

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.

Marianne Grbin
Auckland
New Zealand

2604

From: Paul Gredig
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 5:51 p.m.
Subject: CAP Submission

I am concerned about the growing 'favouritism' shown to a select group of New Zealanders based solely on race. I believe the time has come when there should be "one New Zealand for all New Zealanders". All of our laws in New Zealand should be based on being a New Zealand Citizen, not on a particular race, religion or anything else. I believe Maori seats should be abolished - immediately. This is (or was) a great country - let's keep it that way. I want to remain being proud to be a New Zealander.

Paul (Gredig)

Geraldine

2954

From: Anne Green <
To: <constitutionalreview@justice.govt.nz>
Date: 9/07/2013 8:55 p.m.
Subject: CAP Submission

Dear Sir.

I am overseas on holiday at the moment nevertheless I want to make a submission against the idea that we New Zealanders should have a treaty based, or race based constitution. This is, in my view unfair and discriminatory. Our family comprises 5 generations of New Zealanders born in New Zealand. For this we are deeply grateful.

Right from the start we have contributed to local Government and worked to better lives through our various and richly diverse careers and voluntary service. I know and believe that the people we have worked with in this are an ethnically culturally and religiously diverse group. From my earliest education through to my University education this has been so too.

In no way were Maori people Asians or any other ethnic group better than or more deserving than others. All progressed according to their willingness to work hard, to adapt to the conditions and to get along with others eg staff, students etc.

I believe that Maori have been greatly enriched in their life opportunities through the wealth and richness of ideas of all those who have come to our shores to build a better country.

I cannot express my utter repugnance for any race based ie Treaty based constitution, and I am firmly convinced that such a backwards step would set our country back 200 years and actively discourage the very hard working entrepreneurial people we need to invest their lives in our country for the good of all. Why would such valuable people of any race come to New Zealand or invest in it if they then were to become second class citizens?

This is certainly not what drew my ancestors to take the risks they did to get here and spend their lives contributing to building a better New Zealand. They looked for a better way than the class conscious red tape bound Europe they so determinedly left. And in leaving they knew they were leaving for good, most likely never to see precious loved ones they had left behind again. And then by their lives they set a fine example to all their descendants of local government and volunteer service.

How sad and completely unjust that New Zealanders should ever consider bowing down to any pressure group to create a new race or class based society here!

Thank you for accepting my brief heartfelt submission.
Anne Green

1514

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 21/06/2013 6:04 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Govt. Constitution.docx

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

Full Names: Desmond William & Diana Joy Green Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Hastings Postal Region: Hawkes Bay Postal Post Code:
Postal Country: New Zealand Submission: 1) The Government should work harder to produce a more prosperous society for all citizens by focusing on lifting the standard of education of our lower socio-economically poorer people. This can be done by giving incentives to parents to be more involved in the education of their children. Maybe the 20 hours of free pre-school education could be compulsory for all children.

Young parents also need to be taught how to care for and teach the children from birth.

It must be made harder for parents (especially those on welfare), to waste money on takeaways, Lotto, pokies, alcohol, drugs.

We suggest electronic cards be issued to all beneficiaries for food. This to exclude purchases of chippies, soft drinks, alcohol and takeaways.

Rent should be paid directly by Govt to landlords.

Penalties for dishonest landlords should be at least \$10,000, and banned from Govt paid rent.

The balance of their benefits to be direct credited to their bank account to be spent as they see fit, as many will purchase good clothes from Op Shops.

2) We believe the term of Government should be 4 years, as we feel it would be more stable.

In a four year parliament the Superannuation for politicians should be increased from 9 years to 12 years of service. Eight years would be far too short and 9 years would result in politicians quitting early and we would end up with a lot more expensive by-elections.

The business sector does not pay such a lucrative super after only 9 years of service.

Free flights for MP's who retire after only 9 years of service should be scrapped.

MMP is not working as people anticipated, and it should be scrapped in its present form because we

have 22 MPs between NZ First and the Greens, none of whom were elected by the people. These people have no 'real' power

and without them we could be down to 100 MPs.

If a constituent MP is dumped by its Party that person should have to quit Parliament because they were put there by the Party and not by the people.

MMP was only selected because the people wanted change and this suits the Politicians the best because they can keep all their cronies in parliament. Very little emphasis was put on SMP or STV so they were confined to the 'too hard basket' and the people therefore don't understand them. We believe that STV would be the fairest and most democratic way of electing our parliament and therefore more should be done to educate the people on how it works.

The Maori seats in Parliament must be abolished in the near future as we work towards a united country for all races.

Hone Harawira should be chastised by Parliament for his constant racist remarks against White people. He needs to be reminded that he is now living in a multi-cultural country whether he likes it or not. White people cannot get away with such racism.

Submission Upload: Govt. Constitution.docx

Sent on the 21 June 2013 at 18:04

1) The Government should work harder to produce a more prosperous society for all citizens by focusing on lifting the standard of education of our lower socio-economically poorer people. This can be done by giving incentives to parents to be more involved in the education of their children. Maybe the 20 hours of free pre-school education could be compulsory for all children.

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From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 7:45 p.m.

44801

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

Full Names: David Green Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Levin Postal
Region: Horowhenua Postal Post Code: Postal Country: New Zealand Submission: If
it ain't broke don't fix it.

I do not believe New Zealanders want to live in the straight jacket of a constitution.

I look at the United States of America and how they try to live within rules enacted in 1776. I do not want to leave that legacy for my descendants.

Submitted on the 31 July 2013 at 19:45

4480a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 7:45 p.m.

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

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Submitted on the 31 July 2013 at 19:45

2182

From: "prawn" <[redacted]>
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 11:28 a.m.
Subject: submission - maori seats - abolished

my email system will not accept the given click through to where the submission has to go, so I have copied it but cannot click in the boxes.

Therefore I would like my submission to read, Maori seats 'abolished'. My tick would be in the abolished box, because I feel we are all one people and should be treated equally.

thank you

Elwyn Green

2172

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

Abolish the Maori seats. They are predicated on institutionalised racism and anachronistic.

Martin Green

3197

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.

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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.

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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:

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- 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;
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- 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.

