of the electorate knew that Mr Ward was likely to become a Green MP, let alone the fact that he was over 60?

Another problem with list MPs is the situation highlighted by Aaron Gilmore. I cannot understand why his party could not have dismissed him and replaced him with the next person on his list. He was not elected by an electorate. Which is another annoying feature of MMP. Many list MPs have set up offices in their home district as if they were representing that electorate. TV-3 added to the confusion to the Gilmore debacle when it interviewed several voters living in the Christchurch East electorate. Again - Gilmore did NOT represent them.

The late Frank Haden, former newspaper editor, may have been several kilometres to the right of Atilla the Hun but he did have a point when the first MMP referendum was adopted. He argued that "the loonies should step forward, your time has come!" How right he was!

The recent passing of the act allowing homosexuals the right to legal marriage is another matter which would never have entered Parliament but for MMP. If list MPs were answerable to an electorate rather than their party I doubt if the bill would have got off the ground. I do not believe that the majority of New Zealanders support the new act.

One can only hope that Labour or National will form a Government with 51% of the party vote. They can then have a binding referendum on the system and give us the right to say yea or nay to MMP. Perhaps the answer lies in increasing the threshold at which parties are entitled to seats in Parliament. If a party gains 10% of the party vote it obviously has some clout. But 5% is a very small percentage of the vote. If it gives them the "balance of power" that share becomes totally disproportionate.

Yours faithfully,



G.K. Friend

990

You may also make a general submission or comment on other aspects of New Zealand's constitution in the form below. If there is sufficient interest in a constitutional topic outside the terms of reference, the Panel may report on it.

For more information about how to make a submission and other ways of making a submission, go to "How to make a submission"

Submitter Details**My/Our Full Name(s)*:**

Gillian Friend

Organisation Name:**Email*:**

Please enter a valid email address.

Contact Phone Number:**Postal Address:****Address:****City/Town*:**

Tauranga

Region:

Bay of Plenty

Post Code:**Country:**

New Zealand

Submission:

Your submission (submission may be a url):

Let us work together as one people, with a constitution NOT based on the Treaty of Waitangi.!!! It is causing so much racial disharmony. Maori are NOT the indiginous people of N.Z. & I wish with the payments they have received they were helping their own people. They are only some 15% of the population of N.Z. with a very high percentage of them in prisons. We need to move forward, not back. Some claims are so rediculous, like the water & electromagnetic spectrum. Half of our family are of Maori descent, good hard working people of whom we are very proud. It is the radicals who are greedy & seem to have no thought for the future of this beautiful country that we share. Please let sensible people make these decisions, not money hungry radicals. We have much to gain, but so much more to lose if this is done wrong. We are a democracy, let it stay that way, to the benefit of all N.Z. ers.

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

Topics of conversation

- How to make a Submission
- Share your Aspirations
- New Zealand's Constitution
- Bill of Rights Act
- Treaty of Waitangi

- [Māori Representation](#)

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- [Electoral Matters](#)

-
- [External Links](#)

-
- [Bibliography](#)

- [Glossary](#)

- **Topics of conversation**

- [Share your Aspirations](#)
- [New Zealand's Constitution](#)
- [Bill of Rights Act](#)
- [Treaty of Waitangi](#)
- [Māori Representation](#)
- [Electoral Matters](#)

- **Overview**

- [Resources](#)
- [How to make a submission](#)
- [Latest News](#)
- [Events](#)
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1208

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 12:39 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Katrina Friend Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Tauranga Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: I fail to see why there is such a push based on race?
At what point do we look to the future and say we are 'one people' and strive for unity. Of course there
were injustice's however as long as we look to the past we compromise our future.

Sent on the 9 June 2013 at 12:38

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 12:57 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

2002

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

Full Names: Nicola Honor Frittmann Organisation Name: Email:
n Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: I would like to see an end to all race-based
privilege - if Pakeha were privileged for so long, it's come too far back the other way now, and two
wrongs don't make a right. I think the Treaty should be abolished, as it has a bi-cultural focus when
we are
a multi-cultural society, and it applies to an outdated period in history. It has historic importance, but
that's all. Let it be talked about in schools for history's sake, but no longer should it be prominent in
the running of this country. I would like to
see disabled people taking part in the running of this country (Mojo Mathers in Parliament is a good
start), and also being asked what they need, instead of being assessed officially and their needs
being classified on this assessment. I would like WINZ to
re-work their benefit system. For too long, the Invalid's Benefit (which should be re-named) has
reduced at the same rate of earnings, while the cost of living has increased dramatically. It is also
crazy that so many disabled people have to re-apply annually
for benefits that apply to a permanent disability.

