

1415

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 2:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Trevor & Sandra Gately Organisation Name: N/A Email Address:
Phone: Postal AddressA: Postal
AddressB: Postal City: Nelson Postal Region: Nelson Postal Post Code:
Postal Country: New Zealand Submission: We make this submission with a high degree of
cynicism for the manner in which this review is being conducted - the fact that it is being fronted and
manipulated by New Zealanders of maori descent (lets face it, there are no Maori in New Zealand
anymore)
and that the whole exercise appears to be heading towards an already pre-determined outcome -
namely, apartheid. What an absolutely horrific future, for what could, and should be, a wonderful
country. Unfortunately it is being ruined by greedy New Zealanders
of maori descent, who are determined to entrench a completely unacceptable, and untrue belief of
still being mistreated. The reality, as we all know, is the complete opposite.

The only way forward for our country is for all New Zealanders to regard themselves, first and
foremost, as New Zealanders - while at the same time accepting, or acknowledging their ancestry, in
which ever way they see fit - but not to the extreme where their
heritage gives them special privilege or power.

We oppose any laws which establish or promote racial distinction or division. There should be one law
for everyone. In the first instance we do not believe that we should have a written constitution - you
only have to look at America to see the folly of having
a written constitution.

If the final decision is to have a written constitution, we reject any reference to the Treay of Waitangi
or it's (supposed) principles.

We ask that such references are removed from all existing legislation.

We ask that race-based Parliamentary seats be abolished.

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

We ask that the Waitangi Tribunal, which has outlived it's usefulness, and has just become a gravy
train for those involved, be abolished.

In summary, we want to live in a country where we are all treated equally, regardless of age, gender,

and most particularly, race. We are all New Zealanders - let's accept and celebrate that.

Sent on the 18 June 2013 at 14:06

2425

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

Maori seats should be abolished as unnecessary today. They were first established to ensure maori representation at a time when that was considered unlikely through the electoral process. Today, however, there are many maori MPs either elected or as list members. Indeed, there is no bar to all members being maori if they were 100% successful in elections. Therefore the 'need' for maori seats, or a maori electoral roll is neither necessary, nor likely to see New Zealanders ever being perceived as 'one people' as is the population of almost every other country with a mixed ethnic populace.

If maori seats are retained, there should be proportional numbers of european, asian, pacific, arab, latino and african seats established - then we could really be seen as totally ridiculous

Alan Gautier

2577

From: "Lynette Gautier"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 3:24 p.m.
Subject: CAP Submission

There is no need at all for separate Maori seats as all Maori in New Zealand are protected by the laws of the land, along with all other New Zealanders, with preferences in some cases such as, Maori seats.

I can't see how that system has been of any benefit to Maori and certainly none to the rest of the community which has been obliged to foot the extra costs.

The way the system works at present is divisive as Maori are fully capable of being either elected on their merits or gaining through the list; some already have. The present situation gives them a very unfair advantage.

Lynette Gautier

2527

From: "Gav"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 11:05 a.m.
Subject: CAP Submission

To Whom It May Concern:

My submission re: Maori seats and the Maori Electoral Option,

I am firmly of the opinion that the Maori seats and Electoral Option should be abolished. I believe that this amounts to nothing more than segregation of a country by race, and by definition it is clearly evident that this is racist and does absolutely nothing for New Zealand as a country, or as politicians would have us believe, as a (1) people. How can a country that is divided by race be classified as one people? It cannot! By segregating a country by race and enforcing that segregation with a separate economy, health, TV, radio, power etc etc, what the National Government and its supporters are saying is, we are two people and this is the message portrayed to the world.

Historically the crown has broken many of its own laws by confiscating land that was legally owned by Maori. As the crown represented the Queen when it broke these laws, I am of the opinion that New Zealanders should not be burdened with the bill of reparation but, any compensation should come directly from the Queen with an apology. As for segregated seats national or local that are supposedly reflective of a democratic system; it obviously is not democratic when the seats are forcibly entrenched by those with an agenda that is contrary to a One Country One People ideology. Isn't this ideology the basis of the law in this country and every other so called democratic system across the globe?

Sincerely

Gavriel

The Constitutional Advisory Panel wants to hear
your views on the future of the Maori Seats:

MĀORI SEATS

- ☐ ABOLISHED?
- ☐ RETAINED?
- ☐ ENTRENCHED?

Those seeking to entrench the Maori seats
have already made their submissions.

HAVE YOU?

Send your submission to:
constitutionalreview@justice.govt.nz

155

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 5:26 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan Wallace Gawith Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Northland Postal Post Code: Postal Country: New
Zealand Submission: The NZ Constitution works well and shouldn't be replaced. The version of the
Treaty on which the proposals are based is not historically correct - it is a poorly translated English
version of the originally signed Maori version whereby Maori simply agreed
to sovereignty being vested in the British Crown in return for all the rights and protections of British
citizens. There was no suggestion of partnership or other form of co-governance!

Sent on the 9 April 2013 at 17:25

155a

From:
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 3/07/2013 7:40 p.m.
Subject: CAP Submission

The Maori electorates are an historical anachronism and should be abolished. They were introduced as a short term measure to enfranchise Maori men when individual landholding was a requirement for eligibility. With the general franchise for all NZ citizens over 18 years of age regardless of ethnicity or beliefs, there is absolutely NO justification for race-based seats.

Alan W Gawith

2248.

From: "Arthur and Gillian Gay" ·
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:05 p.m.
Subject: CAP Submission

Abolish the Maori Seats. There should be no ethnic seats. The Treaty of Waitangi is an abomination and should be deleted from all legislation.

3535

From: "Arthur Gay"
To: <constitutionalreview@justice.govt.nz>
Date: 12/07/2013 1:22 p.m.
Subject: CAP Submission

I am opposed to any reference to The Treaty of Waitangi in any proposed constitutional document and would ask that any such reference be removed from all existing legislation.

I am opposed also to race-based representation in Parliament and local government bodies.

Constitution Conversation . 3042' /

Initially I approached this exercise with a great deal of enthusiasm. After all having the opportunity to have input into what is the most important document a country can have is a privilege that is at the top of the list and it is a fundamental part of democracy. Unfortunately, the more I read about the process and the people involved on the Review Panel the more concerned I have become. The reality is that it is not a consultative process; it is an invitation to take part in a conversation with absolutely no commitment to take the slightest bit of notice of what the submitters say. It is all a massive con job that arose out of a necessary process created by MMP. Given that Maori occupy a ridiculously small % of our total population why is the Review Panel so heavily stacked with people who have spent a lifetime working towards gaining everything they can for Maori? That includes material things such as land, money and services and possibly more importantly the cementing of the position of Maori as controllers of much of what will happen in New Zealand. It will happen if we have a written constitution that sees Maori as Tangata Whenua and the Treaty of Waitangi as a founding document.

What is the Treaty of Waitangi?

Firstly, in any discussion about this so called Treaty we need to be clear about context. Are we talking about an 1840 treaty or a treaty and its place in 2013? They are both very different worlds.

In 2013 terms the treaty is not a treaty at all – It has no standing in domestic law and is not recognised internationally.

In today's terms it would be called a memorandum of understanding.

The treaty itself was signed by Maori and the British crown. There were no New Zealanders just a collection of "settlers and none of those were consulted or signed it. The treaty gave Maori all the rights and privileges of British subjects and in fact they became British. In return Maori gave the British crown sovereignty which was vested in the queen. Maori wanted the treaty because it offered the opportunity to stop the lawlessness of settlers and to control the increasing slaughter of Maori by Maori as they became increasingly armed with fire arms. They also wanted a process of land tenure and sale. Much has been said about treasures. In 1840 what was the concept of treasures"? Likewise what was the concept of land ownership and indeed what did land" mean? Who actually owned what?

There are lots of questions about what the so called treaty meant then and now. Which version of the treaty is the right one and because there are so many differences they can't all be correct. Did both signatories understand the

interpretation of the other? Were the Maori signatories really the first people in New Zealand? There has been doubt about that for many years and the body of evidence supporting the fact that they weren't is growing.

