

4257

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:44 p.m.
Attachments: Comments about the constitution of NZ. 30.7.13.docx

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

Full Names: Janice Gillgren Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Hikurangi Postal Region: Northland Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Comments about the constitution of NZ. 30.7.13.docx

Submitted on the 30 July 2013 at 20:42

Submission on New Zealand's Constitution.

30.7.13

My aspirations about NZ:

- I want to see a fair society in which all laws are reliably the same for all members. There must not be one law for one segment of society, and another law for another segment.
- People should have higher priority than animals, and this should be reflected in the severity of our laws. For example, it doesn't make sense that people should receive harsher sentences for killing an animal than for killing a person.
- All 'members of society' means all our citizens, from the womb to the grave, and all should have the right to life. This excludes both abortion and euthanasia.
- Non-citizens should be able to expect fair and respectful treatment, but not necessarily have the same rights as citizens. For example, they should not usually be able to take jobs if that mean a NZ citizen misses out; they should not be able to get government benefits such as the dole (which our taxes pay for); nor should they be able to buy land unless they plan to actually live in this country.

My thought on the treaty of Waitangi

- While the treaty of Waitangi is an important document in our past, to enshrine it in a constitution could actually introduce an apartheid system against non-Maori by allowing some Maori people to have authority over others on the basis of race rather than on the basis of positions earned by responsible behaviour and achievement.
- Due to the fractured society of which Maoridom consisted before the Treaty of Waitangi, unequal laws could reignite old tribal grievances.
- As there are no true Maori left alive in NZ, Maori-ness is being decided on increasingly flimsy grounds. To make a constitution based on such tentative belonging is bad enough for the present generation, but what about the next generation, and the one after that? Each one will have less and less Maori blood in them, so a constitution enshrining that Maori-ness will become less relevant anyway.
- New Zealand has been a remarkably stable society since the Treaty, in comparison to other countries in the world. 'If it's not broken, why fix it?' We don't actually need to make changes to what is working well now.

3760

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 12:35 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Jonathan Gillies Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Dunedin Central Postal City:
Dunedin Postal Region: Otago Postal Post Code: Postal Country: New Zealand
Submission: I would just like to make a few quick remarks on the various topics likely to come before
the panel.

1. HM Queen Elizabeth should remain our head of state and as should her successors. This ensures that position remains a-political.

2. New Zealand should re-introduce an upper house with longer terms and a different election cycle to the lower house. This would stop governments abusing urgency in our parliamentary process. Seats in such a chamber should also be based on regions and not population. To often the needs of the regions get drowned out by the needs of Auckland. Regional seats would ensure there concerns were more equally heard at Parliament.

3. The Treaty of Waitangi should not become part of any signal constitutional document. It is badly drafted, and its original intent of has been lost to history. Also we as a country have not put the issues that have arisen out of the settler period to rest yet, adding such a contentious document to a constitution would be unwise.

4. Parliament should remain sovereign, no change should be made to our constitutional arrangements that places any body or document above Parliament. It should be given the freedom to pass laws and not be bound by a constitutional document interpreted by the courts. MPs are the people chosen by New Zealander's to make the laws of the land and this power should be protected. We should not become like the USA or Germany were a court and override the will of Parliament.

Finally, our constitution as it stands its made up of many documents each says something different about the meaning of Liberty and whats powers a government should and should not have. This Liberty is not something we should take for granted and we should be very careful in changing anything to such a fundamental part of our society.

Submitted on the 22 July 2013 at 02:09

650

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/04/2013 7:57 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Scott Gilligan Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Pareora Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: I would like the New Zealand Constitution to
make NO reference to race, religion or cultural beliefs. Its a constitution for "New
Zealanders". To cover everyone born or immigrated of/to New Zealand.

Sent on the 28 April 2013 at 19:56

5212

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 11:55 a.m.

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

Full Names: Mark William Gilmour Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland
Postal Post Code: Postal Country: New Zealand Submission: I think the current BORA is
a bit pointless.

I strongly support making it a supreme law, and giving the courts the power to strike down laws inconsistent with the bill of rights, as a means of protecting ourselves from the potential excesses of future governments.

I trust any argument I make in defense of these positions will already have been better made by another submitter.

Submitted on the 10 June 2013 at 14:37

1420

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 2:42 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Diana Ginn Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal City:
Horowhenua Postal Region: Postal Post Code: Postal Country: new Zealand
Submission: I would like to make it known that I as a New Zealander do NOT want to see the treaty of Waitangi used in any way in any constitution. The paper is redundant and the majority of 'Maori' in this land, are not true maori but just inherited the gene as I have inherited my mother's Canadian gene. Modern Maori are New Zealanders by birth in the same way a Chinese born NZer is. They are not considered 'chinese' except by bloodline.

There is too much liberty given to Maori due to the political correctness around the treaty, and in those liberties, is the removal of self esteem due to the fact so many of them now are being born into families that have been taught they are more important and have more rights than I as a 'pakeha' do. The children are not skilled in much other than a beneficiary culture, kapa haka and white bashing.

The reverse racism in NZ is horrific. The blame is also laid on the government and white people here of which the majority of 'maori' are now. There is a constant expectation and demand for more and more.

I cannot go to a 'maori' school, doctor, or claim benefits they can, but if the reverse was in effect, I would be charged with racism and bigotry.

The maori of today are separatist and self absorbed with little to actually be proud of any more. It is a tragedy, and if by some awful chance they treaty was included in any constiution giving more rights to them then New Zealand would go into a faster decline..

We are a MULTI Culture in NZ not bi-cultural as they would have... them and 'us' = the rest of the country.

This needs to be acknowledged and the other cultures given equal representation in places such as parliament. Maori seats OUT! Maori need to earn a seat in the same way as I might, but no there is preferential treatment given as if by right. WE are a people of one country and need to work together not just for one race of people but the many different races in this now diverse culture of ours.

I do not support Te reo in schools, as it once again creates a feeling of elitism where the reality is, the children need to learn from their elders not the public at large.

To acknowledge us in a legal document as ONE multi faceted race of mixed heritages, would be to

define NZers and that.

I am tired of being abused by people who have as much Irish in them as I do, but happen to have had a Maori grand father who partnered the Irish grandmother.

What I say is that anyone born here is equal. We are not races, but now very mixed.

There is no place any more for the political affiliation to a party based on race, but I am aware it is a political strategy to win voters.

There is an act I believe in the Treaty legal papers of 1974, that states that ANY one can put themselves on the Maori electoral roll. This is the only way that the roll has increased in number as it is a physical impossibility for those born true Maori to have increased in number except by claiming the right due to inherited genes.

We as an older group of which I now am, are tired of the preferential treatment and watching the decline of a once proud people, due to their inability to dig their own dirt anymore but who also expect the food to be on their tables.

Thanks .

Diana Ginn

Sent on the 18 June 2013 at 14:40

2612

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:08 p.m.
Subject: CAP Submission

It is time the Maori set's were abolished it should be One man [Woman] One vote. D. H.
Given

4679

From: "Calum"
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:51 p.m.
Subject: CONSTITUTIONAL REVIEW

Hi,

Please take this into consideration that I think that:

5.a) Should the Maori electoral option (separate Maori roll) be retained or abolished? THESE SHOULD BE ABOLISHED

(5.b) Should the parliamentary Maori seats be retained or abolished? THESE SHOULD BE ABOLISHED

(5.c) Should local government Maori seats be retained or abolished? THESE SHOULD BE ABOLISHED

(6.a) Should the Treaty of Waitangi have a more central role in our constitutional arrangements? NO

(9.a) Should the DECLARATION OF EQUALITY be enacted by Parliament? YES

(9.b) Should constitutional change be dictated by MPs or subjected to a public referendum? subjected to a public referendum?

Thanks

Calum Glasgow

3572

From: "Clive" <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 14/07/2013 5:26 p.m.
Subject: CAP Submission

Panel Members,

I wish to add this submission to those which believe the Maori seats in parliament should be ABOLISHED.

Similarly, all other special racially based privileges/advantages should NOT be part of any constitutional changes.

The Treaty of Waitangi should NOT be the basis of any NZ Constitution.

Any changes should be carefully designed to help all citizens as equally as possible to achieve security and self fulfilment, irrespective of ethnicity or ethnic mix.

C.M.A.Glasgow

Thames

1635

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 4:34 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Brett Donald Glass Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Huntly
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand Submission: The
Treaty Of Waitangi is a document that was relevant at the time of it's conception but has little
relevance today.

We have a society now that is more racially divided socially, legally and economically than ever and
impeding change to this situation is the current status accorded to the Treaty Of Waitangi.

All citizens should have equal rights and opportunities and not be discriminated against/for either in
law or because of their ethnicity.

Sent on the 26 June 2013 at 16:33

4055

From: Caroline Glass
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 3:14 p.m.
Subject: CAP submission
Attachments: constitution submission - Caroline Glass.doc

Constitution Consultation Submission

Caroline Glass

Electoral Matters

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

The New Zealand Parliament has more responsibilities than the Australian, Canadian or United States federal parliaments, because we expect our parliament to make laws and regulations on the whole range of issues that those parliaments make laws and regulations on, and we ALSO expect our parliament to make laws on most of the issues that in those countries are left to state or provincial parliaments. Likewise, the New Zealand Parliament has more responsibilities than the 166-member Irish Parliament, or the 680-member UK parliament, because those parliaments rely on the European Union to make many of their decisions for them.

This suggests that New Zealand should probably have a larger parliament than it does have, to spread the workload more broadly. However, It is not proof that we need a larger parliament, because those countries have not necessarily done a better job of working out how many members of parliament they need than we have.

I suggest that a decision about the number of MPs that we need should be based on an investigation of the workload of parliament, the ideal number of Select Committees, the ideal number of MPs per select committee, and how the number of MPs effects the internal dynamics of parliament and the balance between cabinet and non-cabinet members of the governing parties. I also believe that we should be open to the possibility of such an investigation concluding we should have something like twice or four times as many MPs as we currently have, because if it doesn't reach that conclusion it will effectively be concluding that almost every other OECD country has far more MPs than necessary.

2. **How should the election date be decided?**

We should have an election scheduled once every three years, determined by a rule like 'the first saturday in October'. Snap elections should be permitted, but should not affect the timing of the scheduled election. This means that parliament will be able to have a snap election if they need one due to being really unable to form a majority, but governments will not have the incentive they currently have to call an early election solely on the grounds that they think they will do better in an election now than they would do if they waited until the expected time. On the contrary, they would have a strong disincentive to call a snap election, because it would lead to 2 elections quite close together, and they would know this was likely to be unpopular and to make them unpopular. I consider that the power to call a snap election for your own party's benefit has only been abused once in new Zealand's history (2002), but it is frequently abused in Australia (and occasionally in the United Kingdom), and it is desirable for us to guard against that happening here.

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

There should be a set ratio of electorate seats to list seats, ideally 50% list seats and 50% electorate seats.

Some traditionally underrepresented sectors of society, such as women and Pacific Islanders, have tended to be more underrepresented among electorate MPs than among List MPs. Therefore, the fewer list MPs we have, the more underrepresented they are likely to be. Also, it is useful for parties to be able to use the party list system to have some MPs who are free from the duty of looking after electorates, so that they can concentrate more on their ministerial responsibilities (examples of this include Steven Joyce and Michael Cullen). We need to have enough list seats for a party to be able to do this even when it wins a lot of electorates.

My choice of 50% as the appropriate ratio is an arbitrary one, but it is an arbitrary figure which I consider to be a reasonable approximation of what is required.

One downside of fixing the proportion of electorate seats to list seats at 50:50 is that rural electorates will end up covering even larger areas than they currently do. This can be partially mitigated by increasing the Electorate Tolerance. The Electorate Tolerance is the percentage by which the population of any one electorate may deviate from the average electorate population. It is currently set at 5%, and it has been 5% since the days of First Past the Post, when any deviation from precise equality in electorate population would tend to lead to overrepresentation of the people living in the electorates with smaller populations. With MMP with a decent number of seats in Parliament reserved for List MPs, this is much less of a problem. Therefore we can afford to increase the electorate tolerance to something like 15%, allowing the Representation Commission to draw electoral boundaries which make the large rural electorates less spread-out than they would otherwise be.