Paula Green
Auckland
New Zealand

4608

Submission for the Constitution Conversation

Your name:

(See overleaf)

Name of the organisation you represent (if applicable):

Remover Amnesty International

Postal address or email address:

Chair: Richard Green,
Auckland

(Submission supported by other group members,
signatures overleaf).

SUBMISSION:

We have been human rights activists for many years, with Amnesty International. We welcome the opportunity provided by the Constitutional Review, to urge New Zealand to follow the example of Peter Fraser, a champion of economic, social and cultural rights when the Universal Declaration of Human Rights was drafted in the wake of the Second World War. By incorporating these rights into the Bill of Rights Act, it can deliver on Fraser's promise of a future "free from want" for all New Zealanders. Such a move is also timely, given New Zealand's hopes for membership of the UN Human Rights Council, - likely to strengthen its case.

Hence we would urge the entrenchment of the Bill of Rights Act, incorporating economic, social and cultural rights, ~~and~~ and providing judges with the power to offer remedies. We recommend as well the ratification of the optional Protocol to the ICESCR, including opting in to its inquiry and inter-state mechanisms. All levels of government should mainstream human rights through their decision- and policy-making, and there should be increased accountability for select committees, obliging them to factor in any human rights concerns. Finally, we suggest increased human rights education, to enhance public awareness of economic, social and cultural rights.

Richard Green

Maria Butler

Monica Bayldon

Tinku Jose Kurian

Sandra Beiksen

Joanne Wilke

Christine Brett

Jeanette Miller

Email submissions can be sent to <http://www.ourconstitution.org.nz/Make-a-general-submission>

2366

From: Rosemary Green ·
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:38 p.m.
Subject: CAP Submission

We emigrated to New Zealand in 1974, sadly returning to GB in 1981, but our son Mark remained and took New Zealand citizenship

In 1974 we found no racism, so I am very upset that what seems to be a few militant Maoris can by default take over what was then a peaceful country.

So saying, even then there were schisms with huge benefits for the Maori people, even those with very mixed blood who were encouraged to 'make claims'. But you know all this. I wish you could stir up those countless thousands of people who are sleepwalking their way to a different, and poorer citizenship in a country still pristine, lovely, and welcoming. I wish you well. Rosemary Green, Bristol,

814

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/05/2013 9:06 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: SUF GREEN Organisation Name: Email:
Phone: Postal AddressA:
Postal Address: Postal City: Postal Region: BAY OF PLENTY Postal Post Code:
Postal Country: New Zealand Submission: The Declaration of Independence 1835
cannot be extinguished. It is protected by the Statute of Westminster 1931. It stands as the founding constitution of the people. The government of New Zealand has a constitution- from the Queen 1852- to govern itself,
NOT THE PEOPLE.

The Governor General has the power to refuse to assent to any law the government makes. The Governor General gives allegiance to the Queen of England as do the armed forces of our nation which the Governor controls.

The purpose of this is to protect our nation from those who threaten our
Sovereignty. The selling of State Assets qualifies as such a threat.

The Police swear allegiance to New South Wales, Australia and because of that give allegiance to the government of New Zealand- NOT THE PEOPLE.

The Courts of New Zealand established without licence. This explains why Judges have such immunity and also give allegiance to New South Wales.

Greed for land profit and power is the reason that these truths are buried
and denied however the truth is in the documents. There are others.

THE DECLARATION OF INDEPENDENCE 1835 is the founding document
for the peoples constitution and it can be added to by way of amendments.

There are many matters to cover such as the right to live a peaceable life,
the right to protect one's family and home from intrusion, the right to bear
arms, the right to a fair and just trial, to education and medical treatment.

It also must set out the responsibilities of the people to abide by the law
and generally be good citizens.

It must also demand that members of government, civil servants and all citizens, judges included, give
allegiance to our nation and land. This would then subject parliamentarians to the punishment for

treason.

Sent on the 10 May 2013 at 21:05

337

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 9:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: mr stephen randall green Organisation Name: Email:
Phone: -- Postal AddressA: Postal AddressB:
Postal City: -- Postal Region: auckland Postal Post Code: -- Postal Country:
New Zealand Submission: I site the book "the great divide" by ian wishart. the treaty is
misrepresented and any move to change the constitution is treason and everyone connected to this
should be taken to court and dealt with. Of note is the labour government 1984- who all were
tresonous as members of "parliamentarians for world government" and brought "the
treaty principles" into so called law. Because they were treasonous this is void and every law
they passed including making treason a non capital offence is also void .treason
was made a non capital offense to save their asses with the meager excuse to do so.

Sent on the 14 April 2013 at 21:04

337a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 9:29 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: mr stephen randall green Organisation Name: Email:
none: Postal AddressA: Postal AddressB: Postal City:
auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: that the queen of new zealand is the queen of britain and is bound to uphold the magna
carta and as such this is the basis of law in new zealand. Any law in contradiction to the basis of law is
without standing as it has no foundation. any move to remove
the queen as head of state is treason.

Sent on the 14 April 2013 at 21:28

982

Received 21 May 2013

14th May 2013

Constitutional Advisory Panel
C/o Ministry of Justice
P.O Box 180
WELLINGTON


TAURANGA

Dear Sir \ Madam,

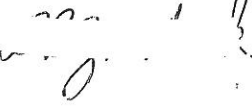
Regarding the NZ Constitutional Review, we wish to submit that we wish ~~no~~ change be made to the NZ unwritten Constitutional Act 1852 which as a founding document has served our country well. Should there eventuate a reason for alteration or addition to the present NZ un written NZ Constitution, then a public referendum should be called for in order to gain a true consensus, nothing more and nothing less. Under no circumstances should changes to a Constitution be race based as a move towards division is a move backwards, we want equality not division.

One People One Nation.

Yours, sincerely,


Don and Jill Greenbank.

Todd Greenbank

Denise Greenbank


386

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 8:11 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dale Greenbury Organisation Name: Email: . Phone:
Postal AddressA: Postal AddressB: Postal City:
Wanganui Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1-New Zealand one people.no more separatism based on race,color or creed.