Over the years Maori have been given very considerable amounts of tax payer money. Usually this happened because non- Maori were told that Maori occupied a special position and that they had been seriously wronged and disadvantaged by Europeans. We have often been told that had we not colonised New Zealand the Maori would have progressed and been significantly better off than they are now. Maori society changed very little from the time they arrived until the first Europeans visited this country. Socially there were very few changes and technically it is hard to find any advances over hundreds of years. What they did was to become much better at fighting. Basically, if your neighbour had something you wanted you went and took it if you were strong enough. This often led to a succession of feuds and UTU.

All of the things I have raised are issues that are difficult if not impossible to clarify and the point I want to make is that the Treaty of Waitangi has not, is not and never will be a document on which to form a base and to be part of a national constitution. Look at the media- listen to Maori themselves talking. They don't ever refer to themselves as New Zealanders, always as Maori. They are separate from non-Maori. They have long sought separate development and through their actions they have divided New Zealand. There are very few if any full blooded Maori. The vast majority have mixed parentage. It is interesting that a few years ago we often talked about New Zealand being a Bi cultural country. I haven't heard that term for a long time- we are very much multi cultural. The idea of giving Maori special rights and privileges under these circumstances is nonsense. How can a nation be founded and given a way forward when the so called treaty and the events surrounding it are based on so much uncertainty. If Maori think that the colonists treated them badly have they ever considered compensating each other for the terrible conquests slaughter, slavery, cannibalism and torture and so on and so on that they inflicted on each other. What about the treatment of the Maories on the Chathams?

If they did these things to each other is that O K? and it only becomes worthy of compensation if non Maori wrong Maori.

Part of being a British Subject{in this case a New Zealander} is to not only to accept the good bits but it carries with it important responsibilities. For generations Maori have blamed the rest of us for what is wrong in Maoridum. We have gone along with this and given in with programme after programme, concession after concession and thousands of millions of taxpayer dollars. Statistically it is difficult to see the effectiveness of this approach. In my view Maori haven't progressed by looking back and they should do as most developed societies have done and accept the challenge with the future in mind. Handouts rarely fix anything in the long term.

Maori face enormous problems - health, education, employment, Justice and housing. Including the treaty in a constitution isn't going to fix any of that. In reality what have the Maori seats done after all the years of their existence? Special representation in local government does little except provide a lucrative soft job for the chosen few. Not only is it ineffective it is undemocratic. In today's global uncertainty any weakening of democracy is a dangerous path to go down. How many New Zealanders have fought to save democracy and to help establish democracy in those countries that don't have it. It's ironic that sections of New Zealand society want to give special rights and privileges to a small group based on the colour of their skin and at the expense of the rest of us and to the detriment of the democratic process,

I am firmly against –

A written constitution

Any reference to the treaty of Waitangi in any form of constitution

Maori seat in Parliament

Maori representation in local Government as of right

D.S. Gay

24/7/13

Blenheim

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.

Corinne Gazull
Gesté
France

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Yared Gebrewubet
Palmerston North
New Zealand

153

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 4:35 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Patrick Geddes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: This is a complex and potentially divisive project, but one which I think is worthwhile and probably necessary, even if there is little political appetite at present to implement any constitutional changes. Although NZ does have a robust constitution, albeit an unwritten one, or rather one which is split across a number of pieces of legislation and court decisions, I think there is little understanding among NZers of how our 'constitution' functions in practice and I think this situation is probably untenable in the long term. I think it is important that people become more constitutionally aware. The benefit of having a formal written constitution in one place is that it is more easily digested by people. I would hope any future constitutional arrangement would aspire to acknowledge the unique partnership aspirations of the Crown and Maori who signed the Treaty of Waitangi in 1840 but also go beyond this to acknowledge that NZ and its inhabitants are now multicultural in nature and operating in a complex world. I would also hope that any formal changes to current constitutional arrangements are done carefully (learning from past failures and successes) and in a bipartisan manner. Also, I would be against any move to 'entrench' a written constitution for perpetuity i.e there should be the possibility to change constitutional arrangements over time as society evolves. In a nutshell, my submission is that some form of change is appropriate but this should be carefully considered and inclusive in nature.

Sent on the 9 April 2013 at 16:34

4508

From: Claudia Geiringer
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 31/07/2013 10:11 p.m.
Subject: CAP submission
Attachments: Submission to CAP GEIRINGER.docx

Submission to Constitutional Advisory Panel

Professor Claudia Geiringer (Chair in Public Law, VUW School of Law; Director, NZ Centre for Public Law)

This submission supplements my joint submission (with Professor Elizabeth McLeay) on the issue of party hopping. This submission provides (very brief) views on some other issues raised by the constitutional consultation.

The need for an on-going constitutional korero

What this engagement process has illustrated is how difficult it is to engage the public on constitutional issues, and how little public awareness (or, indeed, interest) there is on constitutional matters. To the extent that the engagement process was premised on the idea that constitutional literacy could be built through a one- to two- year engagement strategy, it was, to my mind, fundamentally misconceived.

What is needed is a longer term engagement strategy that begins with civics education in schools. Secondary school children need to be given a language in which to think about constitutional questions. That is the first step to public ownership of the constitution.

Additionally, a permanent independent body ought to be established (and adequately funded) to continue the process of constitutional engagement begun by the Panel. It could be modelled, for example, on the Constitutional Centenary Foundation established in Australia to spearhead constitutional engagement during the 1990s.

The term and size of Parliament

Our Parliament is too small, and its term too short.

With respect to the former, it is often said that New Zealand's select committee system functions, in many respects, as the substitute for an upper house. But that fact tends to be forgotten in public discussions over the size of Parliament.

Our parliamentarians – especially those in smaller parties – are stretched too thin. A number of commentators and senior officials have expressed concern over the last few years that Parliament lacks sufficient legislative capacity (that it does not sit for sufficient hours to get through its legislative agenda). It is difficult to address that issue effectively without increasing the size of Parliament. That is because an extension to Parliament's (plenary) sitting hours inevitably intrudes on other parliamentary functions (such as the work of select committees). An increase in the size of Parliament would relieve some of the pressure on MPs and open up other solutions (such as the introduction of a "Main Committee" system, similar to the one adopted in Australia).

I support an extension to the term of Parliament (to four years) for similar reasons. The three-year term places undesirable pressures on the legislative agenda which, in turn, have detrimental flow-on effects (such as the overuse of urgency motions).

Protection of human rights and the rule of law

Human rights and other key rule of law values are not well enough protected in our constitutional system. In particular, it is too easy for Parliament to override them – in some cases, without careful prior deliberation.

- Need for a dedicated parliamentary committee

A dedicated parliamentary committee to scrutinise legislative proposals that intrude on human rights and the rule of law is urgently needed. Our bill of rights is premised on the idea that it is more legitimate for Parliament (rather than the courts) to take primary responsibility for protecting human rights. That claim is a somewhat empty one in the absence of any formal vehicle to foster human rights debate during the legislative process. Other Commonwealth jurisdictions that have similar statutory human rights charters *do* have dedicated parliamentary committees. Of course the issue of a dedicated parliamentary committee raises the question of legislative capacity addressed above, and would be more viable in a larger Parliament.

- Entrenchment

More generally, I have (somewhat reluctantly) come to the view that, at least in New Zealand's constitutional culture, the statutory human rights model is a failure and entrenchment of the bill of rights is necessary and desirable. Experience over the last few years has shown that in New Zealand, the political sanctions against rights-violating legislation are not strong – especially where the legislation is directed at unpopular minorities such as prisoners.

There are other (less drastic) steps that could be taken, such as the introduction of a judicial power to make non-binding declarations of incompatibility (modelled on the UK Human Rights Act), or a judicial power to strike down legislation except where Parliament includes in the legislation a “notwithstanding clause” (modelled on the Canadian Charter). However, I have reservations about how either of these models would work in New Zealand's political culture. The danger, if mechanisms of this kind are not supported by constitutional convention, is that the stature of human rights protections within the legislative process is diminished rather than enhanced.