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

Members of Parliament should continue to be allowed to leave their party without leaving parliament. If a party has concerns about its MPs leaving the party during their electoral term, it should try to reduce the chance of this happening by improving its candidate selection procedures or by running its caucus in a manner which is less likely to make people feel alienated and want to leave the caucus.

Because the functioning of Parliament and the government rests ultimately on the skill, values and commitment of members of parliament, we need to encourage people to consider what the candidates on a party's list will bring to parliament when deciding which party to vote for.

Restricting the freedom of MPs to have their own opinions and part ways with their party if need be means you are effectively turning MPs into minions of their party, when we should be moving the other ways and thinking of party caucuses as coalitions of individuals.

When Neil Kirton left New Zealand First in 1997, I believe he was doing a better job of standing up for the policies he was elected under than the party he left was. Likewise, I think that when Jeanette Fitzsimons and Rod Donald left the Alliance in 1998 to act as an independent Green Party, I suspect they were in fact keeping faith with a lot of people who had been attracted to vote Alliance by the presence of the Green Party within the Alliance. To me, these cases are enough to justify allowing waka jumping, despite the existence of more instances of waka jumping which I cannot see a moral justification for. In addition, I suspect that having the right to leave one's party and stay in parliament has also given many backbench MPs who didn't leave their parties more power to be taken seriously within their caucus than they would otherwise have had, and that encourages a collaborative decision-making model which is vital to sound decision-making.

Non-Electoral Matters

1. protecting the role of Local Government

I support the idea of the role and structure of local government being protected in the constitution so that it cannot easily be changed. This would serve two purposes:

- allow for a better balance of power between central and local government, so that central government could not over-ride local government whenever they thought they knew better
- put more powers related to local development in the hands of the people of a local area, rather than have them overruled by a larger number of voters in a different part of the country.

There would need to be a process of reviewing the role and structure of local government to make sure we had it right before it got written into the constitution.

2. protecting the rights of nature

I support the idea of having protection of nature and the planet in our constitution. My first choice for how to do this would be to follow the lead of the Ecuadorean constitution, which gives nature the:

“right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution”,

and requires government to take:

“precaution and restriction measures in all the activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles”.

3. Status of International Treaties

International treaties with enforcement mechanisms currently function a bit like constitutional documents, in that Parliament is unable to repeal them and free itself from their requirements. Despite this, they are currently entered into by the executive and become binding on the country without even needing the approval of parliament. Despite many being effectively un-repealable, they do not even get the parliamentary oversight that a regular law that can be repealed gets. By contrast, those without enforcement mechanisms seem to not be worth the paper they are written on, and New Zealand's signature on some of these is effectively a fraud in that governments make no attempt to meet the conditions of them.

For this reason, I propose that all international treaties which the government enters into on behalf of the people of New Zealand and which are likely to be controversial or significant in effect should need to be ratified by the people in a referendum before they are valid. This should apply both to those with external enforcement mechanisms and those without.

This obviously poses the question of how to determine which international agreements are significant or controversial. One way of determining this is for each treaty to go initially to Parliament for ratification, but 10% of MPs could override this and get it sent to a referendum.

The ratification of an international agreement by Parliament or by a referendum would then give it legal status which would allow the New Zealand courts to rule on New Zealand Government breaches of the agreement.

1704

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 4:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roy Warwick Glass Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 1.What
are your aspirations for Aotearoa New Zealand?

I want a country where everyone wants to have their say, want to vote and fully participate in the running of our country. I am particularly concerned that one third of eligible voters did not vote at the last general election. This indicates to me that a significant minority of NZers feel they have no stake in the running of our country. The reasons for this non-participation are perplexing and worrying. Have a large number of NZers "given-up"? Or are they happy with the present state of things?

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

I know this is trite but the country should be run "by the people, for the people".

Sent on the 28 June 2013 at 16:00

1704a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 4:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

Yes

Why?

I think a single written constitution should establish the principles on how we want our society to operate. It should be used as a basis to hold Parliament to account, it should prevent abuses of power and prevent the passage of discriminatory or unjust laws.

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

Yes

Why?

It seems to me that a written constitution should be more difficult to change than everyday law, because it acts as a set of fundamental principles that guide the operation of our society. If there is a high level of agreement about constitution principles, then the constitution should not be capable of amendment without a similarly high level of agreement.

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

The Courts

Why?

Governments, who control Parliament, cannot be trusted to decide if legislation is consistent with the constitution. This is because Governments are driven by issues of the day, and do not always give due consideration to constitutional matters. The Courts have the independence to consider such matters away from the issues of the day.

Sent on the 28 June 2013 at 16:24

1704b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 5:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roy Warwick Glass Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 1.Does
the Bill of Rights Act protect your rights enough?

To be honest I don't really have an answer to this question. I understand that each piece of prospective legislation is tested to make sure it complies with the Bill of Rights Act. How well this is done, I don't know.

The real test comes when the legislation is applied in practice, and it will be for those affected by the legislation to hope that the Courts will point out any wrongs in the application of legislation. I can think of the over zealous actions of the Police in applying Anti-terrorism legislation at Ruatoki as an example of this.

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

I don't have an answer to this question, but I do believe that there are subtle institutional pressures within society that seek to muzzle freedom of speech. And, to my mind, freedom of speech/expression (exercised responsibly) is one of our most precious rights.

For example, despite making polite noises to the contrary, corporate culture discourages free speech if it is contrary to prevailing thinking, and encourages compliance amongst employees - often to the detriment of the organisation in the long run.

Another example is our pretense at whistleblowing, which often leaves the whistleblower as its (only) victim.

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

Why?

See my answer to the same question under 'New Zealand's Constitution.

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

I don't know if we need any further rights. We just need to protect those rights that we already have.

Sent on the 28 June 2013 at 16:52

1704c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 5:40 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

I believe the Treaty of Waitangi cannot be ignored, and it deserves a significant place in our constitution.

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

Yes

Why?

To be honest a written constitution, without a commitment to the principles of the Treaty of Waitangi (however they are described and applied in today's world) would be a hollow document indeed. I feel that a written constitution needs to effectively replace the Treaty of Waitangi by somehow lifting the Treaty principles and expressing them in a way that has relevance and meaning in a modern world. I'm not sure if this is achievable. If it is, then it will certainly be worth the effort in my opinion, no matter how long it takes.

Sent on the 28 June 2013 at 17:39

1704d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 6:50 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roy Warwick Glass Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 1.How
should Māori views be represented in Parliament?

As a general comment, I find the topic of appropriate Maori representation very perplexing. And I should say that I'm a male, middle-aged pakeha and I may therefore view things in a certain way.

In principle there should undoubtedly be a mandated Maori presence amongst our elected representatives (both in central and local government). That already happens in central government, as we all know.

But the effectiveness of that representation in its application is of interest to me. Parliament is an odd place to begin with because the people who end up there are of a certain stamp - they have agendas; they are ambitious, ego-centric, and power-driven; and often strongly identify with an ideology. Parliament itself operates in an adversarial way where good decision making built on consensus is rarely achieved.

But despite this, I understand that the Maori Affairs select committee is one of Parliament's most constructive and bi-partisan groups within Parliament.

The reality is that Maori continue to be over represented (in a negative way) in education outcomes, in health, in economic prosperity, in crime, in prison populations despite the "advantages" provided in guaranteed Parliament representation.

Unfortunately I don't have the answers to fixing the problems noted above - but representation on its own is obviously not enough. Deep down I think the answer lies in having cohesive and stable families, good role models (which bring an understanding and appreciation of sound values) and ultimately having a positive participation in society.

I'm also of the view that Parliament in passing legislation, etc and generally acting in an overly paternalistic way is not capable of solving these problems. The answer, I think, needs to come from the people themselves. Perhaps by giving the people the rod (rather than the fish) with some support that they can call on if needed, then some of these problems can be overcome. I'm convinced that strong community based organisations (NGO's if you like) are essential in making communities work. I'm thinking of sporting clubs, residents' associations and all the other little groups that do things do give communities a sense of place and purpose.

Maybe if our elected representatives were to place more trust in communities to look after themselves - through encouraging NGO's then we might have a better shot at dealing with the problems we face.

My final comment is about "positive discrimination" - something that I'm not opposed to but, as we all know, does have negative impacts. To elaborate "positive discrimination" can cause jealousies amongst those that don't enjoy the so-called privileges. And so we hear the calls of a separatist elite and favouritism. There is also the effect of positive discrimination amongst members of the so-called "favoured group" whereby they will always feel they are under a cloud because they didn't succeed on their own merits but "got a leg up" by the system. The ultimate effect is to rob a member of the "favoured group" of their mana, and associated feelings of resentment.

As I mentioned above, Maori representation and the associated issues that accompany that notion, are quite perplexing. I don't have the answers but the ultimate outcome is for Maori to enjoy the same quality of life as the rest of us. Certainly worthy of much further discussion.

2.How could Māori electoral participation be improved?

See my comments to Q1.

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

See my comments to Q1.

Sent on the 28 June 2013 at 18:49

1704e

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 7:14 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roy Warwick Glass Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 1.How
many members of Parliament should we have?

I have no opinion on the appropriate number of members. I'm in favour of a Parliament that is as representative of our society as possible.

2.How long should the term of Parliament be?

I favour a 4-year term.

Why?

This gives a government more time to sensibly implement its policies. Three years is too short, and five years seems to be too long. If the UK experience is anything to go by not many governments complete a full 5-year term.

3.How should the election date be decided?

I have no opinion on this matter.

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

I have no particular opinion on this matter, although I'm happy that this decision is made independently of the politicians.

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

In theory a member is elected on the basis of the policies he/she supported prior to being elected. If the member leaves the party with which they are associated then they are effectively renegging on the "contract" they agreed with the voters - although there is a possibility that the party may have departed from its policies once it was elected.

The response of the member should be for them to resign from Parliament. If they represent an electorate then there should be a by-election, and there is no reason why the member should not put themselves up for re-election under their new banner. If they are a list member they should resign and be replaced by the next person on the party list.

Sent on the 28 June 2013 at 19:14

2003'
From: "Tracey Glass" <
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 7:37 a.m.
Subject: The Constitution Conversation - Submission from T Glass

To whom it may concern

Regarding the "Constitution Conversation", I wish above all that true democratic principles apply - that is one person, one vote with no special privileges available to one group being conferred by ethnicity or otherwise.

We need to realise for once and for all that New Zealand is a multicultural country and stop believing that espousing "biculturalism" will suffice. I strongly do not wish the Treaty to be ensconced in the Bill of Rights. New Zealand will consign itself to decades of ongoing conflict by doing so and one only needs to look elsewhere in the world to see the strife that is caused by continuing to favour one group over another.

Yours faithfully

Tracey Glass

Hororata

5160

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:36 p.m.

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

Full Names: Walter Glass Email: Phone: Postal
AddressA: PO Box Postal City: Palmerston North Postal Region: Manawatu Postal
Post Code: Postal Country: New Zealand Submission: I agree with the submission that
all law in NZ is based on equality of people without consideration for race or creed and that the Treaty
of Waitangi should not influence law nor be considered the platform for separating the population or
allow race based

activities.

Submitted on the 12 June 2013 at 16:07

4967

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 4:28 p.m.

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

Full Names: john harvey gledhill Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: tauranga Postal Region: Postal Post Code: Postal Country:
New Zealand Submission: no change to our unwritten constitution

Submitted on the 26 July 2013 at 16:27

1018

From: Robert Glennie <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 3/06/2013 6:20 p.m.
Subject: C.A.P. Submission - Robert Glennie
Attachments: SUBMISSION OF ROBERT GLENNIE REGARDING NEW ZEALAND
CONSTITUTIONAL REVIEW.do
cx

Christchurch
New Zealand

Dear Sir/Madam

My name is Robert Glennie. Please find attached my submission regarding the
New Zealand constitutional review.

If you have any questions, please do not hesitate to contact me.

Thank you.

Yours Sincerely,

Robert Glennie

SUBMISSION OF ROBERT GLENNIE REGARDING NEW ZEALAND CONSTITUTIONAL REVIEW

INTRODUCTION

My name is Robert Glennie. I am a New Zealand citizen by birth.

I would like to start by acknowledging the constitutional review process that is underway. It is a necessary debate to be having, though I am uncertain that in its current form, the constitutional review is necessarily the best method. As partial reason for that uncertainty, I am writing this submission as a concerned citizen of this country, who believes that the democratic principles on which New Zealand was founded and which made it great are being eroded using a mixture of both covert and overt acts.