Sent on the 1 July 2013 at 00:55

2002a.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 2:57 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Nicola Honor Frittmann Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: This is an addition to my earlier submission: I
would like to see New Zealand's third official language, New Zealand Sign Language, receive the
funding and promotion it needs to flourish. I currently do not see NZSL having an equal place with our
other
two official languages in terms of opportunities to learn or in terms of promotion to New Zealanders.
For instance, as a disabled person who wants to learn this language, I can learn Maori for free
through my workplace, but if I learn NZSL, I will have to
pay for it, and money is scarce in our household. This hardly promotes New Zealand Sign Language
equally. Also this language is not as visible in the community as both English and Maori, and I think
this should change.

Sent on the 4 July 2013 at 14:55

Submission to the New Zealand Constitutional Advisory Panel 2013

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

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

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

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

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

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

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

I therefore submit the following recommendations:

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

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

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

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

Richard Frizzell
Nelson
New Zealand

1952



To the Secretariat

I would hope to see more
co operation between political
parties with respect for Justice
care of the Earth for the good of
all New Zealanders, and less
time wasting hickering in
Parliament

Caroline J. Frerup

1653

From: "Christine Frost" <>
To: <constitutionalreview@justice.govt.nz>
Date: 27/06/2013 7:55 a.m.
Subject: CAP Submission

Share your aspirations.

1. What are your aspirations for Aotearoa New Zealand?

One Country / One People / One Nation with everyone equal under the law.

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

Same as now, the present system is working fine : why fix what is not broken !!

New Zealand's Constitution

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

No. I want no change to New Zealand's present constitution. We presently have an unwritten constitution which encompasses legislation as per the Bill of Rights and Constitution Act, which has served our country extremely well for almost 200 years, so why change it ?

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

No. You then place the judiciary to be the 'supreme ruler' and this can be extremely dangerous as the judiciary are political appointments and not voted into Government by the people.

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

Parliament. They have been empowered by the mandate of the people to legislate and govern this country.

The Bill of Rights

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

Yes. There is also the Human Rights Act and Magna Carta.

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

N/A - see above.

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

No.

The present combination of legislations that make up our unwritten constitution have served this country well and by placing one piece of legislation above the other you then place the judiciary to be the 'supreme ruler' - see answer above.

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

Parliament as they have the mandate from the people to legislate and govern the country for the appropriate term of office.

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

N/A - see 1. above.

Treaty of Waitangi

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

One People / One Country.

New Zealand is now very much a 'Multi-Cultural' society therefore continued reference in legislation to Treaty of Waitangi is supporting one race above any other and creating division within society.

As I don't consider we should have a constitution there is, therefore, no place to include the Treaty of Waitangi - if it did so this would lead to serious 'separatism' in our society. Democracy should be based on citizenship not ethnicity. Once all Treaty of Waitangi claims have been fully and finally settled, there is no further place (apart from 'ceremonial') for the Treaty of Waitangi in any legislation, nor reference thereto and the Waitangi Tribunal requires to be disbanded as it has no further place in New Zealand society.

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

No - see above.

Maori Representation

Democracy should be based on citizenship not ethnicity. There is severe division within New Zealand society which could be solved with the eradication of the Maori Electoral Roll and Maori Parliamentary seats - these set precedences of division and derision. Under MMP it has been proven that Maori have a strong presence both in Parliament and at local level without having to resort to having 'Maori Seats' or special 'Maori Votes'. Do you not see how this is causing derision in our society - one race having precedence over another in a multi-cultural society ??

1. How should Maori views be represented in Parliament?

The same as for any other New Zealander, via democratic vote within the General Electorate.

2. How could Maori electoral participation be improved?

Every citizen of voting age has the same opportunity to become as involved as they personally choose.

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

The same as for any other New Zealander, via democratic vote within the general local electorate.

Electoral Matters

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

99 : split 66 Electorate and 33 List. No Exceptions.

This is more than sufficient Parliamentarians and cost, to govern a country of approx. 4.5million citizens.