The Treaty of Waitangi

The Treaty is undoubtedly our most important constitutional document. From a Pakeha perspective, its particular significance is that it provides a claim to legitimacy for our system of government. The alternative is to accept that our society is founded on nothing more than the subjection of one people by another people. That is an ugly proposition that many New Zealanders would, I believe, be reluctant to accept as the basis for our constitutional system.

Like other constitutional values, I believe that the Treaty of Waitangi is currently not well enough protected in our constitutional system and, in particular, that it is too easy for Parliament to disregard it. Further, lack of resolution of the Treaty's constitutional status serves as a roadblock to other forms of constitutional change. It is hard to imagine, for example, that we could become a republic or move to a written constitution without addressing more satisfactorily the status of the Treaty.

That said, I must admit to some qualms about the idea that the Treaty should itself be entrenched as supreme law – first, because of the uncertainty surrounding its meaning and application to specific policy contexts, and secondly, because it is not clear to me that the New Zealand judiciary is the body best placed to authoritatively interpret its provisions. I am more attracted to the idea that the Treaty should, itself, provide inspiration for a set of constitutional arrangements that better reflect the on-going partnership between Māori and the Crown.

Unfortunately, it seems unlikely that any political consensus is likely to emerge in the near future about the constitutional status of the Treaty. That renders even more imperative the creation of a permanent vehicle to continue the constitutional conversation that has been begun – so that different views on this contentious issue can continue to be aired and debated.

In the meantime, a modest and relatively uncontroversial proposal might be to charge a dedicated parliamentary committee (perhaps the same one responsible for considering human rights and rule of law values) with the responsibility for considering the Treaty of Waitangi implications of legislation.

A republic of New Zealand

The fact that we retain the British monarch as our head of state is an anomaly that is out of place in contemporary New Zealand. Inevitably, New Zealand must become a republic. That said, from a constitutional perspective, there is no particular urgency to the issue. Indeed, in my view, it is important to move slowly and with deliberation.

I am suspicious of the “republicanism light” perspective put forward by some proponents. Careful work is needed to identify and address the implications of removing the concept of “the Crown” from our constitutional system. The work currently being done by Professor Janet McLean and Dame Alison Quentin-Baxter will no doubt advance this issue significantly.

4839

From: Claudia Geiringer
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.g...
Date: 31/07/2013 4:47 p.m.
Subject: Submission from Professors Geiringer and McLeay specifically on "electoral integrity"
Attachments: Submission to CAP GEIRINGER AND MCLEAY.docx

Professor Claudia Geiringer
Chair in Public Law, Victoria University of Wellington Faculty of Law
Director, New Zealand Centre for Public Law
Barrister
Wellington
Phone:
Fax:

Submission to Constitutional Advisory Panel on Party Hopping Legislation

Professor Claudia Geiringer (Chair in Public Law, VUW School of Law; Director, NZ Centre for Public Law)

Professor Elizabeth McLeay (Senior Associate, Institute for Governance and Policy Studies, VUW; and Adjunct Professor of Political Science, VUW)

This submission focuses on the issue of party hopping. This is not because we consider party hopping to be the most important issue identified in the terms of reference; indeed, it is quite possibly the least important. Rather, we focus on the issue for two reasons: first, because we are concerned that it is the issue that is most likely to result in concrete action as a result of your review; and secondly, because we believe that party hopping legislation is a very bad idea.

This is not the occasion for a lengthy dissertation so our reasons below are brief. We would be happy to follow them up with fuller reasons or to discuss the issue with the Panel in person, if or when the occasion warrants it.

We accept, as one must, that where an MP leaves their party during the parliamentary term, this distorts the proportionality of Parliament. At least where other factors are not seen by the public to justify the defection, this has the potential to undermine the credibility of our electoral system. For this reason, electoral integrity legislation has an intuitive appeal. However, there are at least three reasons why it is nevertheless inadvisable:

1. Because party hopping legislation creates more problems than it solves;
2. Because political defections are not a major problem in New Zealand; and
3. Because there are effective political sanctions where they occur.

We develop these three points briefly below. We then conclude by returning to the point about distortion of the proportionality of Parliament, and suggesting that this principle is neither sacrosanct nor immutable under the MMP system.

1. Party hopping legislation creates more problems than it solves

Party hopping legislation responds to the problem of unscrupulous political defections (such as the paradigmatic case of Alamein Kopu in 1997). But it creates at least two problems. The first is a problem of over-breadth. Not all political defections are unscrupulous; indeed, the vitality of our multi-party electoral system relies on a degree of healthy political re-alignment during the course of the electoral cycle. That is particularly so in the latter half of the electoral cycle, when MPs are re-positioning themselves for the next electoral contest – as happened, for example, when Jim Anderton and his allies wished to leave the Alliance Party in 2002 to establish the Progressive Coalition Party. To take this issue further, resignations may actually resolve situations of political deadlock. This would not be possible were party-hopping legislation to be implemented.

Party hopping legislation struggles to distinguish between the “lone wolf” defection, as exemplified by the Alamein Kopu example, and the party split or merger situation, as exemplified by the establishment of the Progressive Coalition Party. Certainly, New Zealand’s emotively named “Electoral Integrity” legislation did not do so (necessitating the bizarre situation of Anderton and his allies remaining within the parliamentary Alliance party while campaigning under a different banner for the next election).

In any event, even “lone wolf” defections may be politically justified in some circumstances. For example, after Jim Anderton left the Labour Party in 1989, he claimed that “I did not leave the Labour Party; the Labour Party left me”, meaning that it was the Party, not Anderton, that had departed from its electoral promises. Whether that is so in any particular case is a political, not a

legal, question that should be left to political judgement and political sanctions.

The second problem with party hopping legislation is that it places too much power in the hands of the party hierarchy at the expense of individual MPs. The vitality of our system of representative democracy relies on an on-going and healthy tension between party loyalty and individual conscience. That tension is just as important under the MMP system. The introduction of MMP may have highlighted the importance of the former. However, intra-party dissent remains an important part of the healthy functioning of our multi-party system. Party hopping legislation empowers party hierarchies to stifle debate within the party – to use party rules and party disciplinary procedures to force dissenting MPs not only out of the party but out of the House. Indeed, its very existence, and the prospect of its use, leading to dismissal, might inhibit the expression of dissenting views by MPs.

For this reason, party hopping legislation also has implications for the rights to freedom of expression and freedom of association protected by the NZ Bill of Rights Act. Constitutional courts in different jurisdictions have not always agreed as to whether or not party hopping legislation is ultimately inconsistent with the respective jurisdiction's constitutional protections. Within New Zealand's human rights framework, that question ought to be resolved by the application of section 5 of the NZ Bill of Rights Act, which demands that any limit on protected rights must be proportionate. The New Zealand courts have interpreted this concept of proportionality to include a requirement that the limit on the right ought to be no more than is reasonably necessary to meet the legitimate and pressing objective of the legislation which, in this case, is surely to preserve the integrity of the democratic system. In New Zealand's political context, it must surely be questionable whether that test of minimal impairment can be met. That is for the reasons explored under heads 2. and 3. below.

A further problem created by party hopping legislation is that it inevitably discriminates between constituency and list MPs in that the latter have the opportunity to contest the resulting by-election while the former do not. All MPs have the same rights and responsibilities: contrary to the opinion of many, list MPs are not 'second-class' representatives of the people.

2. Political defections are not a major problem in New Zealand

Internationally, countries that have legislated to sanction party hopping have often done so against a background of mass political defections, posing a significant threat to the integrity of the democratic system. For example, in the 12 month period between March 1967 and February 1968 alone, there were at least 438 defections in the Indian state and federal legislatures. In the succeeding decades, the on-going problem of mass political defections provided the background against which the Indian Parliament enacted anti-defection laws (in 1985 and, again, in 2003) and the background against which India's Supreme Court upheld (for the most part) the constitutionality of those laws.