Parliamentary Processes

I raise this issue first and foremost, having noted a dramatic and largely unnecessary increase in the use of Parliamentary Urgency to pass legislation. This has the effect of enabling legislation to pass through the three readings and receive the Governor General's assent without passing through the Select Committee process. In the first two and a half years since the incumbent Government came to office in 2008, there were at least 17 individual uses of Parliamentary Urgency and at least one of Extraordinary Urgency in the first two years of the Government being in office. The previous Labour-led Government used urgency 12 times in nine years.

A recent well known example of this is the amendments introduced to Parliament by the Minister for Energy and Resources, Simon Bridges. The purpose of these amendments was to effectively bar peaceful protest at sea, and to permit heavy fines to be imposed on protestors who go closer than a certain distance. Mr Bridges sought to drive these through Parliament under urgency on 16 April 2013, with no time for the Select Committee to vet the legislation despite nearly 50,000 people including Sir Geoffrey Palmer – a man not normally known for signing such petitions – signing a Greenpeace petition opposing the changes. There are concerns that as a result this legislation might have breached the Bill of Rights Act 1990 and international statutes that New Zealand is a party to.

Another example is the passage of laws under in 2011 pertaining to copyright issues online, but passed at the same time the Canterbury Earthquake Recovery Act was passed under urgency. Whilst there might have been a case for the former to be passed under urgency, there most certainly was not a case for the latter to happen at the same time.

A final example of why Parliamentary processes need significant overhaul was the recent passage of the disabled carers amendments. These were subjected to no Select Committee vetting, were extremely poorly written and may now be the subject of a Law Society complaint to the United Nations. All of this could have been avoided if the due diligence had been done by the appropriate Select Committee.

Relief sought:

- i) A binding review of Parliamentary processes that ensures Parliamentary Urgency and Extraordinary Urgency are only used in cases of national importance where a deadline beyond which significant consequences are likely, exists.***
- ii) To require a review and/or sunset clause to be included in such legislation.***

SUBMISSION OF ROBERT GLENNIE REGARDING NEW ZEALAND CONSTITUTIONAL REVIEW

Constitution

I am in two minds about whether or not a Constitution of New Zealand would work. However I am absolutely convinced that the question of whether or not New Zealand should have a Constitution needs to be put before New Zealanders in a binding referendum. It is not a question that Members of Parliament should be left to sort out on their own, not matter what knowledge they might bring to the debate.

Assuming a Constitution is requested by the people, it should cover topics such as, but not limited to:

- Length of Parliamentary term
- Protecting the Bill of Rights 1990, Human Rights Act 1993 and other Acts of Parliament considered to be our constitution in its current form
- Impeachment proceedings for Government should a case arise where the governance of the day is so incompetent as to require immediate dissolution, and the circumstances under which such proceedings may be considered appropriate – e.g. treason, corruption
- Review of referenda as a legal instrument with view to either replacing with binding referenda
- Whether or not the Supreme Court is fit for purpose – no referendum was sought in 2002 when the then Attorney General Margaret Wilson set it up
- Whether or not to have an upper House to keep Parliament in check
- Provide for an eventual referendum on whether or not New Zealand should become a Republic
- Making permanent the place of Te Tiriti O Waitangi – some people would have it removed and the treaty settlements reversed, which would be hugely detrimental

Bill of Rights Act 1990

I mention this Act of Parliament specifically because according to the Constitution Conversation web site, the Attorney General is required to report to Parliament that the legislation is in breach of one of the Act's of Parliament that define our constitution. Attorney General Chris Finlayson did so on the Disabled Carers amendment Bill, but still voted in support of it as a National Party Member of Parliament. Is that not a serious conflict of interest?

Relief sought:

- Have a binding referendum asking a question along the lines of "Should New Zealand adopt a formal Constitution? Yes/No"*
- To make allowance for a Constitution in the future if the binding referendum result is negative*
- To require the Attorney General to abstain on legislation that he is concerned is in breach of one or more of the Act's of Parliament that are recognised as part of our constitutional framework. His duty as the A.G. should be more important than party politics*

Local Government

The sacking of the Environment Canterbury council in 2010 was not a democratic act necessarily

SUBMISSION OF ROBERT GLENNIE REGARDING NEW ZEALAND CONSTITUTIONAL REVIEW

supported by the people of Canterbury. A more appropriate method would have been to have a referendum asking the people what they wanted to be done about the elected Regional Council. The people of Canterbury were promised we would be able to elect a new council in 2013, but the Government decided in 2012 that Canterbury would no longer be able to do that and set the new elections at 2016. What is there to say they will not postpone them a second time?

No other province has been subjected to this. The Auckland Council was set up after a Royal Commission of Inquiry, although it would probably have been better to ask Aucklanders what they wished to see, I can appreciate it would have been an expensive exercise.

The Resource Management Act 1991 reforms are of concern as well, since many of the changes have ignored Select Committee and submitter evidence regarding the removal or alteration of key provisions in the Act. Sir Geoffrey Palmer, who was the architect of the original R.M.A., raised similar concerns about this as well.

Relief sought:

- i) ***Provision provided for local level referenda providing for replacement of elected Council's either by voluntary dissolution or replacement as a result of referenda***
- ii) ***The referenda be binding***
- iii) ***That the Minister of Local Government only intervene if this process is not being followed***

Transparency

Transparency International said a few months ago that we are one of the most transparent nations in the world when it comes to governance. It rated us in the top five along with Sweden and Finland. Whilst that rating is very good and we are probably in the top 10%, recent opaque decisions described above and the Trans Pacific Partnership Agreement (see below) negotiations have been far from transparent and many politicians, legal practitioners and concerned citizens have rightfully demanded to know why.

The Government wants New Zealanders to have confidence in the T.P.P.A. negotiations. Many of us cannot. I am one. I rely on Pharmac's ability to negotiate generous deals with pharmaceutical companies for medication necessary to my survival. If that were to no longer be the case, my parents might still be able to afford my medication, however I personally cannot and there would be a lot of other people with rare disorders or long term illnesses who would be jeopardised by any decision to reduce Pharmac's buying power.

To me the T.P.P.A. negotiations are not a transparent process. I harbour significant concerns about the physical wellbeing of New Zealanders who might not be able to afford medicine in a market environment.¹

The Trans Pacific Partnership Agreement raises other concerns, about the security of New Zealand's sovereignty which need to be addressed. It is probably not appropriate to outline them here, as they would be beyond the scope of this review. If these concerns above are addressed, the review would be going some distance towards mitigating them anyway.

Because of the concerns mentioned above, Transparency International's estimate of our

SUBMISSION OF ROBERT GLENNIE REGARDING NEW ZEALAND CONSTITUTIONAL REVIEW

transparency is probably not completely justified.

Relief sought:

- i) Make the negotiations transparent and if necessary put in place checks that ensure New Zealanders within good reason are given the information they need to know about Free Trade Agreements*
- ii) Set in place non-negotiable bottom lines. Of course they need to be fair enough that we have a reasonable chance of still participating in negotiations, but if other nations or proponents of an agreement refuse to accept our basic sovereignty then we should be prepared to walk away*
- iii) Conduct occasional audits into New Zealand Government ministries, and departments to determine compliance with transparency safeguards. Findings, subject to appeal, should be fair and final*

Human Rights

The New Zealand Government on behalf of New Zealanders over the decades has signed and ratified a number of statutes on human rights. All of this was within good reason. We are indeed a nation that prides itself on its high standard of human rights and for the most part the pride is still justified.

Unfortunately there seems to be less emphasis on human rights in this Government. They are considered in some respects such as labour law and our democratic rights to be expendable. Cases in court that have clearly reflected this with regards to labour laws include the case against the Sajo Oyang fishing trawlers based at Lyttleton and the very poor human rights record of three vessels in particular – one impounded by the Ministry of Fisheries, one now sunk (August 2010) and one possibly still operating. The allegations against the senior crew on the ship included sexual violence, physical violence, extremely long working hours, with holding of pay among others. Failure to comply properly with these statutes has led some nations and fishing companies to consider New Zealand territorial waters to the “the wild west of the high seas”, which is sort of an 1800s notion of frontier justice, but unfortunately deserved.

There is no such thing as expendable human rights.

CONCLUSION

The case clearly exists for a Constitutional Review. However whether the decision to have a review without first asking New Zealanders if they think there is a problem – although I think many would agree (just my observations) that one does exist – with our constitutional arrangements, somewhat undermines the process. But the cost of going back now would be unacceptable and so it is on that note that the above submission is presented.

Do you wish to be heard? NO.

Footnote:

¹ In italics because situation is specific to my own wellbeing.

528

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

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

Full Names: keith glentworth Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: canterbury Postal Post Code: Postal Country: New
Zealand Submission: 1 - one law for all

2 - stop the treat of Waitangi it is dividing the country

Sent on the 16 April 2013 at 20:37

1457

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 9:31 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jolvon Stanley Andrew Glover Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Horowhenua Postal Post Code:
Postal Country: New Zealand Submission: As a seventh generation New Zealander, I
submit that to include the Treaty of Waitangi in any way in a formal constitution will create a racially
biased constitution.

I am very proud of New Zealand and the Maori culture within it.

Nevertheless, today, in 2013 if we are going to create a single-document-constitution, we need to
accept we are a multi-cultural society and must look to the future on that basis, not from a basis of
bi-culturalism.

Racism is frequently an insidious negative force.

Please, get this right, let's aim to diminish racism in all it's forms. Like the New Zealand the majority of
us wish for. Lets not enshrine racism any further in our culture or legislation.

Sent on the 19 June 2013 at 09:29

4433

From: Richard Glover - Bow To Stern
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 2:50 p.m.
Subject: NZ constitutional review

>

I have seen & experienced racism in different parts of the world & cannot agree that any group should be singled out & treated differently from any other
We are all New Zealander's & there should be no system set up which does not treat people equally.
If people from anywhere are accepted here as residents or citizens they are equal.
Are we to go down the apartheid route as in South Africa.
I struggle to understand how we can make so many mistakes in New Zealand when there are other countries all over the globe who have made the same mistakes over the last thousand years.
Is it rocket science to learn quickly, easily & cheaply from the mistakes other countries have made, do we need to repeat them to prove they were mistakes
or am I missing something
Please note my objection to any system that singles out any group for special concessions & also that many people may not comment but that does not mean they are advocates or objectors. Simply they are too busy trying to survive in their own lives.

Richard Glover

2887

From: Susannah Goble
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 10:18 a.m.
Subject: Constitutional Review Submission

Please accept my late Constitutional Review Submission:

I ask that the Treaty of Waitangi is put at the centre of the Constitution, as the founding document of Aotearoa New Zealand.

I ask that measures are implemented into the Constitution to provide greater protection of Local Government autonomy. This would include reducing the ability of Central Government to remove a council and replace them with commissioners and protection around funding. For example, there could be funding available for local government to implement projects in their Long Term Plan that does not require central government to endorse the project.

The Constitution should also protect the purpose of Local Government to provide for the social, cultural, environment, and economic wellbeing of people - and not just to provide for basic services such as roads and rubbish.

Thank you.

Susannah Goble

Auckland
Auckland

1289

Copied to. P.M. John Key
Hon Simon Bridges
Hon Tony Ryall

25 May 2013

Secretariat

Constitutional Advisory Panel

C/o Ministry of Justice

DX 1008

Wellington

It is with real concern for the future of our fine country that I wish to state my objection to the Maori Party initiated review of New Zealand's constitutional arrangements. Their objective, to achieve a greater importance for the Treaty of Waitangi and a special importance for the part-Maori group of New Zealanders, is outrageous and dangerous.

The costs to taxpayers of the now outdated Treaty have accumulated, generally based upon dubious claims plus a mix of mythology and contrived emotional disturbance.

Democracy in New Zealand is, unfortunately, fast disappearing as each of the main political parties seek to strengthen its voter support.

There are many aspects of governance that worry voters at present but probably the greatest threat to New Zealand's future is the very clear and uncontrolled advance of separate development (apartheid). It is clear to the writer that taxpayers are fully justified in pursuing the disestablishment of the Waitangi Tribunal forthwith.