2- that the Treaty of Waitangi and its principles be removed from our constitution,that the
WaitangiTribunal be abolished, race based Parliamentary seats be abolished.That there is one law for
all the people's of New Zealand that there is equality with no racial
division

Sent on the 15 April 2013 at 20:10

386a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 8:19 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dale Greenbury Organisation Name: Email: Phone:
Postal AddressA Postal AddressB: Postal City:
Wanganui Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1- The Treaty has no role in the future of New Zealand's constitution.

2- No the Treaty should be abolished and not part of the constitution

Sent on the 15 April 2013 at 20:18

3866

From: ---
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 8:29 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dale Greenbury Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wanganui Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
1- no race based Parliamentary representation

2- By equal rights election.

3- By equal rights election.with no racial privilege.

Sent on the 15 April 2013 at 20:28

4367¹

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 2/08/2013 6:50 a.m.

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

Full Names: Harry Greenfield Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: vwellington Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: I wish we could
vote on individual issues, instead of just voting someone in and having them do whatever they want to
do for the next 3 years. There isn't even accountability if they don't do what they said they were going
to do while campaigning. It's
a farce, and a pseudo-democracy, giving the illusion of choice to the masses in order to appease
them. Because of this, I have never voted. I refuse to choose between (basically) 2 options, neither of
which I like at all, when there is so much complexity in
how the country should be run.

Submitted on the 2 August 2013 at 06:50

702

From:
To: <constitutionalreview@justice.govt.nz>
Date: 30/04/2013 10:55 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Kara Greening Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I would like to see NZ have a law that criminalises people who buy sex. It does not reflect the NZ I love that we have legalised prostitution, but criminalising the prostitutes will only punish those who have the least choice or control in the situation.
By criminalising the purchaser of sex the demand is removed or greatly reduced for the sex trade while still allowing the prostitutes themselves to be protected. We need to protect vulnerable New Zealanders and help them have a successful future, and fully legalised prostitution or criminalising the sex provider is a barrier to this. Surely the best NZ we can visualise does not have vulnerable people selling their bodies to feed their families?

Sent on the 30 April 2013 at 10:53

2545

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 12:25 p.m.
Subject: CAP Submission

I seriously think it is time to abolish the Maori seats and have not so many parties going for votes. We are a small country so I think it is better to not have so many different parties. After living overseas for a few years I think we need to sort out the parties and not have so many and the other one that bothers me that if we have Maori seats we are setting our selves up for having problems and discrimination between the different cultures now living in New Zealand. We need to move on and work as a one people to achieve more for our country.

Regards
Jenny Greenlees
Tauranga

3767

From: Cecille Greenop
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 3:47 p.m.
Subject: CAP Submission

To whom it may concern,

As a migrant in NZ, I'm very hopeful that multiculturalism will be acknowledged and be given weight when passing bills and planning future government projects. So far, I have only felt like a Second Class citizen in this country just because there is really not a lot of facilities provided for us. The Pacific island and of course the Maoris are very well looked after, complete with government funding and first priority in many aspects of living, including housing, health, education. I know this first hand as my daughter who had A+ average didn't stand a chance against a MAPA with B+ average. Plus, they get free tutorial, free mentoring, free lunch once a week. My daughter never got any of the above.

The Treaty of Waitangi doesn't really cut in this new multicultural NZ and it is a shame that we migrants feel that this country has double standards when it comes to MAPAS and the rest... They even have their own Party. It would be nice one day to have a United Migrants Party...

Yours truly,

Cecilia Arada Greenop

Sent from my iPhone

3569

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 14/07/2013 4:41 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names:	Cecille & Eric Greenop	Organisation Name:	Email:	
	Phone:	Postal AddressA:		Postal
AddressB:	Postal City: Auckland	Postal Region:	Postal Post Code:	
Postal Country:	New Zealand	Submission:	We, as New Zealanders of all backgrounds, having founded and developed our society in equality, fairness and comradeship, oppose any laws which establish or promote racial distinction or division. This means one law for all.	

We reject and reference to the Treaty of Waitangi or its principles in any constitutional document

We ask for such reference be removed from any existing legislation

We ask that race based Parliamentary seats be abolished

We ask that the Waitangi Tribunal, which has now outlived its usefulness, be abolished.

Sent on the 14 July 2013 at 16:39

565

From: ~
To: <constitutionalreview@justice.govt.nz>
Date: 20/04/2013 10:31 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Stuart Greenshields Organisation Name: nil Email: ~
Phone: ~ Postal AddressA: ~ Postal AddressB: ~ Postal City: ~
Tauranga Postal Region: Bay of Plenty Postal Post Code: ~ Postal Country: New Zealand
Submission: I do not believe that New Zealand needs or requires a constitution if we look at other Countries like America and India for instance. They both have constitutions and are ham strung in progressing the Country by challenges to changes on the basis that it is unconstitutional, recent example is the right to bare arms in America. This was written in at a time when there was threats of invasion, Civil war etc now they cannot get rid of it even though the need to bare arms is not there. There are numerous other examples of the constitution being used to prevent sensible changes but this is the most recent and on going.

I believe that democracy is the key and we do not require ridged rules for our Country. I do not believe that we should enshrine the Treaty of Waitangi in more than it is now as it, like a constitution, is open to interpretation and how well you can argue the point or cause Civil disruption to get your way. Saying that NZ 'ers are more mature and can accept a constitution begs the question of if this is so why do we need a constitution.

Learn from the mistakes of other countries who have a constitution and do not be naive enough to think that it won't happen in NZ.

Look at how the Treaty is being misused to justify claims to shares in scientific advances that were never envisaged when the Treaty was signed. Treaty is just another name for a constitution it will be hard to interprate how the wording of the treaty should be placed in a constitution as no one can agree. Even if new wording is placed in a Constitution we are tying our descendants to a document that will not be able to progress with the changes in Society

Sent on the 20 April 2013 at 10:30

3198"

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.

Cynthia Greensill
Dunedin
New Zealand

4066

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 4:09 p.m.

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

Full Names: Francis Greenslade Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 1. I think a single constitution document would be a sensible idea. It seems to me that having a constitution written over several documents is too complex. If we want citizens to know and understand their rights then one 'go to' document would be a lot simpler. We could educate our children from an early age that they are part of a democracy and a constitutional document would be a tangible reference to that. If all our children knew and understood that their's and their society's rights were protected under a constitution it would become instilled in their value system and I beleive they would be more inclined to participate in democracy. A constitutional document could be something that our children will learn to 'own', cherish and protect.