In New Zealand, there is simply no evidence of such a problem. There were a number of political defections during the 1993-1996 parliamentary term, as MPs positioned themselves for the new multi-party system. But in the five years between the first MMP election in 1996 and the introduction of the "electoral integrity" legislation in 2001, the only political defections aside from Alamein Kopu's were the defection of Frank Grover in 1999 to form the Christian Heritage Party, and the mass defections from the New Zealand First party that occurred in 1998. Grover's defection was late in the electoral cycle, and enabled him to re-position himself as a Christian Heritage Party MP to fight the 1999 election. The eight New Zealand First defections occurred on mass, after the National Party-New Zealand First coalition disintegrated in August 1998, and are better thought of as an example of the party split situation discussed above. In any event, it is to be expected that there would be a high degree of movement during the early period of MMP politics given the entry into Parliament of a large number of new parties, represented by politically inexperienced MPs.

In the seven and a half years since the electoral integrity legislation expired (at the 2005 election) there are only four examples of MPs leaving their party mid-way through the parliamentary term

and remaining in Parliament (without contesting a by-election):

- Gordon Copeland (who left United Future in May 2007 and contested the 2008 election as a candidate for The Kiwi Party);
- Taito Phillip Field (who left the Labour Party under threat of expulsion in February 2007 and contested the 2008 election as a candidate for the New Zealand Pacific Party);
- Chris Carter (who was expelled from the Labour Party in October 2010 and remained in Parliament for the rest of the term as an Independent); and
- Brendan Horan (who was expelled from New Zealand First in December 2012 and has remained in the House as an Independent).

This is hardly evidence of a major threat to the integrity of the electoral system. Further, with the exception of Gordon Copeland, all of these MPs were either expelled from the party or left under threat of expulsion – a somewhat different situation from the paradigmatic case of an MP choosing to re-assess their political affiliations mid-way through an electoral cycle.

3. There are effective political sanctions for party hopping

The most obvious of these is the unlikelihood of being re-elected. In our electoral system, the public speak every three years. The New Zealand public is slow to tolerate political defections. Of the post-1996 examples listed above of MPs who left their party and chose to remain in Parliament, not one was re-elected to Parliament at the next general election.

The occasional example of an MP remaining on a parliamentary salary for the remainder of the electoral cycle may be undesirable, but it is a small price to pay to avoid the negative effects created by party hopping legislation. In any event, there are other political sanctions which may account for why the incidences of party hopping are so rare. They include:

- public and media disapproval;
- party pressure and disapproval; and
- the practical and financial disadvantages of becoming an Independent.

Unlike legal sanctions, political sanctions can distinguish between principled and unprincipled political behaviour. For example, Tariana Turia left the Labour Party in 2004 in the face of widespread dissatisfaction amongst Labour's Māori voters over Labour's sponsorship of the Foreshore and Seabed Act. As Turia was a constituency MP, she was able to resign from Parliament and (successfully) contest a by-election. If she had been a list MP, it is far from clear that it would have been unprincipled of her to have resigned from Labour and remained in the House.

4. Conclusion: the principle of proportionality is not absolute

The most common argument used in favour of party hopping legislation, especially concerning party list MPs, is that MPs' departures from their parties disturb the party proportionality of Parliament. Hence the views of voters as expressed at the previous general election are no longer accurately reflected. We note that this can occur in other circumstances, such as when a constituency MP resigns or dies and a by-election is held. Party proportionality is not invariably the most important electoral principle. Furthermore, as is plain from our comments above, party proportionality must be balanced against other principles, especially MPs' freedom of expression and conscience.

In our view, that balance is best represented by the status quo.

Kati & Kati

To whom it may concern,

My submission regarding the
N.Z. Constitutional Review is
that I want no change to New
Zealand's unwritten constitution
it has served us well since
the 1852 N.Z. Constitutional
Act was passed our founding
document. It may require some
alterations in the future but
not a race based constitution
Equality for all, One people
One Nation.

This great Nation of ours
is becoming divided and
certainly racial. also we all
own the Tuarua it was here before
anyone else B. Geldard

2315

From: Digby Gemmell <constitutionalreview@justice.govt.nz>
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 5:25 p.m.
Subject: CAP Submission

I think that Maori seats should be abolished we are all one people under our parliamentary system and there is no need for separate Maori seats it just adds confusion and separatism to the whole system.
Digby Gemmell

4797

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:59 p.m.
Attachments: Submission on ConstitutionalReview.docx

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

Full Names: Phil Gendall Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Dunedin Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: Submission on
Constitutional Review.docx

Submitted on the 31 July 2013 at 15:58

SUBMISSION ON CONSTITUTIONAL REVIEW

The following are my views on several aspects of the current constitutional review. Before I give these views I want to express my disquiet at the composition of the Constitutional Advisory Panel and some of the assumptions that appear to underlie the review process.

The Constitutional Advisory panel is clearly not representative of wider New Zealand Society and at least some of its members, including its co-Chair, have apparently come to the task with pre-determined views about its outcome. The comments by Tipene O'Regan that those who do not agree with his views are 'extremists', and similar views expressed by other panel members, suggests to me that the review process is a fatally-flawed, one-sided conversation. I do not have any confidence in these panel members' willingness to give fair consideration to views that do not coincide with their own.

Length of Parliamentary term

With no upper house, I am not in favour of extending the Parliamentary term to four years. In practice, most governments are given a second chance, resulting in a de facto term of six years, but I believe we should retain the option of removing a bad government after three years.

Fixed date for elections

I am in favour of a fixed date for elections. I can see no justification for the government of the day being allowed to decide the date that suits them best.

Maori seats in Parliament

I believe the Maori seats should be abolished, as recommended by the 1987 Royal Commission on the Electoral System. This reflects my view that our laws and parliamentary system should treat all New Zealanders the same. There may have been good reasons for the Maori seats in the past but I do not believe there is any serious justification for their continuation. More seriously, the existence of the Maori seats perpetuates the myth that Maori are less capable than other New Zealanders and consequently require special dispensations. I do not believe this either.

Role of the Treaty of Waitangi in our constitutional arrangements

I am not in favour of the Treaty of Waitangi having a more central role in in our constitutional arrangements. The Treaty was a pragmatic solution to a problem that existed more than 170 years ago; it should not be the basis of the New Zealand constitution in the 21st century. There are different versions of the Treaty, different interpretations of what the parties understood it to mean in 1840, and various recent attempts to suggest that the Treaty implies a privileged status for Maori in New Zealand. I do not agree with the latter. In my view, all New Zealanders should have the same rights and responsibilities under the law. We should continue to redress breaches of the Treaty, but further enshrining so-called 'Treaty principles' in our constitution is anathema to the development of a fair and equal multicultural society, which is what I believe New Zealand should be.

Written constitution

I am not in favour of a written constitution. Having seen what happens in America with a written constitution, where unelected judges and lawyers rather than elected and accountable politicians determine the law, I believe a written constitution would be disastrous for democracy in New Zealand. Furthermore, it is unnecessary; our unwritten constitution is doing fine as it is.

Phil Gendall
Dunedin

481

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 10:06 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: martine genet Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: .
Postal Region: south waikato Postal Post Code: Postal Country: New Zealand
Submission: to start with we should have full detail written out constution which covers all our rights which both the parliment and the courts should up hold and our mp should make sure its done too

.as our current form of it which is actually an informal agreedment with the old crown to be self governing and to spite the fact we have a written bill of rights they are ignored by our system, our courts pass us off and our mps dont uphold them and neither does the pailmentorly system.

we need a set one which does work and does protect the people of this country instead of the window dressing joke we current have.

we also need a section for holding those who ignor it and our rights, are held accountable for thier action or lack of it as our current system again DOES NOT WORK , i know this as i have been dealing with all of this for years.

its time we fix this and stood up for our rights

Sent on the 16 April 2013 at 22:05

481a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 10:14 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: martine genet Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: south waikato Postal Post Code: Postal Country: New Zealand
Submission: to start with the bill should be upheld by all government departments ie courts , police ,
winzs , MOH,MOJ, our mps and not be ignored or be selectively used when they feel like upholding
it which is what happens at the moment.

also the human rights comission should be joined to the human rights tribunal so they can ACTUALLY
DO SOMETHING AND ENFORCE THE RIGHT'S , not just take a note of it then add it to a file that
they then submit to the government who then IGNORS ITS all and does
nothing about it ,which is our current system.