Please, please take stronger steps to establish a Declaration of Equity and abolish all aspects of the now outdated and misused Treaty of Waitangi.


John Goddard,

, Tauranga.

4348

From: Kevin Goddard <
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:05 a.m.
Subject: CAP submission

My wife and I wish to register our most strong objection to any written
Constitution for N.Z. based on the Treaty of Waitangi.

For far too long the Treaty has been manipulated and twisted to suit a
small radical minority of the population of this Country.

These actions have been aided by Politicians from both major Parties some
of whom have sold their Souls to stay in Power.

As ordinary LAW ABIDING Citizens who were born here, we say please end this
nonsense.

Kevin and Loys Goddard.

2574'

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 3:18 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Te Moananui-a-Kiwa Goddard Organisation Name: Te Kura Kaupapa Maori o
Tamakinui-a-rua Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Feilding Postal Region:
Manawatu Postal Post Code: Postal Country: New Zealand Submission: 1. What are
your aspirations for Aotearoa New Zealand?

- The Maori language to be recognised as being the native tongue of Aotearoa - New Zealand.
- NO more assets to be sold.
- More job opportunities, and courses/agencies to encourage people to work.
- Take better care of our environment

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

- There should be less people in Aotearoa prisons (this will also save money), and in order to achieve this, we must have a better, and more productive justice system, encouraging criminal minded people with positive and effective ways of thinking.

- Money is not the answer to every problem. We must find other ways of penalising people who break laws as apposed to settling it with a some of money. This is only encouraging more people to break more laws as it is a form of suppression and injustice. The reason I say this, is that people who are penalised and sent to court, are usually lower or middle class citizens and are already in a position of poverty.

- Politics should be taught at schools at a very simple level (without favouritism), and voting should start at 15, so we can empower our youth to become more involved in the process and develop a whole country of critical thinkers. This will also solve a whole lot of issues such as the lack of voters in Aotearoa, the lack of interest in voting, the lack of knowledge our young have regarding the importance of voting and the political awareness of our country as a whole.

- Learning about Aotearoa's indigenous culture/history should be compulsory at all schools and the Maori language should be an option at all schools.

- Politicians earn too much money for the lack of work they do. All they do is argue all day and every day. They need to either be pay'd less and our tax money be put to better use, or there should be fewer politicians.

- Free public transport for anyone over the age of sixty

(old people are the worse drivers).

2904

From: "a"
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 9:01 p.m.
Subject: CAP Submission

I submit the Maori seats should be abolished.

I feel that by retaining such separatist laws we are moving closer to an Apartheid society.

Al Godfrey

4680

1

From: Morgan Godfery
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:53 p.m.
Subject: CAP Submission
Attachments: Submission to the CAP - Morgan Godfery.docx

Please find my submission attached.

Nga mihi

--
Morgan Godfery

Submission to the Constitutional Advisory Panel

About the Submitter:

I am a law student at Victoria University of Wellington.

I am also a prominent political commentator. I run a blog – Maui Street – on Maori politics and frequently appear on TV, radio and in print. I authored the chapter on Maori politics in Victoria University's post-election book.

I have submitted on the Bill of Rights and the Maori seats. I did not have the time to draft a substantive submission on the Treaty of Waitangi, but my views can be summarised as:

Executive summary:

1. The Treaty of Waitangi should be entrenched as supreme law.
2. The Treaty should form the central part of a codified constitution.
3. The Bill of Rights Act 1990 (the Bill of Rights) must be entrenched.
4. The Bill of Rights must be supreme law.
5. Substantive rights – including social, economic and property rights - must be included in the Bill of Rights.
6. Additional and improved procedural safeguards are needed to better protect the Bill of Rights including a Human Rights Select Committee and reforms to section 7.
7. Existing rights can and must be better designed including the right to vote and remedies.
8. The Maori seats must be retained.
9. The Maori seats must be entrenched.

10. The purpose of the Maori seats must be clarified.

11. The Maori option must be extended.

12. Dedicated Maori representation in local government must be explored.

1. The Bill of Rights must be entrenched.

1.1. Entrenchment will afford the Bill of Rights practical sanctity and act as a constitutional safeguard against unprincipled change or abolition.[1]

1.2. New Zealand operates under a fusion of powers system. In effect, the executive controls Parliament. Entrenchment is needed to protect the Bill of Rights against the executive's "unbridled power". [2]

1.3. Entrenchment will bring New Zealand in line with international consensus including recommendations from the United Nations Human Rights Committee and practice in comparator jurisdictions.[3]

2. The Bill of Rights must be supreme law.

2.1. The Bill of Rights was intended to restrain Parliament's law-making practice. It has not.[4]

2.2. From a legal naturalist perspective, human rights are inherent and must be afforded the highest protection.

2.3. Supreme law powers are a necessary remedy. Interpretive techniques (i.e. section 6) are limited and can leave plaintiffs without a remedy.

2.4. There are few procedural or substantive restrictions on Parliament's (in practice the executive's) law-making power. A supreme law Bill of Rights is a necessary control on unrestrained law-making power (i.e. a constitutional safeguard).

2.5. The ballot box is an ineffective control.[5] Rights violations are, for the most part, targeted against minorities. Minorities, by definition, do not have the electoral power to punish rights violating governments and legislatures. Minority rights demand the protection of supreme law powers.

2.6. The counter-majoritarian difficulty is unfounded. Democracy is nuanced and textured. There must be a balance between majority power and minority rights.[6] Supreme law power protects the latter, Parliamentary sovereignty in all respects (other than human rights) protects the former.

2.7. The New Zealand legislature has a culture of rights abuse. Representative examples include Māori Prisoners Act 1880, the Waterfront Strike Emergency Regulations made under the Public Safety Conservation Act 1932,[7] and the New Zealand Public Health and Disability Amendment Act 2013 (No 2).

2.8. The threat of invalidation will impose a positive obligation on the legislature (an obligation to legislate consistently with the Bill of Rights).

2.9. A supreme law Bill of Rights will bring New Zealand in line with international consensus including recommendations from the United Nations Human Rights Committee and practice in other jurisdictions.

3. Substantive rights – including economic, property and social rights - must be included in the Bill of Rights.

3.1. Individual and collective pluralism is better protected with the inclusion of substantive rights.

3.2. The inclusion of substantive rights will bring New Zealand in line with international law (including the International Covenant on Economic, Social and Cultural Rights) and comparator jurisdictions. In an increasingly globalised world, this is essential.

3.3. Substantive rights are essential to “the practical enforcement and delivery of human rights”.^[8]

3.4. Process rights – i.e. the existing rights in the Bill of Rights – are inseparable from substantive rights. Process rights are needed to secure substantive rights through the political process, but process rights are meaningless to those without substantive rights (e.g. “the hungry and unemployed”).^[9]

3.5. The substantive right relevant to New Zealand is a right or rights to the necessities of life. Like the rest of the Bill of Rights, a substantive rights clause(s) must be tightly drafted. Substantive rights impose an obligation to fulfil (positive obligation) rather than a negative obligation (which is, generally speaking, the obligation under the Bill of Rights in its current form).

3.6. A right to property must be included. Property rights are the foundation of western mercantile culture and must be awarded constitutional protection.

3.7. A right to privacy must be included. The right to be free from unreasonable search and seizure is under inclusive. Although privacy is the touchstone value, it must be extended to a stand-alone right. The growth of the bureaucratic and security state demands that privacy is acknowledged as a human right.

4. Additional and improved procedural safeguards are needed to better protect the Bill of Rights including a Human Rights Select Committee and reforms to section 7.

4.1. Parliamentary scrutiny of human rights is inadequate.

4.2. The use of urgency allows the government to bypass select committee scrutiny of rights violating bills.

4.3. Rights violating amendments can be introduced by supplementary order paper.

4.4. Section 7 reports are only tabled at the first reading.

4.5. With that in mind, a human rights select committee must be created. A specialist committee will increase dialogue between the courts and Parliament (the courts receive better indications of Parliamentary intention) and lead to better institutional balance (i.e. between the executive and Parliament).

4.6. The Attorney-General must be given the power to flag a rights violating bill or amendment at any stage of the Parliamentary process.

5. Existing rights can and must be better designed including the right to vote and remedies.

5.1. The right to vote in local body elections must be included in section 12. The existing provision is under inclusive.

5.2. An express remedies clause must be included. The clause can be modelled on the existing law.

5.3. Section 4 must be amended to reflect the supreme law status of the Bill of Rights.

5.4. A clause demanding appropriate deference could be included to deter the unlikely scenario of unprincipled and unrestrained strike down.

5.5. The Bill of Rights Amendment Act must be repealed if litigants are to receive the full measure of rights.

5.6. An express right to tikanga Māori should be included in section 20.

References:

- [1] Sir Geoffrey Palmer “A Bill of Rights for New Zealand: A White Paper” (1985) AJHR A6 at [4.1]
- [2] Sir Geoffrey Palmer *Unbridled Power* (1st ed, Oxford University Press, Melbourne, 1979).
- [3] Andrew Butler and Petra Butler “Protecting Rights” in Caroline Morris, Jonathan Boston and Petra Butler (eds) *Reconstituting the Constitution* (Springer, Heidelberg, 2011) at chapter 9.
- [4] Andrew Geddis “The Comparative Irrelevance of the NZBORA to Legislative Practice” (2009) 23 NZULR 465
- [5] Justice and Law Reform Committee “Interim Report of the Justice and Law Reform Committee on a White Paper on a Bill of Rights for New Zealand” (1986) AJHR I8A at 14 per Professor Orr
- [6] Sir Kenneth Keith *Cabinet Manual 2008* at 5
- [7] Sir Geoffrey Palmer *New Zealand’s Constitution in Crisis: Reforming our Political System* (John McIndoe, Dunedin, 1992) at 65-69
- [8] Andrew Butler and Petra Butler “Protecting Rights” in Caroline Morris, Jonathan Boston and Petra Butler (eds) *Reconstituting the Constitution* (Springer, Heidelberg, 2011) at chapter 9.
- [9] Ibid.

1. The Maori seats must be retained.

- 1.1 The Maori electorates embody the Treaty partnership between Maori and the Crown.
- 1.2 The Maori electorates represent constitutional recognition of Maori as tangata whenua and act as a constitutional safeguard for Maori interests.
- 1.3 The Maori electorates are, after 146 years in existence, a right and are part of the fabric of Te Ao Maori.
- 1.4 Retention or abolition is a decision for Maori and Maori alone.
- 1.5 The Maori seats are not an affirmative action measure. The Maori seats are an expression of the guarantee to “rangatiratanga” in Article Two of the Treaty of Waitangi.

2. The Maori seats must be entrenched.

- 2.1 Entrenchment will insulate the Maori seats against majority tyranny or the unprincipled use of an ordinary Parliamentary majority.
- 2.2 The provisions in the Electoral Act 1993 that regulate general electorates are entrenched. The provisions regulating Maori electorates are not. The difference in treatment cannot be justified.

2.3 Dr. Ranginui Walker argued that the Electoral Act 1956 – which did not entrench the provisions regulating Maori electorates but did entrench the provisions regulating general electorates – was “perhaps the most discriminatory measure of all in the application of the law to Māori representation”. He was right and the criticism also applies to the Electoral Act 1993. (Walker, 1992).

2.4 In obiter remarks in *Taiaroa v Ministry of Justice* it was held that the Maori electorates are a “Treaty icon” and are “entirely consistent with the Treaty”. That is correct. As an expression of the Treaty, the Maori electorates must be entrenched.

2.5 The provisions regulating the Maori electorates are constitutional provisions. Constitutional provisions must be afforded the highest protection (i.e. entrenchment).

3. The Purpose of the Maori electorates must be clarified.

3.1 There is a misconception that the Maori electorates are concerned with achieving equal representation for Maori (i.e. electoral equality). This is not the Maori electorate’s contemporary rationale.

3.2 The Maori electorates protect Maori interests in the electoral system and are an expression of the Treaty partnership.

3.3 The Maori electorates allow Maori to participate as Maori in an electoral system that is, in all other respects, a western system.

3.4 Maori have been beneficiaries of MMP, though only in the sense that Maori representation in Parliament is equal to and in some Parliamentary terms greater than the Maori share of the population. Proportional representation has not guaranteed that Maori interests are protected. The Maori electorates have.