2. I think a constitutional document should have a higher legal status than other laws because we need our citizens to have faith and trust in the law. Laws that circumvent a constitutional right would lessen the weight and power of that constitution. This would would weaken and erode our citizens respect for law and governance overall.

3. The courts have the legal training and expertise to decide if laws are consitent with a constitution. I fear that parliament could manipulate things for political ends.

Submitted on the 29 July 2013 at 16:07

Law and the Democratic Process: Laws 420**Maori Representation in Parliament**

Maori culture is indigenous to New Zealand. The annexation of New Zealand by the crown occurred on February 6th 1840¹ at the hands of the European seeking to colonise the territory. Maori were subjected to predominant European control and governance, particularly with the establishment of parliament, the political vehicle of New Zealand. Maori have 'support elements' which enables the consideration of Maori values, culture and history to be represented through parliament. It is purported that these are of great importance and relevance, and are needed to keep the minority culture an important consideration for the law making body which governs New Zealand. Maori seats are necessary to keep for the Maori electorate; permanent representation of Maori is important because they are a cultural minority, which is of great importance to New Zealand identity. The seats have been scrutinized as promoting inequality and reverse discrimination within society; these will be discussed. The MMP system has allowed for greater Maori representation in Parliament. The system has come into disrepute with the possibility of proportionality being affected by maintaining the Maori seats; this will also be considered. The Maori party has increased Maori participation in Parliament and finally, the Maori language further shows the importance of Maori to parliament and therefore society as a whole.

Maori seats have the purpose of allowing Maori representation in parliament. The first Maori parliamentary seats were established in 1867,² although initially, they were only intended to be temporary.³ The first four Maori electorates were established in the Maori Representation Act 1867; there were three in the North Island, and one in the South Island, extending to other surrounding Islands.⁴ The legislation also introduced a separation with the European electoral system and the Maori, providing each with a different electoral roll due to the addition of these seats. Up until 1975, people with more than half Maori had to register with the Maori roll⁵ but it was then established Maori could vote for either the general roll or the Maori roll. 1967 allowed Maori were able to stand for election in European seats.⁶ The Royal Commission Report in 1985 introduced the system of MMP, along with it, the desire to get rid of the Maori seats.⁷ It stated that the change from First Past the Post to MMP allowed the option of proportionate representation because of list members, giving a fairer chance to Maori and Pakeha and other cultural minorities to have a proportional and fair representation in parliament. Thus it was stated, the Maori seats

¹ Sean Braswell "Separate and Equal: Minority Representation and the Maori Electoral Roll in New Zealand" (2010) William & Mary Policy Review Vol 2 p122 at 142 ["Separate and Equal"]

² Mamari Stephens "Tame Kaka Still - Maori Members and Use of Maori Language in the New Zealand House of Representatives" (2010) Law Text Culture Vol 14 220 at 221

³ Jeff Berryman "The Forth World in the First World - The Maori in New Zealand" (1990) Vol 2 Sri Lanka Journal of International Law 37 at 52

⁴ Maori Representation Act 1867

⁵ Braswell "Separate and Equal", above n 1, at 127

⁶ Ibid at 53

⁷ Royal Commission on the Electoral System "Towards a better democracy" (1986)

were not necessary. However, the Maori seats remain with Maori strongly supporting the seats, and non-Maori having high support also.⁸

Permanent Maori electorate seats would allow Maori the choice to continue supporting Maori by an assured position of power, knowing their indigenous beliefs and general culture will always be greatly considered in the parliament body, the supreme law maker of New Zealand. Having the option to enrol in either the Maori roll or the general roll shows that it is up to each individual Maori person to choose where their vote is valued, which allows over time the possibility for Maori to become more immersed with New Zealand as a whole. Seats in parliament are security for Maori representation in a Pakeha dominated parliament, majority government.

The Royal Commission report which sought to remove the Maori seats has been supported by some critics, donning the opinion that the seats pose a risk of an imbalance in the proportion of the MMP system,⁹ however, should the need to add an extra seat arise due to increased support of Maori minority parties, they are still within a parliamentary system which depends on the cooperation of minority parties and majority agreement on law making matters. In a 2012 report by the Electoral Commission, it emerged that due to population increases and the proportionality of MMP that list seats are decreasing. This threatens access to parliament for Maori, and other minority groups, such as women.¹⁰ Retaining the Maori seats serve to permanently cater for Maori interests by having these seats firmly in Parliament, and the removal of these seats “would remove a major support-post of Maoritanga”.¹¹

Discrimination and racial separatism further support abolishing the Maori seats. Equality should be the ideal some would say, and should be implemented as it is a founding precept of the democracy New Zealand practices.¹² Indeed, equality is an important value of a legal system; however it cannot necessarily be possible to achieve a fair society. Experience with indigenous cultures has shown that indigenous representatives are rarely elected because they are a minority, the indigenous agenda although of importance, is not a forefront matter, especially with politicians intending to obtain the non-indigenous majority vote.¹³ The UN Declaration of Rights of Indigenous Peoples was ratified by New Zealand in 2010.¹⁴ Article 19 declares:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.¹⁵

⁸ Jack Vowles and others *Proportional Representation on Trial: The 1999 New Zealand General Election and the Fate of MMP* (Auckland University Press, Auckland, 2002) at 182 [“Proportional Representation”]

⁹ P.A. Joseph “The Maori Seats in Parliament” *New Zealand Business Roundtable* (New Zealand, May 2008) [“Maori Seats”]

¹⁰ Electoral Commission on the Review of the MMP Voting System 29 Oct 2012

¹¹ “Case for retaining the Maori Seats” *The New Zealand Herald* (New Zealand, 11 February 1981)

¹² “Maori Seats” above n 9 at 15

¹³ A. Xanthaki and D. O’Sullivan “Indigenous Participation in Elective Bodies: The Maori in New Zealand” (2009) *International Journal on Minority and Group Rights* Vol 16 181 at 181 [“Indigenous Participation”]

¹⁴ (20 April 2010) 662 NZPD 10229

¹⁵ United Nations Declaration of Rights of Indigenous Peoples, art 19

The International Covenant on Civil and Political Rights was a UN treaty which New Zealand has also ratified, article 25 stating that it recognizes the rights of every citizens to vote, but that "whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects"¹⁶ These international United Nations documents support the Maori seats being retained for the benefit of a fairer society; it enhances indigenous participation and their importance for the legislature, and means that although they are a minority, their voice is valued.