Sent on the 16 April 2013 at 22:13

4816

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 10:32 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: martine genet Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: south waikato Postal Post Code: Postal Country: New Zealand
Submission: to start with we need enough mp to cover all areas with set amount of voters in it so they can ACTUALLY DO the job of representing those in their area.

2) they need to ACTUALLY DO THE JOBS THEIR ELECTED TO DO, which so far i have dealt with 26 of them over the past 10 years and NOT 1 of them has done their job, they just pass me off to different people or departments who again pass you off or just ignore you instead of doing the job they are employed to do or helping you.

3)if they are assigned a portfolio then they should have the power to govern it properly, not pass you off ,but actually look into matters and FIX IT which is what they were elected to do.

4)that the person who is elected as prime minister is that , that they are the prime minister governs the other ministries and can ask them why they aren't doing their job and can fire them NOT THE GOLDEN HAND SHAKE they have been doing and that they make sure the person they assign a portfolio to KNOWS what they are doing.

5)that its time a real department is set up to stop the golden handshakes, the ignoring of policy and the corruption and make those coning and stealing from our system be held accountable .

as our ombudsmans office is a joke and the governor general and the queen have no power here, so we the people should have the right to call for accountability and when a referendum is held , its is enforced since it is the will of the people ,and not ignored

and the system should also make sure laws are not passed without the people been asked nor changes to them without asking the people.

as we the people elect the government and as a country we should have a say in our law making and changing and not have the government waste our money for referendums that they then say are non binding.

Sent on the 16 April 2013 at 22:31

1205

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 11:54 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Lyn R Gentry Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Hastings
Postal Region: Hawke's Bay Postal Country: New Zealand
Submission: We, New Zealanders of all backgrounds, having founded and developed our society in equality, fairness, and comradeship, oppose any laws which establish or promote racial distinction or division. There shall be one law for all.

- We reject any reference to the Treaty of Waitangi or its principles in any constitutional document.
- We ask that such references be removed from all existing legislation.
- We ask that race-based Parliamentary seats be abolished.
- We ask that race-based representation on local bodies be abolished.
- We ask that the Waitangi Tribunal, which has outlived its usefulness, be abolished.

Sent on the 9 June 2013 at 11:53

1205a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 12:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

lynette a gentry Organisation Name: Email: Phone:
Postal AddressA Postal AddressB: Postal City: hastings
Postal Region: hawkes bay Postal Post Code: Postal Country: New Zealand
Submission: We, New Zealanders of all backgrounds, having founded and developed our society in equality, fairness, and comradeship, oppose any laws which establish or promote racial distinction or division. There shall be one law for all.

- We reject any reference to the Treaty of Waitangi or its principles in any constitutional document.
- We ask that such references be removed from all existing legislation.
- We ask that race-based Parliamentary seats be abolished.
- We ask that race-based representation on local bodies be abolished.
- We ask that the Waitangi Tribunal, which has outlived its usefulness, be abolished.

Sent on the 9 June 2013 at 12:00

2345

From: "Ian George" <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 8:04 p.m.
Subject: CAP Submission

Abolish Maori seats. It is racist. We are all NZers.

2345 a)

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

29th July 2013

Submission to the Constitutional Review.
www.ourconstitution.org.nz

Dear Sirs,

Thank you for the opportunity for making this submission. **I am NOT in favour of the changes being proposed in the constitutional review.**

Specifically with regard to the following issues:-

1. Historically management has proven that in any workplace, organisation or community there is always a need to bring individuals together in order to achieve a common purpose.
In the same way the best use of resources can only be achieved if the benefit of the group is put before either individual desires or isolated groups of people. Such was the practice in South Africa when they practised Apartheid. I do not wish to have New Zealand split in this way.

Hence this is the reason for rejecting the following issues relating to Maori:-

- 1.1. **Treaty of Waitangi.** I do not wish the Treaty of Waitangi a part of a written constitution

Maori Representation

- 1.2. I do not want to retain Maori seats in parliament.
- 1.3. I want to abolish separate Maori seats in local government.
- 1.4. I would like the Maori electoral role abolished.

2. **The New Zealand Written Constitution.** I do not want a written constitution because I wish to retain the democratic and flexible system that has worked so well for New Zealand in the past.

3. **Other Issues.**

- 3.1. I support that a Declaration of Equality be enacted by Parliament, i.e.

1 We reject references to the Treaty of Waitangi or its principles in any constitutional document.

2 We ask that such references be removed from all existing legislation.

3 We ask that race-based Parliamentary seats be abolished.

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

5 We ask that the Waitangi Tribunal be abolished.

3.2. I support that major constitutional changes should only be made by a public referendum process.

4. Electoral Matters.

- 4.1. The number of MP should be reduced to 100 in line with the 1999 referendum. Only elected MP's should be eligible.
- 4.2. The parliamentary term should remain at 3 years. While logically the term should be increased to 4 years, the public has lost faith in recent governments and so a 3 year term will help retain some semblance of accountability.
- 4.3. Election dates should remain flexible. A fixed date will unnecessarily extend the time for lobbying etc.
- 4.4. "Party hopping" should be prevented because it means it modifies the principles on which the member was elected.

Thank you for the opportunity to express my views

4625

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:05 p.m.

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

Full Names: Jimmy george Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Please stop putting Hydrofluorosilicic acid in to public water supply. This was never
requested by any member of the public.

Even if some people wants it, it is unethical to put it into the water supply from which everyone drinks from.

<http://www.fluoridealert.org/issues/water/medical-ethics/>

Submitted on the 31 July 2013 at 12:03

328

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 5:57 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: Stuart Frederick Selwyn George Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Auckland Postal Region: Auckland Postal Post Code:
Postal Country: New Zealand Submission: Please make a constitution where all New
Zealanders are treated equally. Acknowledge and recognise the Treaty as a historical document. One
law for all. Remove the Queen as Head of State. Adopt a new flag. Make us a nation we can all be
proud of. Prohibit
law based on race or religion. Go New Zealand / Aotearoa.

Sent on the 14 April 2013 at 17:56

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.

Georgia G
Masterton
New Zealand

465

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 7:48 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: mathew gerrard Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal
Region: bay of plenty Postal Post Code: Postal Country: New Zealand Submission:
The treaty should not be made a part of the constitution or play any role in the constitution in the
future. The treaty should always be a part of new zealand history but now no more than that. We have
grown as a country and should no longer look back at
the treaty for advice and guidance. We are now a country of many nationalities and race of people
whether born here or immigrated to new zealand. How can we use the treaty when it doesnt cover all of
new zealands population.

I dnt feel maori people should be given the right to claim parts of new zealand, future ideas and
inovations just because the were here first. No one race should have rights to own the air, water or
land. New zealand should be for new zealanders as one.

Sent on the 16 April 2013 at 19:47

93

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 3:31 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jordon William Gerraty Organisation Name: - Email: -
Phone: Postal AddressA: Postal AddressB: Postal City:
lower hutt Postal Region: wellington Postal Post Code: Postal Country: New Zealand
Submission: Hi,

Well first of i think New Zealand NEEDS a full written constitution.

not a combination of Acts made by parliament. Parliamentary sovereignty is wrong and does not protect our rights.

Thanks.

i hope this taken seriously.

Sent on the 8 April 2013 at 14:28

5061

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:16 p.m.

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

Full Names: Philip Roger Gerritsen Email: Phone: Postal
AddressA: Postal City: Postal Region: Southland Postal Post
Code: Postal Country: New Zealand Submission: This started bad and is looking like it
might end worse. Why is the CAP mostly made up of maori? Mostly tribal racketeers that are just after
a privileged free ride.

The TOW is a contentious document and should not be included in a NZ constitution, it will only feed
racism and special privileges for a minority, another word for that would be "apartheid".

One rule for ALL NZ.