4. The Maori option must be extended.

4.1 The existing four month window too short. The window should be extended to six months or longer.

4.2 A provision imposing a positive obligation on the government of the day to “effectively” (rather than “reasonably”) advertise the Maori electoral option must be enacted.

4.3 I support in principle the private members bill from Te Ururoa Flavell MP that would automatically enrol New Zealanders of Maori descent on the Maori electoral roll.

5. Dedicated Maori representation in local government must be investigated.

5.1 I accept that it would be wrong in principle to impose dedicated Maori representation on local governments.

5.2 However, dedicated representation must be discussed. Maori interests are not adequately protected at local government level.

5.3 STV should be investigated as a voting system that might encourage increased Maori representation in local government.

5.4 Provisions regarding Maori input in the Local Government Act 2002, the Resource Management Act 1991 and so on are inadequate. Maori interests must not only be heard, but be afforded the appropriate weight.

5.5 Where dedicated Maori representation is rejected, local governments must be compelled to investigate alternative methods that include Maori perspectives in the decision-making process.

2144

From: Chris Godsif
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:14 a.m.
Subject: CAP Submission

Abolish all Maori seats, we are all kiwis arnt we. i believe we have more than paid our due to Maori, in treaty settlements now we are all one.

I have Maori blood as well and some of these so called leaders are an embarsement to us all, and they dont really represent us at all, more like represent themselves.

Chris.

Sent from Samsung tablet

833

From: "Folkert Goedhart"
To: <constitutionalreview@justice.govt.nz>
Date: 13/05/2013 10:05 a.m.
Subject: submission

I am 63 years old and extremely concerned at what is going on and what has been going on for some time now. I think that New Zealand is at a most critical stage in its entire history.

My submission and aspirations for New Zealand centre around unity for all New Zealanders. That means equality for all, no race based seats in Parliament or local Government.

The constitutional system as it stands at the moment is working fine and there is no need to change.

If any changes are appropriate, it is the abolishing of any race based representation, and making a statement of Unity and Equality for all New Zealanders.

It is also time to abolish the Waitangi Tribunal, with settlements nearly at an end and that should be the end of it all. After all, they were settlements, not progress payments.

If that is not the case, there will be untold inequality in New Zealand, something our children and grandchildren do not deserve.

They will be burdened by endless Treaty settlements, to which they will be enslaved.

They do not have any idea of how one race could place itself above another.

They do not have any control to which race they belong.

The mere fact that a part European can be called Maori makes the whole situation even more bizarre.

After all, why not be called European, even in the case of 1/2 European – 1/2 Maori? Surely that would be the same thing!

If the country continues to be split then it will eventually fail miserably. There will be mass exodus. People will take their talents and energy somewhere where they will be appreciated, and where government is a proper representation of the people – not race based.

Sincerely

Folkert Goedhart & Family.

833a

From: "Folkert Goedhart"
To: <constitutionalreview@justice.govt.nz>
Date: 23/05/2013 10:31 a.m.
Subject: submission

I am 63 years old and extremely concerned at what is going on and what has been going on for some time now. I think that New Zealand is at a most critical stage in its entire history.

My submission and aspirations for New Zealand centre around unity for all New Zealanders. That means equality for all, no race based seats in Parliament or local Government.

The constitutional system as it stands at the moment is working fine and there is no need to change.

If any changes are appropriate, it is the abolishing of any race based representation, and making a statement of Unity and Equality for all New Zealanders.

It is also time to abolish the Waitangi Tribunal, with settlements nearly at an end and that should be the end of it all. After all, they were settlements, not progress payments.

If that is not the case, there will be untold inequality in New Zealand, something our children and grandchildren do not deserve.

They will be burdened by endless Treaty settlements, to which they will be enslaved.

They do not have any idea of how one race could place itself above another.

They do not have any control to which race they belong.

The mere fact that a part European can be called Maori makes the whole situation even more bizarre.

After all, why not be called European, even in the case of 1/2 European – 1/2 Maori? Surely that would be the same thing!

If the country continues to be split then it will eventually fail miserably. There will be mass exodus. People will take their talents and energy somewhere where they will be appreciated, and where government is a proper representation of the people – not race based.

Sincerely

Folkert Goedhart & Family.

19161
Quick Submission

Your name:

Robert P.C. Goijarts

Name of the organisation you represent (if applicable):

Family Federation for
World Peace Allunification

Postal address or email address:

I believe, New Zealand
needs a constitution.
It should represent
first and foremost
God, our heavenly
parent, the creator
of heaven & earth and
ourselves.

As ungodliness, conflict
and war are still
widespread, a
constitution, that
reflects God's nature
of being absolute,
eternal, unchanging
and unique as well
as His original purpose
of creation,

expressed in Genesis 1:28,
would give all people
of good will and faith
a founding document
to adhere to.

The cornerstone & building
foundation is the
family of true love, peace
and harmony.

It needs protection
from society, economy etc,
not attacks by society,
economy etc.

The balance of
freedom and responsibility
can only be guaranteed
by a well guided
conscience based on God's
principles, spiritually &
materially.

Sorry for the long sentences

Thank you for your efforts,
May God bless you and
your efforts.

Privacy and Confidentiality

Your personal information will be held in accordance with the Privacy Act 1993. This Act outlines the requirements for transparent collection, ethical use and secure storage of personal information.

The personal information you provide in this submission form will be used for the purposes of the Consideration of Constitutional Issues only.

**You can also make a submission online
at www.ourconstitution.org.nz**

1916a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:47 p.m.

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

Full Names: Robert Goijarts Organisation Name: Family Federation for World Peace and
Unification Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Region: Central North
Island Postal Post Code: Postal Country: New Zealand Submission: Greetings, I made
a small written submission already but would like to add, that one of the main reasons, that we need to
honor God's ideal and be more honest about the selfish

and corrupt part of our sinful nature is our arrogance and

to deny this very fact. This lies at the basis of all conflict, disagreements, tragedies and sorrow and
therefore should

be a major part of any rules of life, laws or constitutions.

Of course most of us know, that the principle of true love, repentance and forgiveness has been the
cornerstone of our world history and so can not be missed in constitution considerations! If you
decide, to make a constitution, please make one, that gives
joy and glory to God, His

creation including ourselves and gives hope for peace and human dignity for generations to come.
Read: for eternity.

With love and kind regards,

Robert Goijarts

Submitted on the 30 July 2013 at 20:45

4866

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:00 p.m.

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

Full Names: Helen Dorothy Goile Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Electoral Matters

The number of MPs should be kept relative to the size of the NZ population. Electorates also need regular review. However, election dates can be fixed, and also the proportion of list MPs to electorate MPs.

Maori representation

Some threshold of representation for Maori seats might be set. Otherwise they should be retained unless voters in these electorates decide to abolish them.

Bill of Rights Act

All legislation should be subject to review under this act before being passed.

Other

In view of its importance to New Zealanders and their economy, protection of the natural environment must be included in any written constitution.

Submitted on the 31 July 2013 at 16:59

3968

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 5:45 p.m.
Subject: CAP submission
Attachments: Constitutional Reform Submission.doc

Dear madam/sir!

Please find my submission attached!

I will additionally send an extrasubmission on your original six questions on your online form;

Thank you for the opportunity;

we are the people---the sovereign of Aotearoa-New Zealand.

Greetings,
Wolfgang Goldbach-Faber

Te Aroha, 28 July 2013

Wolfgang Goldbach-Faber

Te Aroha

The Secretariat,
Constitutional Advisory Panel
c/o Ministry of Justice
DXSX10088
Wellington

SUBMISSION (Constitutional Conversation)

My brief submission on matters of the **Constitutional Reform** of Aotearoa-New Zealand is as follows:

--It is a sovereign state, with a WRITTEN CONSTITUTION having the Treaty of Waitangi , and the basic human rights as per the Charter of the UN as Preambles

--The political form of the state is to be
a **republic**.

--The political system :

Parliamentary democracy based on universal suffrage, secret ballot (paper forms); one person one vote of citizens of the state; and on the strict system of separation of power, being:

- A) The Legislature
 - B) The Executive
 - C) The Judiciary (being a professional public service of dedicated judges not former lawyers and employed by for instance a state services commission).
-

What the organs of the constitution are, and how they are organised:

- I) The citizenry (With separate Maori seats for the time being);
- II) The Supreme constitutional Court of Law
- III) The President of the Republic
- IV) The Parliament
- V) The Provinces
- VI) The Judiciary
- VII) The Public Service
- VIII) A state broadcasting service overseen by a control body for independence(Private station may be permitted) alongside.

Principles:

- 1) a written Constitution (to be adopted once passed by a constitutional council and adopted by 75% of the populace.
- 2) Each adult citizen is eligible for office and to vote (in principle)
- 3) Certain matters and articles of the constitution may never be changed (e.g. universal secret ballot; one vote per person(see MMP); the human rights (UN charta)
- 4) Other certain articles only by 2/3 majority of both chambers;
- 5) Strict separation of powers (into legislature;executive;judiciary)
- 6) Universal suffrage
- 7) Treaty of Waitangi court to be chamber of the supreme court (to rule on matters of treaty conformity of legislation and to fulfil suzerainty obligation of the treaty);
- 8) Voting system to be MMP;
- 9) Parliament to be bicameral (120 members or so-for the first chamber and for the second chamber 2 members for each to be yet established provinces (historical boundaries as per observed anniversaries)-an advisory body, yet consent needed;
- 10) Fixed electoral terms of a) 3 years for the first chamber ; b) 4 years for the provincial chamber; c) 5 years for the president of the republic.
- 11) The state provides each candidate(to be adjusted for equality against mperties) or each party with campaign funds on a conservative basis; no donations permitted; each party or independent candidate gets the same air time on the media and newspapers.,
- 12) Each member of parliament may on only vote of her/his conscience; there must not be a whip system of faction coercion.
- 13) Minority votes must be recorded and taken into account.
- 14) Out of the middle of the members of the first chamber the is to be elected the president of each parliament new. The president is to be controlled by the Council of Elders; who as well may rule on matters of immunity of members. No casting votes are given to anyone.
- 15) Members may only serve for 3 terms
- 16) The executive is represented by the Cabinet (headed by the Prime Minister); a set number of ministries only exist (e.g. 12); no ministries may be created extra (to accommodate coalition partners; state secretaries are used to head departments not CEO's.
- 17) The moment the cabinet is formed out of the ranks of members, these members have to suspend any party membership; independent members likewise and they loose the right to vote in parliament . The cabinet is then called the government of the country and has to seek a parliamentary majority each time they wish to pass a bill.
- 18) Such procedure consists of three readings; the second being the stage for public submissions before standing parliamentary committees (not select committees, being reserved for special investigations only).
- 19) There is to be no urgency procedure when passing laws, except in cases of life and death for the state (war, natural major disaster; threats to the integrity of the state).
- 20) War may only be declared by 2/3 of all members of both houses.
- 21) There is only to be one(1) secret service(intelligence service) for national defence under the direct control of a jointly chaired committee; never by a minister.
- 22) The police ix only the investigative arm of the state prosecution service (dedicated members only) for gathering evidence. only the state prosecution service may lay

charges and prosecute; never the police.
23) In Parliament all members are equal; each member may bring in a bill under the same rules and parliamentary rights as the executive at any time.

Many more details will be necessary to bring about real change in Aotearoa-New Zealand.

I am seeking the abolition of the Westminster System with all its fictitious dealings and its consequences of alienation. Further, the present system represents—to say it in Geoffrey Palmer's words: Unbridled Power.
This must end!

Wolfgang Goldbach-Faber

54689

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 6:05 p.m.

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

Full Names: Wolfgang Goldbach-Faber Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Te Aroha Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Te Aroha, 28 July 2013

Wolfgang Goldbach-Faber

Te Aroha

The Secretariat,
Constitutional Advisory Panel
c/o Ministry of Justice
DXSX10088
Wellington

SUBMISSION (Constitutional Conversation)

My brief submission on matters of the Constitutional Reform of Aotearoa-New Zealand is as follows:

--It is a sovereign state, with a WRITTEN CONSTITUTION having the Treaty of Waitangi , and the basic human rights as per the Charter of the UN as Preambles

--The political form of the state is to be
a republic.

--The political system :

Parliamentary democracy based on universal suffrage, secret ballot (paper forms); one person one vote of citizens of the state; and on the strict system of separation of power, being:

A) The Legislature

B) The Executive

C) The Judiciary (being a professional public service of dedicated judges not former lawyers and employed by for instance a state services commission).