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

4 years.

This allows a Government to actually achieve their mandate. Presently the first year is settling in and sorting out what they have inherited, the second year produces legislation and mandate as given by the voters at the election and the third year is electioneering; hence a four year term would give Parliament an additional year to fulfill their commitment to the voters who put them into Government.

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

A set date each election year - this provides certainty for the Parliament and the voters.

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

Leave it as it is, it seems to work !

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

If elected to Parliament on a 'party list' under MMP then the member should resign from Parliament altogether as they no longer have the mandate of the people who put them into Government by giving that particular 'party' their vote which has eventuated in that MP having been appointed to Parliament by the party on whose list they were ranked.

If an 'electoral MP' resigns from their party there would have to be a by-election as they have therefore cancelled their contract with their electorate constituents. However as by-elections are expensive, it should be at the expense of the 'renegade' MP, or party, not the Tax Payer - this would make MPs seriously consider their position from the outset upon entering Parliament.

Other Issues

Do you have any other comments or suggestions about New Zealand's constitution?

No Constitution - ONE PEOPLE / ONE COUNTRY.

Christine Frost

TAURANGA ,

Tel:

From: Froude <
To: <constitutionalreview@justice.govt.nz>
Date: 5/08/2013 10:16 a.m.
Subject: Submission

4585

To the Constitutional Review Committee

I wish to submit the following

A] The Constitution of NZ should be a single written document enshrined in law which clearly sets out the obligations and rights of all New Zealand Citizens

B] The Constitutional Document should provide the ultimate guide to the organisation of Government and the workings of Parliament and should not be able to be changed or altered at the whim of Parliament .

Like other countries documents the mechanism for changing the Constitution must be clearly set out so that all Citizens have confidence in it

C] Because all Parliamentarians tend to be self serving, I consider that the interpretation of the Constitution must remain firmly in the hands of the Supreme Court Judges with a decision by a majority of those Judges and in the event of a decision not being arrived at then the parties attempting an interpretation must return to arbitration

D] Where a referendum is called for, the Government of the day must be bound to act upon it provided that it meets the conditions laid down in the Constitution relating to the submission of such documents

E] While the Parliamentarians are keen to extend their term of office, this must not happen until the country has a written Constitution to protect the citizens rights and democratic freedoms

My reason for suggesting a written Constitution stems from the fact that New Zealand has no real checks or balances given that we have no Upper House , several MP's elected on Racial grounds, and a significant number of MP's not elected by the Public but entering Parliament by virtue of the Party Lists and hence owe their loyalty to the Party and not to the electorate who pays their salary

Over the years I have travelled extensively and have always been impressed by the way in which a written Constitution binds people together and controls their elected representatives . I consider too that the public have great faith in the power of a written Constitution and this in turn makes for a true Democracy

Submitter
Stuart Anthony Froude

Paraparaumu Beach NZ

Phone

2349

From: "Chris"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 8:12 p.m.
Subject: CAP Submission

The time has come to abolish Maori seats in Parliament.

We are one nation of multiple races and are all 'Kiwis', so our parliament should be made up of people all elected by the same process with no special privilege or guaranteed seats for anyone.

Race-based representation has no place in a modern society - our democratic rights should be based on citizenship not race.

Regards

Chris Fryer

3770

From: Carole Fuhrmann ·
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 4:59 p.m.
Subject: CAP Submission

Maori seats should be abolished - we will always struggle to be one nation whilst we have separation in parliamentary seats. It is a nonsense and is racist (in reverse). Maori are so over-represented in everything we are becoming an apartheid nation. Anything achieved in this Nation should be on a level playing field.

4076

From: Gael Fulton
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 5:17 p.m.
Subject: CAP submission

I wish to submit my opinion that there be:

NO CHANGE TO OUR UNWRITTEN CONSTITUTION

Yours faithfully
Joseph & Gael Fulton

2316

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 5:26 p.m.
Subject: CAP Submission

ABOLISH

1638

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 5:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Keith and Janet Furniss Organisation Name: Not applicable Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Dunedin Postal Region: Otago Postal Post Code: Postal Country: New
Zealand Submission: The membership of the Advisory Panel should have been representative of
the country as a whole. It appears that it has been selected on racial grounds, and as selection on the
basis of race is unlawful under current legislation, the six Maori members should
decide among themselves which two will represent their minority and the other four should resign,
leaving an opening for further members from the Asian and other minorities and the European
majority, which latter is heavily discriminated against.