In further discussion of the equality argument, there is a historical background which has been supported by contemporary politicians to support the abolishment of the Maori seats. A phrase was made by Captain William Hobson during signing of the Treaty of Waitangi were the Maori words, "He iwi tahi tatau", which means "we are one people".¹⁷ The Orewa speech in 2004 was one carried out by the National leader of the time, Don Brash. Brash stated that New Zealand is "one country with many peoples, not simply a society of Pakeha and Maori where the minority has a birthright to the upper hand".¹⁸ He finds that there is a threat of racial separation, and that regardless of ethnic origin, it should not matter. Brash believes we should work together as one people to modernise and further the democracy of New Zealand. While Brash has good intentions of equality, the fact of the matter is, Maori are still struggling from colonialism. Maori constitute 15.1% of the population which is around 4 million people.¹⁹ 84 percent of Maori live in urban areas that are geographically and economically integrated into society; still, they wish to maintain and develop their unique cultural identity. They are subjected to a lower social economic situation with higher imprisonment rates and unemployment than other minority ethnic groups.²⁰ While politically speaking, Brash believes we should strive to be 'one people', the differences of the majority cultures of New Zealand and minority cultures is that we are different, the statistics prove it. In order to create a fairer nation, government needs to allow differentiation in parliament to allow for the minority voices to come through; especially our indigenous culture, by keeping the Maori seats. This further shows the importance of the Maori seats to the minority group.

MMP was the preferred electoral system that was recommended by the Royal Commission in 1985, and has allowed Maori fairer representation in parliament. The commission believed that the system would improve representation of Maori and minorities within parliament.²¹ The First Past the Post voting system, which had been a relatively straightforward and long-running voting system of New Zealand, had resulted in disproportionate representational outcomes as to who wielded power over society.²² Politics was dominated by the Labour and National parties making parliament a lot more adversarial. MMP required cooperation and wider support from

¹⁶ International Covenant of Civil and Political Rights, art 25

¹⁷ C. Orange *The Treaty of Waitangi* (Bridget Williams Books, Wellington, 1987) at 57

¹⁸ Don Brash, Leader of the National Party "Nationhood" (Orewa Rotary Club, 27 January 2004)

¹⁹ "Indigenous Participation" above n 13 at 188

²⁰ Statistics New Zealand (2001) 2001 Census Population Structure and Internal Migration

<www.stats.govt.nz>

²¹ A. Sullivan "Maori Participation" in Miller (ed) 5th ed, *NZ Government & Policy* pp538 at 540

²² A. Geddis *Electoral Law in New Zealand: Practice and Policy* (LexisNexis, Wellington, 2007) at 28

parties to have effective government.²³ MMP has two votes; one for the electorate and candidate, and the other for the party. The party vote allows for list MP's to gain a seat in Parliament, once the candidates had taken their seats in parliament to occupy the remainder seats depending on the proportion of their party votes.²⁴ This increased Maori opportunity to have representation in government; they could get a seat in Parliament without having to be elected through the Maori seats. In 1993, the Electoral Act implemented the MMP system into law.

MMP allows the proportionality of the party vote to be equally divided to the remaining seats available. Coalition governments under MMP have dispelled the idea in some respects, that "the Crown sovereignty was supreme and indivisible".²⁵ Minority parties have been given "a greater role in official decision making".²⁶ In August 2001, a parliamentary committee set up to review the MMP system. As it was iterated in section 264 of the Electoral Act 1993, a select committee was required to report on matters of Maori representation as stated in section 45 of the same act; this report to be completed by June 2002.²⁷ It endorsed keeping the system in place to continue to empower minority voters and assist with enhancing their representation in the legislature.²⁸ Maori have struggled with political equality since times of colonialism; MMP has allowed for the indigenous culture to operate independently within the political realm, while allowing Pakeha and other cultures to be an organic whole in parliament and operate interdependently.²⁹

MMP further supports Maori representation in parliament with having Maori parties in governance, and with cooperation being integral to the systems success, small parties are important to the bigger parties. The first genuine Maori political party, Mana Motuhake, was established in 1979 by Matiu Rata who had been a member of Labour until they lost the 1975 election.³⁰ The view of the party was to promote and protect Maori interests. They failed to win any seats until a strategic alliance was formed in 1991.³¹ MMP however, resulted in an increase in formation of Maori parties; the first party to make a significant impact on parliament was the Maori party. Following the fall out between Labour and Tariana Turia regarding the seabed and foreshore issue in 2004, the party was established after the request for the MP to resign regarding the dispute.³² Turia was seen by fellow Maori to take the Maori people's concerns to parliament, while acknowledging that shared vision is required, not domination.³³ The Maori party wants to ensure; that Maori culture, language, and general input is relevant with New Zealand society, to ensure life is equal for continued harmonious relations of all New Zealanders. The Maori party is needed to

²³ Vowles "Proportional Representation" above n 9, at 131

²⁴ H. Tomlins-Jahnke and M. Mulholland *Mana Tanagata: Politics of Empowerment* (Huia Publishers, Wellington, 2011) at 87

²⁵ R.S. Hill *Maori and the State: Crown-Maori Relations in New Zealand/Aotearoa, 1950-2000* (Victoria University Press, Wellington 2009) at 271

²⁶ Ibid

²⁷ Vowles "Proportional Representation" above n 9 at 175

²⁸ Braswell "Separate and Equal", above n 1, at 122

²⁹ Ibid at 123

³⁰ R J Walker "The Political Development of the Maori People of New Zealand" in Ranginui Walker (ed) *Maori Representation Conference* (Center for Continuing Education, Auckland, 1985) 1 at 10

³¹ R. Miller (ed) *New Zealand Government and Politics* (4th ed, Oxford University Press, Australia, 2006) at 407

³² Ibid

³³ Ibid at 409

represent issues that are of importance to the Maori community. Indeed, Don Brash's Orewa speech as well as the foreshore and seabed issues propelled the party to come into existence.³⁴ The addition of the party further supports the need for the continuance of the MMP system; it provides the opportunity for a more proportionate parliament with its establishment.