What the organs of the constitution are, and how they are organised:

I) The citizenry (With separate Maori seats for the time being);

II) The Supreme constitutional Court of Law

III) The President of the Republic

IV) The Parliament

V) The Provinces

VI) The Judiciary

VII) The Public Service

VIII) A state broadcasting service overseen by a control body for independence (Private station may be permitted) alongside.

Principles:

1) a written Constitution (to be adopted once passed by a constitutional council and adopted by 75% of the populace.

2) Each adult citizen is eligible for office and to vote (in principle)

3) Certain matters and articles of the constitution may never be changed (e.g. universal secret ballot; one vote per person (see MMP); the human rights (UN charta)

4) Other certain articles only by 2/3 majority of both chambers;

5) Strict separation of powers (into legislature; executive; judiciary)

6) Universal suffrage

7) Treaty of Waitangi court to be chamber of the supreme court (to rule on matters of treaty conformity of legislation and to fulfil suzerainty obligation of the treaty);

8) Voting system to be MMP;

9) Parliament to be bicameral (120 members or so-for the first chamber and for the second chamber 2 members for each to be yet established provinces (historical boundaries as per observed anniversaries)-an advisory body, yet consent needed;

10) Fixed electoral terms of a) 3 years for the first chamber ; b) 4 years for the provincial chamber; c)

5 years for the president of the republic.

11) The state provides each candidate(to be adjusted for equality against mperties) or each party with campaign funds on a conservative basis; no donations permitted; each party or independent candidate gets the same air time on the media and newspapers.,

12) Each member of parliament may on only vote of her/his conscience; there must not be a whip system of faction coercion.

13) Minority votes must be recorded and taken into account.

14) Out of the middle of the members of the first chamber the is to be elected the president of each parliament new. The president is to be controlled by the Council of Elders; who as well may rule on matters of immunity of members. No casting votes are given to anyone.

15) Members may only serve for 3 terms

16) The executive is represented by the Cabinet (headed by the Prime Minister); a set number of ministries only exist (e.g. 12); no ministries may be created extra (to accommodate coalition partners; state secretaries are used to head departments not CEO's.

17) The moment the cabinet is formed out of the ranks of members, these members have to suspend any party membership; independent members likewise and they loose the right to vote in parliament . The cabinet is then called the government of the country and has to seek a parliamentary majority each time they wish to pass a bill.

18) Such procedure consists of three readings; the second being the stage for public submissions before standing parliamentary committees (not select committees, being reserved for special investigations only).

19) There is to be no urgency procedure when passing laws, except in cases of life and death for the state (war, natural major disaster; threats to the integrity of the state).

20) War may only be declared by 2/3 of all members of both houses.

21) There is only to be one(1) secret service(intelligence service) for national defence under the direct control of a jointly chaired committee; never by a minister.

22) The police ix only the investigative arm of the state prosecution service (dedicated members only) for gathering evidence. only the state prosecution service may lay charges and prosecute; never the police.

23) In Parliament all members are equal; each member may bring in a bill under the same rules and parliamentary rights as the executive at any time.

Many more details will be necessary to bring about real change in Aotearoa-New Zealand.

I am seeking the abolition of the Westminster System with all its fictitious dealings and its consequences of alienation. Further, the present system represents—to say it in Geoffrey Palmer's words: Unbridled Power.

This must end!

Wolfgang Goldbach-Faber

Submitted on the 28 July 2013 at 18:04

39686

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 6:11 p.m.

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

Full Names: Wolfgang Goldbach-Eber Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Te Aroha Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: 1) yES ONE SINGLE DOCUMENT GIVES CERTAINTY TO PEOPLE AND
TRANSPARENCY

2)HIGHEST LEGAL STATUS-NOT TO BE TOUCHED BY PARTY POLITICS

3)cONSTITUTIONAL SUPREME COURT ONLY

Submitted on the 28 July 2013 at 18:10

3968c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 6:18 p.m.

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

Full Name: Wolfgang Goldbach-Faber Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Te Aroha Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Please see my previous submission; yet here to your other question: The member who leaves her/his party may stay in parliament, as a member must only be answerable to his/her conscience.

Submitted on the 28 July 2013 at 18:17

5242

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:27 p.m.

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

Full Names: charles richard goldie Email: Phone:
Postal AddressA: Postal AddressB: Postal City: auckland Postal Post
Code: Postal Country: New Zealand Submission: Thinking of the future, what role do you
think the Treaty of Waitangi could have in our constitution? none

Do you think that the Treaty should be made a formal part of the constitution? no

Why? it dealt with a particular matter. the future of this country relies on everyone being treated
equally

Submitted on the 13 June 2013 at 15:27

5242a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:27 p.m.

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

Full Names: charles richard goldie Email: Phone:
Postal AddressA: Postal AddressB: remuera Postal City: auckland Postal Post
Code: Postal Country: New Zealand Submission: How should Maori views be
represented in Parliament? by the elected representatives who may be Maori. Maori are New
Zealanders like everyone else.

How could Maori electoral participation be improved? how can electoral participation be improved?

How should Maori views and perspectives be represented in local government? by the elected
representatives who may be Maori. Maori are New Zealanders like everyone else. significant matters
to Maori can be accommodated in the current local plans etc.

Submitted on the 13 June 2013 at 15:31

5242b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:27 p.m.

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

Full Names: charles richard goldie Email: Phone:
Postal AddressA: Postal AddressB: Postal City: auckland Postal Post
Code: Postal Country: New Zealand Submission: Does the Bill of Rights Act protect your
rights enough?

yes

Why? haven't had any problems so far!

What other things could be done to protect rights? don't know

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

Why? because they are very high and fair principles that don't preclude action and can be interpreted in terms of the times at hand

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

courts

Why? - independent of govt

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

Why? the bill could be changed to say that all people will be treated equally regardless of race

Submitted on the 13 June 2013 at 15:25

5242c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:27 p.m.

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

Full Names: charles richard goldie Email: Phone:
Postal AddressA: Postal AddressB: Postal City: auckland Postal Post
Code: Postal Country: New Zealand Submission: 1. What are your aspirations for
Aotearoa New Zealand? that I feel welcome in it. that all people consider themselves New
Zealanders.

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

as an open democracy with all people treated fairly.

Submitted on the 13 June 2013 at 15:18

5242d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:27 p.m.

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

Full Names: charles richard goldie Email: Phone:
Postal AddressA: Postal AddressB: Postal City: auckland Postal Post
Code: Postal Country: New Zealand Submission: Do you think our constitution should be
written in a single document? no

Why? because I think a constitution can hamper the development of the country. look at the 5th amendment to the american constitution- its (unintended consequence) is the ridiculous gun laws and the avoidable pointless deaths.

Do you think our constitution should have a higher legal status than other laws (supreme law)? no

Why? i don't think we should have one

Who should have the power to decide whether legislation is consistent with the constitution:
Parliament or the Courts? neither

Why- the outcomes of law should be an ongoing conversation amongst society and through its mechanisms.

Submitted on the 13 June 2013 at 15:22

5242e .

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:28 p.m.

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

Full Names: charles richard goldie Email: Phone:
Postal AddressA: Postal AddressB: Postal City: auckland Postal Post
Code: Postal Country: New Zealand Submission: How many members of Parliament
should we have?

100

Why? that's more than enough

How long should the term of Parliament be?

4 years

Why? so we can get things done and better see if they work before the next election. the current 3 year terms is too short, the stop start is inefficient

How should the election date be decided?

n/a

Why?

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

Why?


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

if elected through a local electorate then stay on in parliament . if a party nominee then leave parliament

Why?

Submitted on the 13 June 2013 at 15:34

ConstitutionalReview - Constitution Review

From: 
To: <constitutionalreview@justice.govt.nz>
Date: 27/03/2013 2:58 p.m.
Subject: Constitution Review

I submit the following:

That there be a totally equal integrated peoples of New Zealand with now privileges for any race.

That all privileges already entrenched in statutes be reversed to an equal privilege for all peoples of New Zealand.

All Treaty of Waitangi settlement negotiations cease immediately.

That the Treaty of Waitangi be removed from all Government and local body documents. The Treaty of Waitangi is an outdated divisive document.

All those charged with managing and directing existing settlements to forthwith distribute all funds to all Tribe members on an equal basis, with the exception that those who have been managing or directing the funds given to the tribe as settlement, should not be eligible to receive any payment, on the basis that they have already received their portion.

Charles S. Goldie

66 A

From: "Charles Goldie"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 1:11 p.m.
Subject: CAP Submission

MAORI SEATS.

I WISH TO SUBMIT THAT ALL MAORI SEATS BE ABOLISHED AND NOT BE PART OF THE NEXT ELECTION AND ONWARD.

This is long overdue to be deleted in the statutes of this Country, it is after-all APARTHIED of the worst sort, all people must have an equal say in the organisation and running of this or any country. It is what we all fought for in most wars including the dreadful state-of-affairs that pervaded in South Africa.

Charles Goldie

Auckland

444

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 1:44 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Frank Goldingham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Palmerston
North Postal Region: Manawatu Postal Post Code: Postal Country: New Zealand
Submission: There should be NO reference to the Treaty of Waitangi in any formal document in a constitution. We are one country with many different races and cultures.

Sent on the 16 April 2013 at 13:43

1649

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 11:10 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: The constitution of SouthAfrica.doc

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

Full Names: Jennifer Goldsack Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: I suggest we model our Constitution on South Africa's Constitution. I have
attached the main basis of the South African Constitution. Although it does not apply specifically it has
an excellent base to build our Constitution on. Submission Upload: The constitution of South
Africa.doc

Sent on the 26 June 2013 at 23:10

South Africa's Constitution

The constitution consists of a preamble, fourteen chapters containing 244 sections,^[7] and eight schedules. Each chapter deals with a particular topic; the schedules contain ancillary information referred to in the main text.

Preamble[edit]

"We, the people of South Africa,

Recognise the injustices of our past;

Honour those who suffered for justice and freedom in our land;

Respect those who have worked to build and develop our country; and

Believe that South Africa belongs to all who live in it, united in our diversity.

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to —

Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;

Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;

Improve the quality of life of all citizens and free the potential of each person; and

Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

May God protect our people.

Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.

God seën Suid-Afrika. God bless South Africa.

Mudzimu fha̱utshedza Afurika. Hosi katekisa Afrika."

Chapter 1: Founding Provisions[edit]

Main article: Chapter 1 of the Constitution of South Africa

Chapter 1 enshrines in the constitution key national principles, defines the country's flag and national anthem, and specifies the official languages and principles of government language policy. It defines South Africa as "one, sovereign, democratic state" based on principles of human rights, constitutional supremacy, the rule of law and universal adult suffrage. The chapter contains a supremacy clause which establishes that all other law and actions are subject to the constitution.

Chapter 2: Bill of Rights[edit]

Main article: Chapter 2 of the Constitution of South Africa

Chapter 2 is a bill of rights which enumerates the civil, political, economic, social and cultural human rights of the people of South Africa. Most of these rights apply to anyone in the country, with the exception of the right to vote, the right to work and the right to enter the country, which apply only to citizens. They also apply to juristic persons to the extent that they are applicable, taking into account the nature of the right. The rights

enumerated are:

- Section 9: the right to equality before the law and freedom from discrimination. Prohibited grounds of discrimination include race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- Section 10: the right to human dignity.
- Section 11: the right to life, which has been held to prohibit capital punishment,^[8] but does not prohibit abortion.^[9]
- Section 12: the right to freedom and security of the person, including protection against arbitrary detention and detention without trial, the right to be protected against violence, freedom from torture, freedom from cruel, inhuman or degrading punishment, the right to bodily integrity, and reproductive rights.
- Section 13: freedom from slavery, servitude or forced labour.
- Section 14: the right to privacy, including protection against search and seizure, and the privacy of correspondence.
- Section 15: freedom of thought and freedom of religion.
- Section 16: freedom of speech and expression, including freedom of the press and academic freedom. Explicitly excluded are propaganda for war, incitement to violence and hate speech.
- Section 17: freedom of assembly and the right to protest.
- Section 18: freedom of association.
- Section 19: the right to vote and universal adult suffrage; the right to stand for public office; the right to free, fair and regular elections; and the right to form, join and campaign for a political party.
- Section 20: no citizen may be deprived of citizenship.
- Section 21: freedom of movement, including the right to leave South Africa, the right of citizens to a passport and the right to enter South Africa.
- Section 22: the right to choose a trade, occupation or profession, although these may be regulated by law.
- Section 23: labour rights, including the right to unionise and the right to strike.
- Section 24: the right to a healthy environment and the right to have the environment protected.
- Section 25: the right to property, limited in that property may only be expropriated under a law of general application (not arbitrarily), for a public purpose and with the payment of compensation.
- Section 26: the right to housing, including the right to due process with regard to court-ordered eviction and demolition.
- Section 27: the rights to food, water, health care and social assistance, which the state must progressively realise within the limits of its resources.