The Constitution should remain unwritten, allowing flexibility and future development.

New Zealand should remain a constitutional monarchy, with the Queen or her successor as Head of
State and a short term, appointed Governor General with no executive powers, acting to represent
her.

Any changes to the Constitution should be decided by a public referendum in which at least 70% of
the total number eligible to vote must vote for change before the change can be enacted. 70% of
those who actually vote would not be enough.

The Treaty of Waitangi was enacted when New Zealand was a colony and when Dominion status and
independence was granted, the Treaty became null and void. It is of historical interest only and has
no place in a modern democratic country. To make it part of a
written constitution is unacceptable and racist. Any reference to it should be deleted from all current
laws and statutes.

The Waitangi Tribunal was established to determine compensation for historical injustices, and once
these have been accepted in full and final settlement, the Tribunal should be disbanded. However,
since this process is dragging on interminably, before any
further payments are made, Maori should set a time limit by which they will settle.

All questions regarding race, should be deleted from the census forms and made illegal on any other
information gathering devices.

The Maori roll should be abolished, along with Maori seats in Parliament and Local Government. New
Zealand citizens should be identified as such and not by their race, which in many cases is of doubtful
veracity. Citizenship is a matter of public record and

gives no person greater rights than any other before the law.

Parliament should stay the same size, and the way electorates are calculated remain the same. However, the length of the term could be increased to four years to give Governments time to establish themselves as competent or not. With a term of four years, it is unlikely that any Government would earn a third term, reducing the probable longest governing period from nine to eight years. At the close of a term, the governing Party should retain the right to choose the date of the election.

No Party should be allocated List Seats unless they have at least one electorate seat.

Should any special group request additional services for themselves, they should be paid for from that group's own resources and not be reliant on taxpayer funding.

Sent on the 26 June 2013 at 17:27

2200

From: Chris Furse
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 3/07/2013 12:28 p.m.
Subject: CAP Submission

Abolish the Maori seats!!!!

We all now know that the Maori were not the first people here so it is time that they were not given special treatment. We should all be treated as one with the same rights and privileges

Stop feeding the Maoris billions of dollars for nothing!

Chris Furse & Roy Buckley

Waiuku

Submission to the New Zealand Constitutional Advisory Panel 2013

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

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

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

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

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

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

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

I therefore submit the following recommendations:

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

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

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

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

Alexandra Fusco
Dunedin
New Zealand

4776''

From: William Fussey
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:31 p.m.
Subject: CAP submission
Attachments: submission constitution.docx

Please find attached

Submission to the New Zealand Constitutional Advisory Panel

Written or unwritten?

Whilst I acknowledge that the benefits of having a written constitution contained in a single document include making it easier to educate people about the existence of our constitution, potentially improving national unity and improving accessibility I believe the advantages of continuing with an unwritten constitution outweighs the negatives. What is great about our current constitutional arrangements is its flexibility. Essentially it allows the constitution to adapt in line with changing social realities and prevents us being encumbered with a document that constrains us or that due to its rigidity could be relegated in the minds of some to that of a historical anachronism that we still have to pay homage to – this is the problem afflicting the US constitution. I do not see it as a problem that only the UK and Israel share our lack of a written constitution; our flexible arrangements should rather be seen as a strength. I would not be averse to a document that links to all the relevant constitutional legislation along with a comment that the constitution also includes much more, such as our well-developed constitutional conventions. However this would be purely as an educative device that would engender a more full engagement of New Zealanders with our constitutional arrangements.

Legal status of the constitution: supreme law and parliament or the courts?