Finally, the importance of the Maori culture and its representation in parliament is supported with the traditional language, te reo Maori. In 1987 the Maori Language Act was passed and established Maori as an official language of New Zealand. Further, in 1997 Cabinet agreed that the Crown and Maori both have a duty to ensure that the language is to survive the test of time. Doug. L. Kidd as Speaker of the House ruled that Maori speaking within parliament, was a right did so as a right, and that an interpreter would be provided.³⁵ The Maori language is taonga and parliament has acknowledged this.³⁶ This acknowledgement shows that Maori language further conveys a representation of Maori and their culture within parliament.

In conclusion, Maori culture holds great importance to New Zealand and its identity. In order for the Maori opinion on legal and public policy to be heard in parliament, and for their culture and identity to be sufficiently promoted and considered, it is important that certain systems remain in tact. Maori seats are necessary for Maori. While the electorate seats in parliament has been a widely debated topic by academics, politicians and so forth, it is in Maori best interests that they have permanent representation in the House so they are always represented. Arguments of racial discrimination and separation, and promoting one rule for all, have been considered above and rebutted. The MMP system's implementation has had great success to help gain proportionate Maori representation in parliament. While there has also been argument that MMP may result in a disproportionate amount of Maori in parliament in relation to their population, the cooperative approach that underpins the system will not be impacted. The Maori party has assisted in further contributions of Maori in parliament, with historical beginnings rooted in opposition of major party policies, such as National's Don Brash's speech. This reflects the importance of having Maori contribution in parliament, as decisions that could have been implemented under the FFP system by majority parties could have been more easily legislated without the retained Maori seats and the MMP system. The language of Maori being an official New Zealand language is an example of how important the Maori indigenous culture is and needs to be continually so in parliament.

³⁴ Ibid at 612

³⁵ New Zealand Parliament (2010) The Maori Language: Selected events 1800-2010
<www.parliament.co.nz>

³⁶ M.Stephens "Taonga, Rights and Interests: Some Observations on WAI 262 and the Framework of Protections of the Maori Language" (2011) Victoria University of Wellington Law Review Vol 42 241 at 243

3199"

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.

Chris Greenwood
Wellington
New Zealand

4396

From: mary-louise greer
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:03 a.m.
Subject: CAP submission
Attachments: Constitution Submission MLG.doc

My CAP submission is attached, thank you.
Mary-Lou

Submission on New Zealand Constitution & The Bill of Rights

From: Mary-Louise Greer

Auckland

Email:

Question from Submission Guide

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

Answer

Yes a single document as this would make it easier for more people to have physical access and understand the holistic impact of the contents.

Question from Submission Guide

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

Answer

Yes it should supersede all previous documents and laws to stop ongoing and costly confusion.

Question from Submission Guide

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

Answer

The courts because they are the closest thing we have to impartiality.

Question from Submission Guide

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

Answer

The constitution should supersede the treaty but the treaty should not be included because it is too contentious. The major issues with the treaty should be resolved with the outstanding iwi so we no longer need to rely on the treaty's contentious guidance.

Question from Submission Guide

How should Maori views be represented in Parliament?

Answer

In the same way as every other resident group in New Zealand, in order to move forward we must protect and embrace Maori culture but also understand that the rights of all New Zealanders for representation should now be equal.

Question from Submission Guide

How should Maori electoral participation be improved?

Answer

Make it a compulsory module in high school explaining the advantages of having your say and highlighting the benefits the democratic system has brought to Maori in more recent times at a macro and micro level. Make it as easy and approachable for Maori and indeed all citizens to vote, including advance voting and voting online as soon as practically achievable.

Question from Submission Guide

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

Answer

In the same way as all other nationalities who are New Zealand citizens, to break things down

further than this will continue to cause wide spread separatism.

Question from Submission Guide

How many members of Parliament should we have? Why?

Answer

A maximum of 100 in order to ensure efficient governance but ensure MPs are 'hungry' for their positions.

Question from Submission Guide

How long should the term of Parliament be? Why?

Answer

4 – 5 years, 3 years is too short to enact proper change and the final year before an election is generally a time when no major work is done. Also elections every 3 years lead to frequent economic instability which is inherent in many elections.

Question from Submission Guide

How should the election date be decided? Why?

Answer

Election date can be set by the ruling party, after a minimum of 3 years, with ability to call snap election etc if the ruling party was to collapse.

Question from Submission Guide

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

Answer

The number of electorates should be decided by the number of MPs.

The key factor to draw up the borders should be population base with economic factor such as GDP contribution taken into account.

Question from Submission Guide

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

Answer

A bi-election because their party affiliation, which forms a core component of the reason many people vote for them has changed.

End of Submission

5026

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:56 p.m.

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

Full Names: Christine Gregory Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Christchurch
Postal Post Code: Postal Country: New Zealand Submission: The Treaty of Waitangi
should be a major part of our constitution. It is our founding document and all New Zealanders need
to follow the example set by it.

Thanks

Christine Gregory

Submitted on the 24 June 2013 at 14:23

2503

From: K Gregory"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:12 a.m.
Subject: CAP Submission

My submission concerns the Maori seats in Parliament and I would like to submit that they be ABOLISHED

on the grounds that seats should be earned by democratic election processes, rather than allotted by race.

If the seats are retained or entrenched it will, in my opinion, add to the groundswell of racial disharmony that is evident to ordinary New Zealanders, but that seems to be unseen and unheard to those in the upper echelons of Government - probably in the interest of furthering political careers.

Because I work and live a long way from Wellington, I do not wish to be heard in person (assuming there would be such an opportunity?) but I do wish to be kept informed by email, of developments in the Constitutional Review.