- Section 28: children's rights, including the right to a name and nationality, the right to family or parental care, the right to a basic standard of living, the right to be protected from maltreatment and abuse, the protection from inappropriate child labour, the right not to be detained except as a last resort, the paramountcy of the best interests of the child and the right to an independent lawyer in court cases involving the child, and the prohibition of the military use of children.
- Section 29: the right to education, including a universal right to basic education.
- Section 30: the right to use the language of one's choice and to participate in the cultural life of one's choice.
- Section 31: the right of cultural, religious or linguistic communities to enjoy their culture, practise their religion and use their language.
- Section 32: the right of access to information, including all information held by the government.
- Section 33: the right to justice in administrative action by the government.
- Section 34: the right of access to the courts.
- Section 35: the rights of arrested, detained and accused people, including the right to silence, protection against self-incrimination, the right to counsel and legal aid, the right to a fair trial, the presumption of innocence and the prohibition of double jeopardy and *ex post facto* crimes.

Section 36 allows the rights listed to be limited only by laws of general application, and only to the extent that the restriction is reasonable and justifiable in "an open and democratic society based on human dignity, equality and freedom."^[10]

Section 37 allows certain rights to be limited during a state of emergency but places strict procedural limits on the declaration of states of emergency and provides for the rights of people detained as a result.

Chapter 3: Co-operative Government[edit]

Chapter 3 deals with the relationships between organs of government in the three "spheres" – national, provincial and local. It lays down a set of principles requiring them to co-operate in good faith and to act in the best interests of the people. It also requires them to attempt to settle disputes amicably before resorting to the courts.

Chapter 4: Parliament[edit]

Chapter 4 defines the structure of Parliament, the legislative branch of the national government. Parliament consists of two houses, the National Assembly (the lower house), which is directly elected by the people, and the National Council of Provinces (the upper house), which is elected by the provincial legislatures.

The Chapter defines the principles governing the election and dissolution of the houses, qualifications for membership of Parliament, quorum requirements, procedures for the election of presiding officers, and the powers and privileges and immunities of Parliament and its members. It lays down the process for enacting bills into law; different procedures are provided for constitutional amendments, ordinary bills not affecting

provincial matters, ordinary bills affecting provincial matters, and money bills.

Chapter 5: The President and National Executive[edit]

Chapter 5 defines the structure of the national executive and the powers of the President. It provides for the election and removal of the President by the National Assembly, and limits a President to two five-year terms. It vests in him or her the powers of the head of state and head of government; it provides for the appointment of a Cabinet by the President; and it provides for the accountability to Parliament of the President and Cabinet.

Chapter 6: Provinces[edit]

See also: Provincial governments of South Africa

Chapter 6 establishes the nine provinces of South Africa and defines the powers and structure of the provincial governments. The boundaries of the provinces are defined by reference to Schedule 1A to the Constitution, which refers in turn to the boundaries of the metropolitan and district municipalities.

In some respects, the chapter is a template which a province may modify to a limited extent by adopting its own provincial constitution. (The only province so far to have done this is the Western Cape.) The chapter provides for a unicameral legislature, a Premier elected by the legislature as head of the provincial executive, and an Executive Council appointed by the Premier as a provincial cabinet.

The provincial government is given exclusive powers over certain matters, listed in Schedule 5, and powers concurrent with the national government over other matters, listed in Schedule 4. The chapter regulates the conflict between national and provincial legislation on the same topic, setting out the circumstances under which one or the other will prevail.

Chapter 7: Local Government[edit]

Chapter 7 sets out a framework for local government. It requires municipalities to be established for the whole territory of South Africa, and provides for three categories of municipalities, whereby some areas are governed by a single "Category A" municipal authority and others are governed by a two-level system with a larger "Category C" municipality containing multiple "Category B" municipalities. The municipalities are granted the power to administer certain matters listed in Schedules 4 and 5, and the executive and legislative authority is vested in the municipal council. The chapter requires municipal elections to be held every five years.

Chapter 8: Courts and Administration of Justice[edit]

Chapter 8 establishes the structure of the judicial system. It defines the hierarchy consisting of Magistrates' Courts, High Courts, the Supreme Court of Appeal, and the Constitutional Court. It provides for the appointment of judges by the President on the advice of the Judicial Service Commission and establishes a single National Prosecuting Authority responsible for all criminal prosecutions.

Chapter 9: State Institutions Supporting Constitutional Democracy[edit]

See also: Chapter nine institutions

Chapter 9 creates a number of other commissions and offices to protect and support democracy and human rights. These are the Public Protector (an ombudsman), the South African Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor-General, the Independent Electoral Commission and the Independent Communications Authority.

Chapter 10: Public Administration[edit]

Chapter 10 lists values and principles for the administration of the civil service and establishes the Public Service Commission to oversee it.

Chapter 11: Security Services[edit]

Chapter 11 establishes structures for civilian control of the Defence Force, the Police Service and the intelligence services. It makes the President the Commander-in-Chief of the defence force but places conditions on when and how it may be employed and requires regular reports to Parliament. The police service is placed under the control of the national government but gives provincial governments some power to administer and oversee policing.

Chapter 12: Traditional Leaders[edit]

Chapter 12 recognizes the status and authority of traditional leaders and customary law, subject to the Constitution. It allows for the creation of provincial houses of traditional leaders and a national council of traditional leaders.

Chapter 13: Finance[edit]

Chapter 13 deals with public finance. It establishes a National Revenue Fund, from which money may be appropriated only by an act of Parliament, and Provincial Revenue Funds, from which money may only be appropriated by an act of the provincial legislature. It provides for an equitable distribution of national revenue to the provinces and municipalities, and grants provincial and local governments the powers to raise certain rates and taxes. It requires effective and transparent budgeting at all levels of government and gives the National Treasury the power to oversee budgetary processes. It places some restrictions on government procurement and government borrowing. The chapter establishes the Financial and Fiscal Commission, to advise government on financial matters, and the Reserve Bank, to oversee the currency.

Chapter 14: General Provisions[edit]

The final chapter deals with transitional and incidental provisions. In particular, the first part deals with international law, providing that existing agreements binding South Africa will continue to bind it, and that new agreements (except those of a technical nature) will only be binding once approved by Parliament. It also provides that customary international law applies in South African unless it conflicts with national law, and that the courts must, where possible, interpret national law to be consistent with international law.

The remainder of the chapter contains a miscellaneous collection of provisions,

- allowing Parliament to enact Charters of Rights which expand on the Bill of

Rights;

- allowing recognition of the right of self-determination of communities within South Africa;
- requiring public funding for political parties represented in national and provincial legislatures;
- requiring that obligations imposed by the constitution be carried out without delay;
- providing that some executive powers may be delegated by one organ of state to another;
- defining certain terms used in the text of the constitution; and,
- as the Constitution is published in all eleven official languages, providing that the English text is authoritative in the event of a conflict.

Chapter 14 also repeals the Interim Constitution and refers to Schedule 6 to govern the process of transition to the new constitution. Finally, it gives the Constitution its formal title, "Constitution of the Republic of South Africa, 1996," and defines the schedule for its commencement, under which the President set the date of commencement for most sections, although certain sections dealing with financial matters commenced only on 1 January 1998.

Schedules[edit]

- Schedule 1, referred to in Chapter 1, describes the national flag.
- Schedule 1A, referred to in Chapter 6, defines the geographical areas of the provinces, by reference to maps published by the Municipal Demarcation Board defining the metropolitan and district municipalities.
- Schedule 2 contains the texts of the oaths or solemn affirmations to be sworn by political office-holders and judges.
- Schedule 3 describes the procedure for the election of the President by the National Assembly and the election of presiding officers by legislative bodies, as well as the formula whereby seats in the National Council of Provinces are to be allocated to political parties.
- Schedule 4 lists the "functional areas" over which Parliament and the provincial legislatures have concurrent competence to legislate.
- Schedule 5 lists the functional areas over which the provincial legislatures have exclusive competence to legislate.
- Schedule 6 details the transitional arrangements by which institutions existing under the previous constitution were converted into the institutions established by the new constitution. It provided for the continuation of existing laws and the assignment of their administration to the provincial governments where appropriate. It also provided for certain sections of the old constitution to continue in force despite its repeal, and subject to amendments listed in the schedule. It also included temporary amendments to the Constitution's own text to

allow the Government of National Unity to continue until the next election.

- Schedule 7 listed the laws repealed by the new constitution, these being the interim constitution and the ten amendments made to it.

Amendments[edit]

Section 74 of the Constitution provides that a bill to amend the Constitution can only be passed if at least two-thirds of the members of the National Assembly (that is, at least 267 of the 400 members) vote in favour of it. If the amendment affects provincial powers or boundaries, or if it amends the Bill of Rights, at least six of the nine provinces in the National Council of Provinces must also vote for it. To amend section 1 of the Constitution, which establishes the existence of South Africa as a sovereign, democratic state, and lays out the country's founding values, would require the support of three-quarters of the members of the National Assembly. There have been seventeen amendments since 1996, although one of them is not yet in force.

Amendment	Date of assent	Date of commencement	Brief description
<u>First</u>	28 August 1997	4 February 1997 (retroactive)	Provided that an Acting President need not swear the oath of office again if they had previously served as Acting President. Allowed the President of the <u>Constitutional Court</u> to designate another judge to administer the oath of office to the President or Acting President. Extended the cut-off date for deeds which could be considered for <u>amnesty</u> by the <u>Truth and Reconciliation Commission</u> from 6 December 1993 to 11 May 1994.
<u>Second</u>	28 September 1998	7 October 1998	Extended the term of office of <u>municipal councils</u> from four to five years, and modified the schedule for the transformation of local government. Allowed the nomination of alternate members of the <u>Judicial Service Commission</u> to replace unavailable members. Allowed Parliament to assign additional powers to the <u>Public Service Commission</u> . Renamed the Human Rights Commission the <u>South African Human Rights Commission</u> .
<u>Third</u>	20 October 1998	30 October 1998	Allowed the demarcation of <u>municipalities</u> partly in one <u>province</u> and partly in another. Effectively repealed by the 12th Amendment.
<u>Fourth</u>	17 March 1999	19 March 1999	Clarified that elections to the <u>National Assembly</u> and the <u>provincial legislatures</u> may be called either before or after the term of office of the previous Assembly or legislature has expired. Modified the formula for the allocation to parties of seats in the <u>National Council of Provinces</u> . Allowed the chairperson and deputy chairperson of the <u>Financial and Fiscal Commission</u> to be part-

<u>Fifth</u>			
<u>Sixth</u>	20 November 2001	21 November 2001	Renamed Chief Justice to President of the <u>Supreme Court of Appeal</u> , and renamed President of the <u>Constitutional Court</u> to <u>Chief Justice</u> . Allowed an Act of Parliament to extend the term of office of a Constitutional Court judge. Permitted the President to appoint two Deputy Ministers from outside the <u>National Assembly</u> . Extended the powers of municipal councils to raise loans.
<u>Seventh</u>	7 December 2001	26 April 2002 / 1 December 2003	Various amendments relating to the passage of financial legislation and the financial relationship between the provincial and national governments.
<u>Eighth</u>	19 June 2002	20 June 2002	Allowed members of <u>municipal councils</u> to <u>cross the floor</u> , that is, to move from one political party to another without losing their seats. Effectively repealed by the 14th and 15th Amendments.
<u>Ninth</u>	19 June 2002	20 June 2002	Provided for the re-allocation of seats in the <u>National Council of Provinces</u> after floor-crossing in <u>provincial legislatures</u> . <u>The Loss or Retention of Membership of National and Provincial Legislatures Act, 2002</u> , which would have allowed floor-crossing in the National Assembly and provincial legislatures, was declared unconstitutional by the <u>Constitutional Court</u> . Effectively repealed by the 14th and 15th Amendments.
<u>Tenth</u>	19 March 2003	20 March 2003	Allowed floor-crossing in the National Assembly and provincial legislatures. Effectively repealed by the 14th and 15th Amendments.
<u>Eleventh</u>	9 April 2003	11 July 2003	Renamed the Northern Province to <u>Limpopo Province</u> . Modified the procedure for national government intervention in dysfunctional provincial governments. Expanded the powers of provincial governments to intervene in dysfunctional municipalities.