The main consequence of making the constitution supreme law is that it would allow the courts to strike down any legislation inconsistent with the constitution. This has both positives and negatives. The main positive is that it is a safeguard that prevents a future parliament from making law that abrogates from our constitution. The judiciary would have the experience and the education to be able to perform their task wisely as our top judges do now in their decision-making. The negatives include the worry that this would lead to high levels of politicisation of the judiciary and that it cuts to the core of parliamentary supremacy – a doctrine that reflects the fact that the people vote in parliament and rely on them to make responsible decisions. The trouble with relying on parliament to get things right is that some of our parliamentarians may have limited understanding of the issues as their only qualification for the job may be that they were voted in in a safe seat for their party where anyone with those colours would get the vote, or indeed that the public voted for the party and the party leaders had given them a winnable list position for no reason other than the fact they have been a sycophant to their party bosses. In other words trusting some of these parliamentarians over a judiciary who have had to demonstrate quality legal knowledge and application over their career could be questionable. Also, parliamentarians make decisions based on a number of things including appealing to certain sectors of the community they believe will enable them to remain in power at the next election whereas the judiciary could be expected to act in a more neutral way. Conversely many of the public don't trust the judiciary as they are often seen as middle class white men in an ivory tower that no-one has voted for who don't represent our diverse population and are out of touch with reality. However as soon as you allow politicians to make the ultimate decisions, such as how they can still pass human rights inconsistent legislation despite it having received a s 7 report from the Attorney-General, the constitution could be perceived as being devalued.

Ultimately, I consider making our constitution supreme law to be a step too far due to some of the concerns I have outlined above. However I am of the view that the legal status of our current constitutional arrangements should be strengthened. For me this involves doubly entrenching what is currently singly entrenched and also potentially entrenching the Bill of Rights Act 1990 (BORA). Whilst I have these beliefs I recognise that doing so will in reality change little. This is because although BORA can currently be repealed or amended by a simple majority and our singly entrenched provisions can be repealed with a simple majority, doing so would be so politically unpalatable that no government in its right mind would consider doing so. However, it certainly does not hurt to put these changes beyond the simple majority of an unscrupulous parliament and ensure any changes can only be done with a super-majority of 75% or a majority of the voters in a referendum.

As someone engaged in the Empower NZ submission, one of the interesting ideas that arose was the possibility of creating a constitutional commission. This would effectively be a quasi-judicial body that could have the ability to declare legislation inconsistent with the constitution and therefore invalid, takeover the Attorney General's current s7 BORA duties, be involved in judiciary appointments and contribute to civics education re the constitution. If preferred, instead of being able to invalidate legislation for its inconsistencies with the constitution they could instead be required to make a deferred invalidation and remit it back to parliament who would have the choice of reaffirming the legislation with a 75% majority or amending the statute to make it more consistent with the constitution, which would only require a normal majority. If the commission is a viable alternative there is also the difficulty of deciding how to structure any such commission with possibilities including requiring 75% of parliament to agree to the members (in a search for political neutrality) with representatives from parliament, the law society and constitutional experts largely making up the board. The advantage of such a commission would be that as it would focus purely on the constitution there may be greater room for in-depth analysis, co-ordinated responses and an interface with government. However, whether the cost of setting up such a body could be justified for what might only be minimal gains on the constitutional front is another matter entirely.

Bill of Rights Act (BORA):

BORA is of fundamental constitutional significance as it defines the rights of people in New Zealand. That everyone has certain rights is surely uncontroversial. However the legal status of the BORA and the rights contained within the Act, as well as how the Act operates in law are not easy questions.

I support entrenching the BORA because even though I don't believe subsequent governments will weaken the BORA I do believe the potential safeguard (and its symbolic effect) is of vital importance. My choice would be for it to doubly entrench the rights already enshrined. It is more problematic for me as to what the requirements should be for adding rights to the BORA. If, for example, social and economic rights were added to the BORA I would be against those having any entrenchment as I am against including them in any BORA at all. However if rights were able to be added but couldn't achieve the same entrenchment level as the original rights, advocates of those rights would be upset that they would be classified as subordinate or second tier rights. Perhaps if BORA in its current form were doubly entrenched as a whole this would be good because it would require a parliamentary support of 75% to add additional rights and thus if such a super-majority were to accept that right

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then allowing the new right to be doubly entrenched automatically, by virtue of it being part of a doubly entrenched BORA, would be sensible. I do envisage one problem with such a scenario and that is, as society changes new rights that were never previously imagined will come to the forefront as something that should be contained within BORA. However, with a 75% majority requirement, adding the right would be more difficult and hence there may be situations where rights are not added which should be, due to the onerous super-majority requirement.