Karen Gregory

Mangawhai

Northland Electorate

4387

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:42 a.m.
Attachments: Constitution review.doc

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

Full Names: Linley & Claire Gregory Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Submission Upload:
Constitution review.doc

Submitted on the 31 July 2013 at 10:41

ASPIRATIONS

We hope that the constitution of Aotearoa can be values-based. The constitution should ensure the following values:

- respect for Treaty rights as in Te Tiriti
- equality and fairness
- justice
- human rights
- respect for all people in their diversity.
- truth
- peace
- Sustainability
- Aotearoa control over Aotearoa resources
- genuine consultation

Some suggestions for constitutional arrangements are below.

It is critical that any constitutional arrangements that are designed to give effect to Te Tiriti are developed through a process of consultation and negotiation between Government and hapū and iwi.

THE CONSTITUTION

Do you think our constitution should be written in a single document and why?

There should be a written constitution setting out in one document our constitutional principles/values/rights and protections.

If there is not a specially written constitution then I would hope that there is one document the public could access that has in it the laws, bills, etc. that together make our current constitution.

As well as sharing the constitution there needs to be information easily available for Aotearoans so they can understand the constitutional arrangements and their rights and protections. In addition laws could be more easily and transparently monitored for compliance with these rights and protections.

Do you think our constitution should have a higher legal status than other laws? Why?

The constitution would embody the values/principles/ rights and protections that are important to us in our society. All laws should be consistent with these.

A higher legal status would give it protection from abolishment by a simple majority in Parliament. There should be a requirement for a higher level support for entrenched legislation such as the two thirds majority as required in Canada.

Who should have the power to decide whether legislation is consistent with the constitution, Parliament or the courts? Why?

There should be a publicly appointed, well informed group to monitor new bills for compliance with the constitution. Where there is disagreement on whether they are constitutional, the courts should make the final ruling, because the courts are deemed to be free from political lobbying.

Other

If there is not a written constitution there may be a need for a second chamber in Parliament to ensure greater scrutiny and consideration in the passing of new legislation. Any second chamber should have equal representation of Māori and non- Māori, to comply with the principles of Te Tiriti. Its composition and powers would need to be carefully worked out so that they were consistent

with our constitutional values.

BILL OF RIGHTS ACT

Do you think the Bill of Rights Act should have a higher legal status than other laws? Why?

The Bill of Rights Act lists important rights and protections. All laws should be consistent with these.

It should therefore have higher status. Without a higher legal status the Bill of Rights Act runs the risk of being changed or abolished by a simple majority in Parliament.

Who should have the power to decide whether legislation is consistent with the Bill of Rights Act, Parliament or the courts? Why?

There should be a well-informed publicly appointed group to monitor new bills for compliance with the Bill of Rights Act. Where there is disagreement, the courts should make the final ruling on whether they are constitutional, because the courts are deemed to be free from political lobbying.

What additional rights could be added to the act and why?

The right of citizens and residents to receive a living wage or benefit should be added, because a society where there are growing differences between rich and poor is not a healthy society.

The right to adequate medical care, because poor health prevents people from fully participating in society and in the end is a cost to all members of our society.

The right to education should include the right to receive information about the democratic systems of Aotearoa and the rights and responsibilities of citizens and residents (ie civics).

The right of the environment for protection because protecting our environment is vital for our future and that of our descendants.

TREATY OF WAITANGI – TE TIRITI

What role do you think the Treaty of Waitangi could have in the constitution?

Te Tiriti (the Māori version, not the English 'translation') should be a formal part of the constitution. Te Tiriti is the text that was signed by Māori, and is the document that gave non - Māori the right to be here, and promised Māori the rights and status they already had.

An authoritative contemporary English translation of Te Tiriti should be appended. Any monitoring groups and the courts should have access to Treaty experts.

How could Maori electable participation be improved?

Civics, including the way our constitutional arrangements and how the political process works, should be taught to all children in school at all levels as this understanding is necessary for the participation of all. This information should be available to everyone.

It would be helpful to have a greater number of Māori representatives in Parliament.

Constitutional endorsement of Aotearoa/New Zealand as a peacemaker.

Any written constitution for this country should build on our nuclear-free status and a growing global role as a peacemaker. To this end the adoption of an article renouncing war for which Article 9 of the Japanese Constitution could serve as a suitable precedent.

Chapter 2 Article 9 of the Japanese constitution (with Aotearoa/New Zealand substituted for Japan) states:

Aspiring sincerely to an international peace based on justice and order, the people of Aotearoa/New Zealand forever renounce war as a sovereign right of this nation and the threat or use of force as a means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

L6748

From: Margaret & John Gregory
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:43 p.m.
Subject: Submission re Constitutional Review
Attachments: Signature - J Gregory.jpg; Signature - M Gregory.jpg

We feel that there has been insufficient public debate about this important issue, due to insufficient publicity.
Any attempt to have a written constitution should only be enacted after a Binding Referendum with at least 2/3 of the people agreeing.

2579

From: Pat Gregory
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 3:32 p.m.
Subject: CAP Submission

Dear Committee

This is just a simple submission to say that I think Maori seats should be abolished. My reasons are as follows:

1. It creates a 'them' and 'us' situation which is not good for either side. If we want to be one nation, then to split the nation into separate seats is tantamount to apartheid.
2. Everyone - whatever their race, colour, creed - can stand for parliament; one only has to look at the diversity of nationalities in our parliament to see that this is so. Maori can contest seats in the same way that everyone else can. It is said that they do not push themselves forward so we have to make them come on board. If they are happy not to put themselves forward, then I do not believe we should push them into something they don't want anyway.
3. There are very few, if any, full-blooded Maori in our nation now and they are getting less and less as time goes by and inter-marriage takes place. This is all the more reason for us to be one nation and not to split people up into groups for the reason in 1. above.
4. I think we are 'twisting' the Treaty if we believe that insisting on Maori seats is fulfilling it. The whole aim of the Treaty was that we be one nation and that all would benefit from this. Whilst there have been many injustices against Maori, they have also received many benefits which at least equal, if not outweigh, the losses. Much has been done to make reparations for land confiscation, etc. but our nation cannot go on forever paying out in the way it has done. It is time we all got on together as one and forgot what 'brand' we are. The whole world is becoming 'mixed race' because it is becoming one village due to the advances in transport, electronics so to try and step backwards and bring Maoridom back to what it once was will never work.