<u>Twelfth</u>	22 December 2005	1 March 2006	<p>Redefined the boundaries of the <u>provinces</u> in terms of the <u>district and metropolitan municipalities</u>, and repealed the provisions inserted by the 3rd amendment which allowed for cross-boundary municipalities.</p> <p>The community of <u>Matatiele</u>, which had been transferred from <u>KwaZulu-Natal</u> to the <u>Eastern Cape</u>, challenged the amendment before the <u>Constitutional Court</u>, which ruled that the <u>KwaZulu-Natal Legislature</u> had not allowed for the necessary public participation before approving the amendment. The court's order was suspended for eighteen months and Parliament re-enacted the changes in the 13th Amendment.</p>
<u>Thirteenth</u>	13 December 2007	14 December 2007	Re-enacted the transfer of Matatiele from KwaZulu-Natal to the Eastern Cape.
<u>Fourteenth</u> <u>Fifteenth</u>	6 January 2009	17 April 2009	<p>Repealed the floor-crossing provisions added by the 8th, 9th and 10th Amendments, making it impossible for a legislator to cross the floor without losing his or her seat. Passed as two separate acts because of the special procedures for provincial matters which applied to some of the changes.</p> <p>Transferred the <u>Merafong City Local Municipality</u> from <u>North West</u> province to <u>Gauteng</u>, reversing a change made by the 12th Amendment.</p>
<u>Sixteenth</u>	25 March 2009	3 April 2009	Transferred the <u>Merafong City Local Municipality</u> from <u>North West</u> province to <u>Gauteng</u> , reversing a change made by the 12th Amendment.
<u>Seventeenth</u>	1 February 2013	to be proclaimed	<p>Declares the Chief Justice to be head of the <u>judiciary</u>. Allows the appointment of an <u>acting Deputy Chief Justice</u>. Extends the jurisdiction of the Constitutional Court over non-constitutional matters. Removes the jurisdiction of the Supreme Court of Appeal over appeals from the Labour and Competition Appeal Courts. Restructures the <u>High Courts</u> as divisions of a single High Court of South Africa.</p>

1649a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 11:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jennifer Goldsack Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: My aspirations are for the Constitution of our country to encompass the
principals of the Magna Carta, Habeas Corpus, The Petition of Rights and the Bill of Rights.

I would like our country to be run less politically and more for the good of the country, meaning that
the Parliament ceases to be elected via 'parties' and has members elected who are qualified to hold
the required positions, and accountable to do so and can
be replaced if their performance is inadequate.

Sent on the 26 June 2013 at 23:27

1487

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 3:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: L.Gordon Goldsack Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Mostly the same except for more emphasis on examples:/ 1/ One people one country,
other cultures fitting into our culture, not the other way. Example / European countrys muslims starting
to dominate and change the European cultures

2/ No more treaty settlements, IT IS FINISHED

3/ Our rights not to be trampled over by others rights

4/ Long live the monarchy

Sent on the 20 June 2013 at 15:02

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.

Margaret Goldsman
Hokitika Westland South Island
New Zealand

received 1/7

1750

To the Government Constitutional Review Organization
A Submission Regarding the N.Z. Constitution

Our Submission regarding the N.Z. Constitution Review
is that:-

(a) We want no change to New Zealand's Unwritten
Constitution which has served us well since the 1852
New Zealand Constitutional Act was passed.

It may require changes to some details but not
being replaced by a race based apartheid type
constitution.

(b) We reject references to the Treaty of Waitangi -
especially the bogus Freeman version written after
6th February 1840 or its principles in any constitutional
document.

(c) We ask that such references be removed from all
existing legislation.

(d) We ask that race based Parliamentary seats and
representation on local bodies be abolished.

(e) We request that the Waitangi Tribunal be abolished.

(f) We oppose separatism and any form of racial favour.

(g) We support equality for all, One people, One
Nation with democratic governance for all.

Name

William Philip W. Goldsmith

Signature

Date

26.6.2013

Mareketa Sanja Wainika

27.6.2013

Owen Peter

Handwritten

BN Wainika

John Peter S. Wainika

~~54308~~
TGA

01 JUL 2013

973

MINISTRY OF JUSTICE
WELLINGTON.

12-05-2013.

DEAR SIR/MADAM,

My submission regarding the N.Z. Constitutional Review is that I want no change to NEW ZEALANDS. unwritten constitution. It has served us well since the 1852 NZ. constitutional Act was passed, our founding document. It may require some alterations in the future, but not a race based constitution.

EQUALITY FOR ALL - ONE PEOPLE ONE NATION.

C. G. GOLOSWORDY.

—
—
—

4761

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:13 p.m.
Subject: CAP Submission
Attachments: img-731161228.pdf

To whom it may concern

Attached find submission related to the Constitutional Review.

Regards Stuart Gooch

Ph: Tauranga
Fax:

Prue Gooch

TAURANGA

Submission to

The Constitutional Review Committee

The matter of a Constitutional Review is of immense importance to the people of New Zealand and that all matters related to the structure and determination of such a review be based on fairness and consideration for all people equally across the board.

Following the main factors are addressed:

1. Size of Parliament – the number of MPs' in a Country of 4 plus million currently is unnecessary and comes at considerable cost to the taxpayer. At say 90 – 99 MPs' the savings would be considerable in manpower and monetary terms with such assets being used elsewhere to advantage.
2. a) Term of Parliament - While MMP is in vogue there is no way the term should be more than 3 years as the accountability of politicians is questionable particularly under MMP and a longer term would allow any rot to continue unabated.

b) Election Date - Agree that the Prime Minister should set the date
3. a) Electorate Number – It would be advantageous to reduce the Electorate number to say 60 and have a maximum of 30 list seats to make up the seats in Parliament (or up to 99 total with pro-rata adjustment). This means no Maori seats as they are not relevant in today's world where equality of peoples should be of paramount importance.

b) Size of Electorates – On the basis of 90 seats or so and electorate seats of 60 the numbers could be changed pro-rata but the Maori seats being non-existent may mean further calculation to arrive at an acceptable balance.
4. Electoral Integrity Legislation – If an MP enters Parliament as a member of a particular party that should remain so for the full term and if there was a difficulty that could not be resolved the individual should resign and a bi-election be held.
5. a) Maori Electoral Option – This Country is in need of equality for all. This Maori Electoral Option is the antithesis of equality and should be removed forthwith. We do not need or desire separatism and with this in mind require only one electoral roll which is not race based.

b) Maori Seats – Maori seats are not relevant today when considering the reasons for their establishment. They were recommended to be abolished when MMP was introduced. They should now be abolished to put all people in this country on the same playing field. At present Maoris are over represented in Parliament under the current system.

- c) Local Government – All Maori seats existing now should be abolished forthwith and we should never see again the inclusion of race based privilege in our representative structure.
6. a) The Treaty of Waitangi has no place in a modern society where all peoples should have equal opportunity. Maori have been given but should have no greater right or expectation than any other New Zealand citizen.
7. a) The Bill of Rights should undoubtedly include the protection of private property rights in order to stop Councils and Central Government evolving laws and rules that jeopardise the process of fee simple land holdings.
- b) Entrenchment of the Bill of Rights – Unnecessary when the way it currently operates is satisfactory.
8. Written Constitution – New Zealand does not need a written constitution and the laws of the land should remain in the hands of MPs who have been elected by and are answerable to the people of this Country. Recent decisions in the Courts since the establishment of a replacement for the Privy Council have been less than acceptable and have shown us the “way” if a written constitution was in place without the controls of the democratic opportunity of the people to vote for MPs and parties that will provide a balanced law making process.
9. Other
- a) This Country should have an overriding rule of law that states
“ONE LAW FOR ALL”
- b) On the above basis
- Rejection of the Treaty of Waitangi entirely in any Constitution and all references relating to the Treaty in current legislation should be removed.
 - Abolish all race-related seats in both Parliament and local body organisations
 - Abolish the Waitangi Tribunal
- c) Constitutional Change - should any major Constitutional Change be intended then there is only one means of approval and that is certainly not by Politicians but rather by public referendum with a minimum of 75% approval by New Zealand citizens for any such change.

Signed

(P.A. Gooch)

442 8

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:55 a.m.
Subject: CAP Submission
Attachments: Constitutional Review Submission.pdf

Good Morning

Please find submission attached.

Regards

Stuart Gooch

Stuart Gooch

Submission to

The Constitutional Review Committee

The matter of a Constitutional Review is of immense importance to the people of New Zealand and that all matters related to the structure and determination of such a review be based on fairness and consideration for all people equally across the board.

Following the main factors are addressed:

1. Size of Parliament – the number of MPs' in a Country of 4 plus million currently is unnecessary and comes at considerable cost to the taxpayer. At say 90 – 99 MPs' the savings would be considerable in manpower and monetary terms with such assets being used elsewhere to advantage.
2. a) Term of Parliament - While MMP is in vogue there is no way the term should be more than 3 years as the accountability of politicians is questionable particularly under MMP and a longer term would allow any rot to continue unabated.

b) Election Date - Agree that the Prime Minister should set the date
3. a) Electorate Number – It would be advantageous to reduce the Electorate number to say 60 and have a maximum of 30 list seats to make up the seats in Parliament (or up to 99 total with pro-rata adjustment). This means no Maori seats as they are not relevant in today's world where equality of peoples should be of paramount importance.

b) Size of Electorates – On the basis of 90 seats or so and electorate seats of 60 the numbers could be changed pro-rata but the Maori seats being non-existent may mean further calculation to arrive at an acceptable balance.
4. Electoral Integrity Legislation – If an MP enters Parliament as a member of a particular party that should remain so for the full term and if there was a difficulty that could not be resolved the individual should resign and a bi-election be held.
5. a) Maori Electoral Option – This Country is in need of equality for all. This Maori Electoral Option is the antithesis of equality and should be removed forthwith. We do not need or desire separatism and with this in mind require only one electoral roll which is not race based.

b) Maori Seats – Maori seats are not relevant today when considering the reasons for their establishment. They were recommended to be abolished when MMP was introduced. They should now be abolished to put all people in this country on the same playing field. At present Maoris are over represented in Parliament under the current system.

- c) Local Government – All Maori seats existing now should be abolished forthwith and we should never see again the inclusion of race based privilege in our representative structure.
6. a) The Treaty of Waitangi has no place in a modern society where all peoples should have equal opportunity. Maori have been given but should have no greater right or expectation than any other New Zealand citizen.
7. a) The Bill of Rights should undoubtedly include the protection of private property rights in order to stop Councils and Central Government evolving laws and rules that jeopardise the process of fee simple land holdings.
- b) Entrenchment of the Bill of Rights – Unnecessary when the way it currently operates is satisfactory.
8. Written Constitution – New Zealand does not need a written constitution and the laws of the land should remain in the hands of MPs who have been elected by and are answerable to the people of this Country. Recent decisions in the Courts since the establishment of a replacement for the Privy Council have been less than acceptable and have shown us the “way” if a written constitution was in place without the controls of the democratic opportunity of the people to vote for MPs and parties that will provide a balanced law making process.
9. Other
- a) This Country should have an overriding rule of law that states
“ONE LAW FOR ALL”
- b) On the above basis
- Rejection of the Treaty of Waitangi entirely in any Constitution and all references relating to the Treaty in current legislation should be removed.
 - Abolish all race-related seats in both Parliament and local body organisations
 - Abolish the Waitangi Tribunal
- c) Constitutional Change - should any major Constitutional Change be intended then there is only one means of approval and that is certainly not by Politicians but rather by public referendum with a minimum of 75% approval by New Zealand citizens for any such change.

Signed

(S.R. Gooch)