I personally do not see a problem with having so-called second tier rights. These rights could be limited to being those which are positive rights rather than negative rights. Or negative rights that as yet are only able to garner a 50% majority rather than a 75% majority. When I refer to negative rights I mean those rights which impose duties on others to leave people alone and let them do the things important to them. I place great emphasis on not violating the negative rights of other people as these hold great normative weight. The positive rights I refer to are those that confer some benefit on other people such as a right to an education. Positive rights less obviously correlate to identifiable duties for others and violating them is often seen as preferable to violating a person's negative rights.

Social and economic rights are too problematic. Defining what upholding social and economic rights means is difficult and could lead to increased unnecessary litigation. Also, a democratic constitution does not protect every right and interest that should be protected in a decent or just society. Ordinary politics in NZ can be trusted; and so there is no need for constitutional protection. Also, adding social and economic rights would have the court intervening too much on the policy prescription of a government. Surely it is not a good idea to have the courts oversee the budget and point out that they think not enough money is being spent in welfare for example. It is up to the government of the day to balance their spending decisions. It would also undermine democratic deliberation on crucial issues if governments are told the kinds of welfare and employment programs they need to implement.

A right to privacy would be one I would consider adding. In the age of the internet and in the light of recent development such as the UK proposal to introduce ISP filtering for pornography and the GCSB Bill in New Zealand which attempts to strike the right balance between the privacy of New Zealanders and the right for the State to collect information. I strongly believe private citizens should not be subject to 'big brother' watching one's every move but I also recognise that this shouldn't be a blanket right without the concomitant responsibility not to engage in any illegal activity. Perhaps the addition of any such right should make clear that in certain situations, when a high threshold is met, it might be appropriate to loosen the privacy right for certain individuals who are highly likely to be engaging in illegal behaviour. However that is perhaps already provided for in section 5 which states that "subject to section 4, 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".

Enshrining property rights in the constitution is also a good idea which prevents the government as being seen as the final arbiter of property, able to dispose of a person's bundle of rights at their whim. Whilst the concern of the State overriding an individual's bundle of rights in relation to property is not one that appears particularly pressing currently, the purpose of the constitution is to

present what is important to the citizens and so a statement that rejects any idea of the State retaining ownership could be a welcome one.

The protections currently around s 7 of the BORA appear to be too weak. A section 7 report can be left languishing if parliament so decides and additionally supplementary order papers can be used to circumvent anything a section 7 report might find distasteful. This is concerning and must be addressed by strengthening the powers of the Attorney General or by giving the role to another body like a constitutional commission as some previous Attorney Generals may have passed off BORA inconsistent legislation as rights consistent due to political pressure from their party.

Finally, I believe that courts should have the power to strike down legislation which is an egregious breach of the BORA. Giving courts this power allows them to be a safeguard on an unscrupulous future parliament which passes legislation that is a manifestly unjust breach of citizens' rights. Alternatively they could be given deferred invalidation powers as discussed above in the context of the constitutional commission reacting to potentially constitution inconsistent legislation.

Treaty of Waitangi

The Treaty of Waitangi is a vastly important document in the history of New Zealand. The relationship between Maori and the Crown is an important one which has culminated in the Treaty settlement process and over 30 pieces of legislation that must pay regard to or take account of the principles of the Treaty of Waitangi. Whilst some complain that these principles are nebulous their elucidation in the Lands case by Cooke and Richardson can deflect such criticism.

The question is: how to move forward as a nation? Should the treaty in its English form, its Maori form or an expression of the principles be included in our constitution or should the treaty be left as an important document sitting outside our constitution but still having an effect on some of the laws of NZ?

My belief is the latter. The many arguments surrounding the differing interpretations of the treaty based on the two versions and the fact that including the principles in the constitution would be divisive persuades me that it would be better to look forward and not backwards. It would not be helpful to make every piece of legislation go through a process determining its consistency with the Treaty when what is really desirable is New Zealanders to be one people, hampered less by the arguments of the past. Maori culture and autonomy over their own lands is desirable but its permeation into the fabric of everyday New Zealand decision making would slow down legislation for what would sometimes be spurious reasons.

The historical treaty process is moving towards a conclusion and this is perhaps symbolic of the fact we are moving forward as a nation that has accepted its colonial past and the legitimate grievances of Maori. However there comes a point when re-litigating the past and constantly harkening back to 170 years ago is undesirable. Maori and the Crown should continue the relationship they have in its current form and the relationship should be characterised by mana and respect but the current constitutional arrangements in relation to the Treaty are sufficient.