Submitted on the 19 June 2013 at 09:09

746

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/05/2013 11:25 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Karina Gesmundo Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
I suggest to treat the Treaty of Waitangi as just a important historical document and leave it at that.
What happened about 2 centuries ago is hard to resolve now, and attempting to, many groups will act
out if a certain group is favoured over them. No
side has to win or lose. Just recognise it as an important historical piece that caused friction for the
next hundred years, but now people are tired of arguing, so whatever decrees it contains are now
irrelevant. It's over. History.

Sent on the 5 May 2013 at 11:24

2356

From: Brigid Getz <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 3/07/2013 8:57 p.m.
Subject: CAP Submission

Racism is illegal in New Zealand. No one can be discriminated against or shown favoritism because of their race. Why then do we have so much legislation specifying those of the Maori race? To mention one single race in our laws can only be to discriminate against them or show favoritism. The treaty must be consigned to history and the Maori seats must be abolished. I resent having a constitution written for me by a racist group having only their own interests in mind. All citizens must be equal under colorblind laws. All citizens must have an equal say in any constitution we are expected to live under.

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.

Roohollah Ghandhari
Auckland
New Zealand

1257

From: Maurice & Gianotti
To: <constitutionalreview@justice.govt.nz>
Date: 10/06/2013 3:26 p.m.
Subject: CAP Submission
Attachments: SubmissionConstit Arrangements May 2013.docx

Dear Review Panel
Please find attached a submission for your consideration
Yours sincerely

Maurice Gianotti

To the Review Panel: NZ Constitutional Arrangements

Submission of Maurice G Gianotti

Introduction

- 1 I believe that we should be very careful in making changes to our constitutional arrangements. The present system has evolved over nearly a thousand years, and is still evolving. Recent changes include the implementation of MMP and that has resulted in far reaching changes to the Select Committee structure to reflect the proportionality of the House. Another significant change is the appointment of Ministers from coalition parties, who remain outside Cabinet.

Written Constitution

- 2 I am strongly opposed to a written constitution. I do not believe it is necessary, and even if well written, it tends to codify the present arrangements and then hinder any further development. I think it is significant that the US Constitution, possibly the best example to date, has had to be amended many times, starting soon after it was completed.
- 3 Our constitutional arrangements protect our liberties quite successfully. Written constitutions around the world have singularly failed to do so. For example, those in the former Soviet Socialist Republics and that of the present Chinese Communist Party. Even the US Constitution has a clause decreeing that, "Congress shall make no laws concerning commerce", that has failed to keep pace with change.
- 4 My principal reason for opposing a written constitution is that in our present system, Parliament has "the last word" on the law, being in a position to change the law in response to judicial judgements. A written constitution gives the last word to the Courts, which are able to strike down laws deemed to be inconsistent with the constitution. In my view, the last word should remain with Parliament rather than unelected judges so that voters can express a view through election cycles if they wish, and through the select committee process. It also follows that I do not believe the Treaty of Waitangi needs its current status changed.

Size of Parliament

- 5 I believe that the number of Electorate MPs should be greater than the number of List MPs. I suggest that the total number of MPs be 100 (plus whatever is required to accommodate an overhang), made up of 60 Electorate MPs and 40 List MPs.

List MPs

- 6 I believe that List MPs are creatures of political parties. Accordingly, if they resign from the party, or are expelled, they should be required to resign from Parliament. I accept that such a measure gives political parties a lot of power over List MPs, but I believe that is acceptable because they only get there at the behest, or whim

of the party. If dissent is considered desirable there is still the majority of Electorate MPs to express dissent, without fear of expulsion from Parliament. Electorate MPs may be expelled from their party but could continue as independent members, recognising that voters put them in Parliament.

Appointment of Judges

- 7 The independence of the judiciary is one of the single most important elements of our liberty. They should not, however, be appointed by a member of the legislative or the executive. Appointments should be made in a transparent process, by an independent judicial appointments commission, set up by Parliament and its members appointed the same way as Officers of Parliament.

The Maori Seats

- 8 As I understand it, the Maori seats were originally established at the time when only property owners had the franchise. Maori, communal owners of property were disenfranchised by that system and the Maori seats were an effective way of ensuring Maori property owners had a voice. The advent of universal suffrage, and MMP, has led to a much more representative Parliament and I doubt if the original justification for the Maori seats still exists. Accordingly, I think they should be disestablished.

Upper Chamber

- 9 New Zealand is one of the few parliaments in the world that does not have a second chamber or upper house. An upper house tends to slow the progress of legislation and ensure that there is a further opportunity to scrutinize bills before they become law. New Zealand has a sad history of having to revisit legislation in the year or two after implementation, to correct mistakes and avoid unintended consequences. It is at least arguable that a second chamber would limit this kind of unintended effect.
- 10 A second chamber usually represents a specific constituency. For example, the House of Lords was intended to give a voice to the large landholders, who paid most of the tax in the days before income tax was introduced. The advent of personal income tax and universal suffrage reduced the need for scrutiny by this special interest group and the role of the House of Lords, and its membership has changed accordingly. In the limited States of America the Senate was designed to safeguard "State" rights, which explains why all fifty states have two representatives, regardless of the widely varying population of states.
- 11 In New Zealand it is difficult to see what the constituency of a second chamber would be. With only a three year term for Parliament there is not the same need to slow down legislation, or provide extra scrutiny, as there would be if the term was extended to four, or even five years. If the term of Parliament were to be extended then consideration would also have to be given to the establishment of a second chamber.

2380

From: "Darryl Gibb" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:31 p.m.
Subject: CAP Submission

Maori Seats should be abolished in the name of fair and equal political rights. Equality for all

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.

Keith Gibb
Christchurch
New Zealand

3514

From: "John Gibbons"
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 11:22 a.m.
Subject: CAP Submission

Dear members,

I am strongly against a written Constitution because it will be extremely difficult to write a document that is a living expression of the changing world and changes in New Zealand.

I am also strongly against the current trend to a race division in our great country.

The ongoing pressures to include Treaty terms, as interpreted by some, in all avenues of our life is nothing more than apartheid. The terrible dramas when South Africa rugby visited with protests against that country's two class society should be heeded as NZ is heading in the same direction that many were firmly against.

With the need for some stability in economic terms I support a four year term for Government.

The Maori seats should be abolished as this is also continuing the two class society.

While the number of seats in the House is designed to give a fair representation to all, I believe that a reduced number with a high percentage being elected not list members would result in better outcomes. A number closer to 90 would be more efficient and result in those chosen being the best available in their location.

Thankyou,
John G Gibbons

Wellington

1712

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 8:46 p.m.

To Whom It May Concern

I strongly oppose the inclusion of or any reference to the Treaty of Waitangi in any Constitution of New Zealand.

Darcy L Gibbs

Tauranga

1713

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 8:46 p.m.

To Whom It May Concern

I strongly oppose the inclusion of or any reference to the Treaty of Waitangi in any Constitution of New Zealand.

Margaret J Gibbs

Tauranga

1700

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 2:48 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Amberley Gibson Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: 1. Do you think our constitution should be written in a single document?
Why?

No – but what we are currently working with needs to be developed. One written constitution, while it has its advantages, also poses significant issues for the future. The current tension around gun laws founded on the American Constitution's right to bear arms is a prime example of how morality can change over time. With a written constitution, laws such as these, which are dependent on morality, are difficult to eradicate despite social changes that would dictate so.

Our current constitution allows our judiciary to draw on various sources when interpreting the law, allowing for balanced and well supported judgments.

The main benefit of having a written constitution in a single document is that it gives not only the branches of government but also the people to who it applies clear clarification of what is within our constitution. Perhaps a way to combat this without creating one single document is clearly declaring WHAT the sources of the constitution are, to enhance the understanding of citizens. While this has little effect on the branches of government, who are well aware of the sources already (we hope), this provides clarification for the people who can then understand where the basis of our constitution can be found.

Finally, common law is an integral part of our constitution. Much of our inherited law post colonization can be found in common law and this would be impossible to place all in one document. Removing it completely is also not viable.

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

Yes. This is the only way to the Treaty/Tikanga can have an undisputed role in our constitution, if we choose to include it. Otherwise we face a tyranny of the majority through the supreme law of parliament. While Parliament's power to legislate should remain supreme, its main limit should be constitutional. Codified statutes like the NZ BORA deserve to be treated as supreme law due to their constitutional status, as should other sources. This way,

inconsistencies can be firmly struck down by the Judiciary. Perhaps only statute law should be given this status, as the people have played their part in determining these aspects of law.

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

The Courts. Parliament should be expected to comply with the constitution, but it is part of the judiciary's role to act as a safeguard on parliament's supreme rule. It is essential that the power to decide lies with the Courts. This way, the separation of powers are also maintained.

Sent on the 28 June 2013 at 14:46

1700a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 3:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Amberley Gibson Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Auckland
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 4. Thinking
of the future, what role do you think the Treaty of Waitangi could have in our constitution?

The Treaty of Waitangi should not be the basis of a reinvented constitution, written or not. Nor do I believe the whole Treaty should be included. There is far too much disagreement over the contents and intent of the Treaty due to the various versions. The fight for recognition of the Treaty in the past century has shown one thing: that it is the principles within the treaty that are important. These principles have since been included in legislation and this is the path that we must continue on in including the treaty.

Aspects of Tikanga could also be included, such as in the RMA Act "an aspect of tikanga which has fit well with the contrasting western legal system. This proves that it can be done.

Clarification of the treaty principles is the answer to Treaty disputes, the issue of finding a middle ground for the future and for inclusion in the constitution. It would resolve ambiguity for the people and set a clear standard of what is expected when creating legislation. The Treaty as a whole is not a valid basis for the constitution, as there are too many issues with it. Inclusion of the treaty principles in a codified statute is the answer.

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

Yes, to settle all disputes over what can be claimed, to cement its place as our founding document and to give it the recognition it deserves in our legal history.

Sent on the 28 June 2013 at 15:00

2886

From: "Keith & Maureen Gibson" <
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 9:33 a.m.
Subject: CAP Submission

an equal society please, we are all nz

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.

Melanie Gibson
Havelock North
New Zealand

4012¹

From: "Alan Gifford" <
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 9:32 a.m.
Subject: CAP submission

Adding the Treaty of Waitangi could breach Article 7 of the Universal Declaration of Human Rights - "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination"

There are Fisheries Regulations that apply to people of one ethnicity only, so 85% of the population are discriminated against.

4012a

From: "Alan Gifford" <
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 9:35 a.m.
Subject: CAP submission

Good legislation requires good definitions.

The terms 'Maori' and 'taonga' must be clearly and precisely defined to remove any confusion/future argument about the meanings.

4045'

From: Iain Gifford
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 1:44 p.m.
Subject: CAP submission

Adding the Treaty of Waitangi could breach Article 7 of the Universal Declaration of Human Rights – "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination"****

There are Fisheries Regulations that apply to people of one ethnicity only, so 85% of the population are discriminated against.

Iain Gifford

" 4466

From: Glenn Gilbert
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 6:18 p.m.
Subject: CAP Submission by Glenn Gilbert

My submission on the matters before the Constitutional Advisory Panel:

First - I am extremely disappointed that the makeup of the the Constitutional Advisory Panel was so unrepresentative of other than Maori interests and that the presentations were equally biased in their selection of their audiences.

As to the issues before the Panel, I comment as follows:

1: Parliament Membership -

Should be reduced to 99. Personally not too concerned but the only referendum so far, 85% voted for the number to be reduced to 99. That sounds a good number to me and would be part of the clearly expressed wish of the people.

2 Parliamentary Term:

Should remain at 3 years

3: Size of electorates and method for calculating size -

Assuming NO RACE BASED electorates, divide 66 (=2/3 of the seats) by the total voting population to get the ideal size of an electorate and divide the country up into these 66 equal size geographic electorates so all votes have as closely as possible the same weight to adhere to the principal of equality. Rest of the 33 seats to be list seats.

4: Electoral integrity legislation:

Will not be needed

5 Maori representation

5a Maori electoral roll

Should *be abolished immediately. There should be only one electoral roll.*

5b Maori parliamentary seats

Should be abolished immediately. They were only established in 1893 as a *temporary measure* and should have been abolished in 1893 when universal suffrage was introduced.

5c Local government Maori seats

Should be abolished immediately

Everyone should be *equal under the law of NewZealand*, and there should be ABSOLUTELY NO RACE BASED SPECIAL treatment at all. The RACE BASED electoral roll, seats and other special treatment based on race such as the Pacific Islander council representation should be all be abolished forthwith. RACE BASED special privilege has no place in any constitution let alone in New Zealand's - the first country in the world to introduce universal suffrage

6 The role of the Treaty of Waitangi

The Treaty has no place in our Constitution especially given the way activist judges and race based courts (Waitangi Tribunal) and the entire Treaty industry have misused it to grant privilege to the Maori elite and divide the nation, despite the fact that Article 3 of the Treaty grants the people equal rights of citizenship. This has just served as a form of "Gravy Train" for the Maori "elite".

7 Bill of Rights

Should be extended to include Property Rights. Would be even better if the size of all government was limited in the constitution to say a maximum of 25% of GDP to limit the presently unlimited spending of taxpayers money.

8 Written constitution

A written constitution especially entrenching Maori privilege would be just what the people do not want and the perfect device for activist judges and the iwi elite to continue ever more privilege.

9 Other comments

9a Binding referendum:

Any constitutional changes should be put before the people in the form of a binding referendum.

9b Declaration of equality enacted by Parliament:

There should however be a Declaration of Equality enacted by Parliament, stating:

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

- * We reject references to the Treaty of Waitangi or its principles in any constitutional document.
- * We ask that such references be removed from all existing legislation.
- * We ask that race-based Parliamentary seats be abolished.
- * We ask that race-based representation on local bodies be abolished.
- * We ask that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished.

Thank you for this opportunity to present my views to the Constitutional Review.

Glenn Gilbert

Auckland
Email

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Ph
Mob

3827

From: "Mike Giles" <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 4:10 p.m.
Subject: CAP Submission

Good Afternoon Panellists,

I am a 5th Generation New Zealander on both sides, my forbears arrived in New Plymouth in 1841 on the Amelia Thompson.

I have children and grandchildren.

I believe we have lived through the best of times 1950 -1980 when personal freedoms were much better than today. Those freedoms have been seriously eroded over the years and the aims of your Panel are going to make things worse.

I believe we are being gradually taken over by sectional interests that do nothing for the average New Zealander.

I do not wish to see the TOW embedded in any written Constitution nor do I want to see any group having privilege over the rest, all of the people should be treated equally before the law and in the eyes of Government. The current way in which the law operates, works well and there is no need for an upheaval or change.

I believe any change will be to the detriment of the Country and its people.

Furthermore, I have been a National supporter all my life, however, there will be no more support for that party from my family, extended family or myself from now on.

Yours respectfully,

Michael. P . Giles

Tauranga

4646'

From: N R Giles
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:59 p.m.
Subject: CAP submission

To Whom It May Concern

My husband and I do not wish to have the NZ Constitution changed. We prefer that it be left unwritten and flexible, as it has developed. We think it will work best this way.

Yours sincerely

Nelson & Rosemary Giles

pho

515

From:
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 8:23 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dr Jane Giliam Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Palmerston North Postal Region: Manawatu Postal Post Code: Postal Country: New
Zealand Submission: Animal abuse = child abuse. Until we have a strong anti-animal abuse
programme, we will continue to have child abuse in NZ. Every child-abuse offender starts with animal
abuse. There are countless quotes from really educated, knowledgeable people (Ghandi
etc) who have stated, through the centuries, that that man who does not abuse animals will not
abuse children. When is NZ (and the National Govt) going to be actively involved, and be proactive
about posing stiffer penalties against animal abuse? The youth
who microwaves a kitten will not rest with that sadistic, sexual satiation. He will need to microwave or
torture a child, when the sadism is no longer satisfied with animals. These youths father children (and
sometimes it is the mother).