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Enshrining property rights in the constitution is also a good idea which prevents the government as being seen as the final arbiter of property, able to dispose of a person's bundle of rights at their whim. Whilst the concern of the State overriding an individual's bundle of rights in relation to property is not one that appears particularly pressing currently, the purpose of the constitution is to

present what is important to the citizens and so a statement that rejects any idea of the State retaining ownership could be a welcome one.

The protections currently around s 7 of the BORA appear to be too weak. A section 7 report can be left languishing if parliament so decides and additionally supplementary order papers can be used to circumvent anything a section 7 report might find distasteful. This is concerning and must be addressed by strengthening the powers of the Attorney General or by giving the role to another body like a constitutional commission as some previous Attorney Generals may have passed off BORA inconsistent legislation as rights consistent due to political pressure from their party.

Finally, I believe that courts should have the power to strike down legislation which is an egregious breach of the BORA. Giving courts this power allows them to be a safeguard on an unscrupulous future parliament which passes legislation that is a manifestly unjust breach of citizens' rights. Alternatively they could be given deferred invalidation powers as discussed above in the context of the constitutional commission reacting to potentially constitution inconsistent legislation.

Treaty of Waitangi

The Treaty of Waitangi is a vastly important document in the history of New Zealand. The relationship between Maori and the Crown is an important one which has culminated in the Treaty settlement process and over 30 pieces of legislation that must pay regard to or take account of the principles of the Treaty of Waitangi. Whilst some complain that these principles are nebulous their elucidation in the Lands case by Cooke and Richardson can deflect such criticism.

The question is: how to move forward as a nation? Should the treaty in its English form, its Maori form or an expression of the principles be included in our constitution or should the treaty be left as an important document sitting outside our constitution but still having an effect on some of the laws of NZ?

My belief is the latter. The many arguments surrounding the differing interpretations of the treaty based on the two versions and the fact that including the principles in the constitution would be divisive persuades me that it would be better to look forward and not backwards. It would not be helpful to make every piece of legislation go through a process determining its consistency with the Treaty when what is really desirable is New Zealanders to be one people, hampered less by the arguments of the past. Maori culture and autonomy over their own lands is desirable but its permeation into the fabric of everyday New Zealand decision making would slow down legislation for what would sometimes be spurious reasons.

The historical treaty process is moving towards a conclusion and this is perhaps symbolic of the fact we are moving forward as a nation that has accepted its colonial past and the legitimate grievances of Maori. However there comes a point when re-litigating the past and constantly harkening back to 170 years ago is undesirable. Maori and the Crown should continue the relationship they have in its current form and the relationship should be characterised by mana and respect but the current constitutional arrangements in relation to the Treaty are sufficient.

Maori Representation

It is my view that it is desirable for the Maori seats to be eventually abolished. Under the First Past the Post system there was a good argument to retain them as it was much harder for Maori to win seats. This is because the only people who would be MPs would be those who won their electorate seat. Hence without Maori seats Maori people wishing to express their solidarity with their own people would have problems garnering a majority. In other words it would not be hard for a general election to go by and no-one of Maori heritage win a seat. Conversely however, it is likely that some Maori would have won seats as there are many talented Maori who the general population of New Zealanders in an electorate would vote in, usually because the candidate had transcended purely going after Maori voters, instead expressing views in tune with the whole electorate. However, there was at least a strong argument for Maori seats in a First Past the Post context.

Under an MMP environment I see no need for Maori seats. An MMP parliament is one that proportionately represents the wishes of the voters, therefore parties such as the Maori Party and Mana are able to push to get 5% of the vote (I support a 2.5% threshold as I explained in my MMP submission – in the Maori Representation context this would increase the chances of Maori based parties getting seats). Not only that but more importantly party lists are now highly diverse such that the approximate proportion of Maori MPs is actually higher than the approximate proportion of Maoris in the general population. Having additional Maori seats almost advantages Maori too far that it borders on discrimination.

The original Maori seats were important because they recognised the difference between Maori who collectively owned property and non-Maori who owned property privately. It allowed Maori access to democracy in a way that was right. But now these wrongs have been corrected it seems silly to allow an advantage that goes beyond what is proportionate. It is true that Maori founded New Zealand and it is important to recognise that but it is also important that in the current context where wrongs have been corrected that we don't go too far and disenfranchise non-Maori particularly of lower socio-economic status. The fact that seats can be added by encouraging more people to the Maori roll is another example of things going too far.