Until we look after the most vulnerable in our society, NZ's society will not be uplifted and safe.

Sent on the 17 April 2013 at 20:22

2650

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 10:13 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Stephen Alan Gilkison Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: southland Postal Post Code: Postal Country: New Zealand
Submission: I am heavily opposed to an changes to the current constitional standard that WE all as
NEW ZEALANDERS enjoy. There is no need for any changes and those that suggest there is are
only interested in feathering their own nest at the expense of the wonderful
New Zealand todayin exchange for a darker decided tomorrow. Maori seats should be removed as
should the Maori role. We are one country because of the way we are not because a small group of
people want to advance themselves. To call any opposition to the proposed
changes racist is ignorance in the extreme.

Sent on the 5 July 2013 at 10:04

1766'

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

Please accept my submissions below as part of the constitutional review being carried out, based on the questions you have asked on your web site.

Q. What are your aspirations for Aotearoa New Zealand?

A. To become a multicultural population of New Zealanders, with no specific ethnic group singled out for special mention or treatment

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

A. As a democratic, multicultural population of New Zealanders, with no separatism being practiced in favour of any specific ethnic group.

At present Maori have selected privileges for medical, teachers immersion programmes, educational, language, cadetship and housing programmes.

Also Maori have fishing rights which all other New Zealanders are denied.

Multi owned Maori land is rated but often written off when rates are unpaid.

Tangi Travel grants for Maori. No other group gets grants to go to a family funeral.

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

A. Yes. Because at present the Constitution Act is contained within a number of Acts of Parliament, court cases and other documents; it must be a single document with which all New Zealanders can live with and refer to with ease.

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

A. Yes. Provided it is properly written without bias towards any one ethnic group.

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

A. Parliament. Because democracy is more likely to prevail, whereas one judge can have a biased point of view.

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

A. No. Presently our rights are readily put aside to favour one ethnic group's interests, specifically Maori.

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

A. There should be no more than 99. Because we have too many and they are too expensive for a small country.

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

A. 3 years; The status quo works well. If the people are happy with the party in power it can be voted in for a second term. If not the Party can be voted out after 3 years without too much damage being done.

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

A. Fixed date so everyone knows where they stand in advance.

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

A. No input to offer on this, except that racially based special seats must be abolished – we must eliminate separatism in our Country.

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

A. If elected by the public, he or she stays in parliament until the next election as an independent because public election gave him/her the right to be in Parliament for the term of office.

If a list MP, he or she must leave parliament immediately as he/she was not elected by the public, only by the party involved.

In summary:

Governor Hobson said “we are now one people”.

Most of the Maori grievances have been addressed through the Waitangi Tribunal.
They are now insulted by being graded as second class citizens.

Other ethnic races, apart from Maori, have had to put up with a lot from Maori without objecting. It is now time that Maori understand that we are one people and that Maori can't be singled out as a group getting special privileges.

We are practicing reverse racism.

Let democracy rule! Not 15% of the population which is what South Africa fought so hard to conquer.

C Michael Gill DSM

Rotorua

25 June 2013

1762

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

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

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

A. Parliament. Because democracy is more likely to prevail whereas one judge can have a biased point of view.

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

A. No. Presently our rights are readily put aside to favour one ethnic group's interests, specifically Maori.

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

A. Make sure the new constitution does not favour any one ethnic group over others. We must avoid separatism.

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

A. No. Because legislative law takes the Bill of Rights Act into account.

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

A. Parliament. Because democracy is more likely to prevail whereas one judge could have a biased point of view.

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

A. Nothing specific except that New Zealand is one nation where every person should have equal rights with all other people.

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

A. Absolutely none at all. It promotes separatism in the community and any references to the Treaty or its principles should be removed from all legislation.

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

A. Absolutely not. It's a historic document which has no relationship to our multicultural society today. This is racially discriminate thinking even to suggest the question and any references to the Treaty or its principles should be removed from all existing legislation.

Q. How should Maori views be represented in Parliament?

A. The same as the views of all other ethnic groups. There should be no special representation at all. This question suggests racial discrimination and favouritism.

Q. How could Maori electoral participation be improved?

A. It should not be a concern of this constitution in any way. This is racially discriminate thinking - why not ask how Chinese, Island, European or Indian electoral participation can be improved?

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

A. The same as all New Zealanders' views, whether Chinese, European, Indian, Island or any other races' views. Again, this question shows racially discriminate thinking. Race based representation on local bodies should be abolished.

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

A. There should be no more than 99. Because we have too many at present and they are too expensive for a small country.

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

A. 3 years. The status quo works well. If the people are happy with the present party in power it can be voted in for a second term. If not the Party can be voted out after 3 years without too much damage being done.

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

A. Fixed date so everyone knows where they stand in advance.

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

A. No input to offer on this, except that racially based special seats must be abolished – we must eliminate separatism in our Country.

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

A. If elected by the public, he or she stays in parliament until the next election as an independent because public election gave him/her the right to be in Parliament for the term of office.

If a list MP, he or she must leave parliament immediately as he/she was not elected by the public, only by the party involved.

In summary:

The Treaty Of Waitangi was instituted when Maori were illiterate and had not grown out of the stone age. Now, Maori are as educated and able as any other ethnic group in New Zealand and should be treated as such and not insulted by being given special advantages.

I believe there should be one law for all, one constitution without bias, and democratic rule for the Nation. Let democracy rule! Not 15% of the population, which is what South Africa fought so hard to conquer.

Hilma Gill

Rotorua

25/06/2013

1061

From: <>
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 5:51 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ron Gill Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: I feel that as I
voted against MMP and the government has made its mind to not act on a overwhelming vote to
review MMP and more time would be waisted on letting you know my thoughts as you say they are
not binding so why bother>

Ron Gill

Sent on the 4 June 2013 at 17:50

3124

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 21/07/2013 11:06 p.m.

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

Full Names: James Gillam Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: That we have no written constitution- it
hasn't worked for other countries.

That all races are considered and treated equally

Submitted on the 21 July 2013 at 23:05

3724a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 12:33 p.m.
Subject:

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

Full Names: James Gillam Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: That there be no written
constitution

Submitted on the 21 July 2013 at 23:07

3597

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 15/07/2013 4:00 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
http://www.ourconstitution.org.nz/form_submission

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

Full Names: Bruce Gillanders Organisation Name: Email:
Phone: Postal AddressA: (Postal AddressB: Postal
City: Porirua Postal Region: Wellington Postal Post Code: Postal Country: New
Zealand Submission: Totally opposed to a racist constitution proposed.

Maori seats are past their use by date.

Look at what is happening in Egypt with a loaded constitution giving power to one group above the elected government, looks like you are taking NZ down that road, which is not what I want.

Sent on the 14 July 2013 at 19:43

1612

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 1:01 p.m.
Subject: Contribution to the Constitution discussion.

I would support a Constitution that did not refer to or use any historical understandings or beliefs like in the Treaty of Waitangi for example that has been changed over time to mean something different to either of the two versions that conflict in meaning with each other.

I would only support a Constitution that made a completely fresh start, treating all New Zealand born citizens equally with no reference to race, religion or ethnicity.

Any migrant without citizenship or any 'New Citizen' migrant who has achieved citizenship within the previous 10 years who commits a crime that carries a jail term should be automatically deported to where they came from without right of appeal, and any citizenship involved stripped from them permanently. Any family of the criminal involved should have the right to leave with the convicted person or remain in NZ without them.

Any person arriving in NZ without a passport should be declared illegally in the country and not be allowed to leave the airport but automatically put on the next available plane back to where they came from.

Paul Gillespie / Cathy Gillespie / Julian Gillespie / Jarrod Gillespie.

Gillespie Family Trust - <mailto: >
- North Shore - New Zealand

2445

From: Mary Gillespie <mary.gillespie@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:47 a.m.
Subject: CAP Submission

Maori seats should be abolished. If we are ever to become just New Zealanders we shouldn't have any special group added to our Parliament..Maori can be elected the same as anyone else.

Mary Gillespie.