I think it is also important to define in law who is a Maori. I'm not sure that it is appropriate to say that a person is a Maori simply because they self-determine as a Maori. I believe there must be a minimum amount of Maori blood to qualify as a Maori, whatever amount that may be.

I don't know enough about local government to make a fully informed comment beyond the fact I would not support separate Maori wards because I believe if Maori candidates are good enough they will win seats anyway.

Electoral Matters

The current size of parliament and the way of deciding size and number etc. of electorates seems appropriate.

I support a 4 year term. This is because I feel that 3 years is too short to advance proper detailed

policy. The first year can often be a bedding in stage and the final year is too geared up to making decisions to appease the electorate. A 4 year term should enhance decision-making and put us more in line with other jurisdictions.

I do not support an Upper House as I believe it would stymie the progress of legislation too easily. Other safeguards would be preferable.

In general I support a neutral body fixing the election date rather than giving the advantage to the incumbent Prime Minister. This should be at the same point in the election cycle each term with the proviso that this can be changed any term if it would be of manifest inconvenience. Of course if the government loses the confidence of the House then an early election would be called.

I agree with the Empower NZ submission on changes to urgency. I quote the next bit in entirety from there:

“Currently, Standing Order 54(3) only requires that a Minister “inform the House with some particularity why the motion is being moved”. One option would be to follow the recommendations of Chen Palmer and the Urgency Project. This would mean that the House would have to agree that the Select Committee stage could be omitted and also that urgency would be reserved for situations where there are genuine reasons for expediting the passage of a law:

- To minimise the potential for speculative behaviour from market participants that might follow the announcement of a change to fiscal policy;
- To respond to an unexpected event such as a civil emergency, an economic crisis, the failure of a financial institution or an unexpected court decision;
- To correct a pressing anomaly, oversight or uncertainty in existing legislation; and
- To comply with a deadline created by, for example, a forthcoming event. (Geiringer, Higbee and McLeay (2011). What’s the Hurry? Urgency in the New Zealand Legislative Process, 1987-2010, p144. Wellington: Victoria University Press).

In particular, we felt that where the Attorney-General reports a bill is inconsistent with the BORA under s7, then urgency should not be available, due to the importance of thorough legislative debate on that inconsistency.”

In terms of electoral integrity I believe electorate MPs should stay in parliament even if they leave the party as they have been elected by the population, rather than indirectly through the party as list MPs have been.

Regarding List MPs there are two views – one is that the MP is only there because their party bosses gave them a winnable list position therefore if a List MP wishes to leave the party he must leave parliament as he does not have a mandate to stay. The other is that allowing party bosses to kick MPs out of parliament if they decided to leave the party would give too much power to the party

bosses and would stymie back bench list MPs from ever disagreeing with the party hierarchy. I tend towards the former view as I see the responsibility of a List MP to be beholden to the party more than beholden to the general public due to the way he or she has been indirectly elected. It also allows for proportionality to be upheld in the way that it was voted for at the election.

New Zealand should also look towards online voting in the future to encourage greater civic participation.

Issues potentially outside those of the terms of reference:

Republic or Monarchy:

If I were to vote now I would vote in favour of retaining the monarchy as I like the symbolism of the ties to Britain even if it has no real practical effect. However I am reasonably apathetic to this particular debate and recognise that moving towards a republic is both inevitable and ultimately desirable as it gives New Zealanders a chance to feel greater ownership over their own country. As to who would replace the governor-general it would probably be a presidential figure that is voted for at the same time as a general election.

Environment:

I think it is important the environment get some recognition in our constitution even as an aspirational statement. I don't support something as strong as the French Charter but if there is to be any sort of codified constitution, the inclusion of certain principles of environmental law in at least an aspirational way, such as the promotion of the precautionary principle, is necessary. The environment is something all present and future generations have a stake in so to ignore it would be unfortunate.

Education:

I support New Zealanders having a greater civics education at both primary and secondary school level as it is currently very limited. It is important for New Zealanders to understand that we have a constitution and what it means. Engagement in the democratic process is something to be encouraged. Civics should be an explicit and compulsory part of the NZ curriculum and teachers equipped to deliver the syllabus.

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