Pat Gregory

HAMILTON
pH:

4176'

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 12:36 p.m.

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

Full Names: Ruth Gregory Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: I am particularly concerned that there should be increased focus on and
proper protections for the rule of law and the functionality of the justice system.

This has been attacked by the current government by way of extreme under-resourcing.

Submitted on the 30 July 2013 at 12:35

3511

From: "Ross & Betty"
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 10:23 a.m.
Subject: CAP Submission

New Zealanders should be equal in law.
No one race should be superior to another.
We do not agree that the Treaty be incorporated in our
constitution.
Yours sincerely
Ross and Betty Grenfell

2371

From: Darin Grenz
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:24 p.m.
Subject: CAP Submission

I do not believe that race should be a consideration for electorates.

Darin Grenz
Auckland

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.

Thomas Greve
Waiheke Island
New Zealand

2115!

From: "Antjie Greyling"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 8:30 a.m.
Subject: CAP Submission

Dear Sir/Lady,

It is logical that the Maori Seats must be abolished, for it only cost the Government lots of money- each MP receive a huge salary. The existing by election shows the struggle of the Maori Party to come to terms and is also funded by the government. All the numbers reveal Maori receive favour above all other cultures in a 'non-racial' democratic country, since at least 19% of the MP seats are reserved for Maori. Everybody fear for the Maori to stop existing among a multi culture society, but what about the Kiwis of European origin?

The Maori have no more rights in this country than any other diligent tax paying residents of New Zealand who help to develop the country. Maori only deserve the same position before the law and society as well as political vote than all other New Zealanders.

Thank You,

Anna Greyling

Permanent Resident of NZ

4458

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:52 p.m.
Attachments: constitution conversation.docx

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

Full Names: Phil Grieve Organisation Name: Email: Phone:
Postal AddressA: , Postal AddressB: Postal City: Wellington
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: constitution conversation.docx

Submitted on the 31 July 2013 at 17:52

Whether or not this is a reflection based solely on the vagueries of ageing (I'm only 47), I feel that NZ is fast becoming unrecognizable as the country of my youth. I'm naturally a socialist at heart but I feel instinctively that this is the world view that Nzers are most comfortable with.

Consistent with that, I would like to see certain safeguards in a written constitution that establish a line beyond which ANY government cannot proceed.

I feel that we can be a nation of sheep and opt out of the decision making process and rely upon our representatives to safeguard our collective interests but that this is open to abuse. If a prospective government makes promises on the hustings and then either baulks or does the opposite then there should be consequences without resorting to waiting another 3 years to vote them out.

Governments should have a mandatory consideration of the PEOPLE they govern and not just the economy. Some things are more important than money. The economic ethos that began under Reagan, Thatcher and their ilk has gradually eroded the idea of community and I believe there are fundamental platforms which should be unassailable. Freedom of the press, freedom of expression, the separation of church and state, equality for every person under the law, protection for the most vulnerable and so on.

Enacting retrospective legislation seems as though it should be harder to achieve and seems open to abuse. Putting NZ first seems like it should be obvious – look after your own and THEN look to gain an economic advantage. Why are we exporting oil, fish, milk when we pay a premium for these products. As an example – we are now paying our highest ever prices for fuel – why are we exporting Taranaki Oil? Fish used to be the cheapest item on the menu – now it's among the most expensive despite having access to vast fisheries. We are steadily eroding our "Clean Green" image for the sake of intensive (among others) dairying but there is no payoff for our citizens in the price of dairy products.

Under this system of thinking it is becoming obvious that we can't afford to live in our own country.

A constitution should safeguard the people against abuse of power. There should be a system of impeachment that precludes parliaments ability to "look after its own". If politicians have the ability to vote themselves a payrise then the people should have that right as well. The role of the Speaker should be redefined to one without political bias – not a politician but perhaps a member of the judiciary? If civil servants are banned from demonstrating political bias then the Speaker should be outside the political spectrum too. They should be like referees.

I believe the idea of partnership with Maori is at the core of our identity – the Maori could teach us many things about how to live and to treat each other respectfully. Any attempt to further marginalise Maori undermines my belief in a fair society.

4426

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:53 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
Attachments: Submission to ConstitutionalReview.docx

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

Full Names: Robin Grieve Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Whangarei Postal Region: Northland Postal Post Code: Postal Country: New Zealand
Submission: Term of parliament

I support the term of parliament being 4 years and a set date.

My reason for supporting a four year term is because governments tend to buy elections with greater expenditure during election year. A four year term will promote better fiscal management because of this.

Electoral integrity legislation.

Parliament is called the House of Representatives and MP's once elected, whether by the electorate or through the party list, should be treated as individual representatives not as members of a political party. List MP's and Electorate MP's should be able to act according to their conscience at all times and should not be forced from Parliament if they lose the support of their Party. Political parties are only a mechanism by which members of representatives get together to make legislation and do not need to be accommodated in constitutional law. Constitutional mechanisms must treat members of the House of Representatives as individuals and not as members of a party.

Maori seats should be abolished

Maori representation should be given no more consideration than that of any other ethnic group. To do otherwise would be racist. MMP ensures proportional representation and negates the need for Maori seats. They are also not supported by a substantial majority of Maori with almost half turning their backs on the seats. It is also counter productive to have MP's in parliament who are only concerned with one racial group. A parliament with representatives who speak for all New Zealanders regardless of their race would be a better parliament. I suggest that Maori are in fact disenfranchised by being on a separate role. The concept that a Maori person can only be represented by another Maori person is racist. I am a white male but I do not need a white male to be my electorate representative. I vote for the candidate that represents my values, their race and sex are unimportant to me and in fact if they were I would be racist and sexist. Maori are as diverse in values as any ethnic group, hence the failure of the Maori and Mana parties.

The Treaty of Waitangi should have no place in any NZ constitution and any NZ law and the Crown's obligations under it should be ended other than to settle existing historical claims.

Article 2 of the Maori version of the Treaty, according to the NZ History online, guarantees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise (7) of their chieftainship over their lands, villages and all their treasures (8).

The Treaty gives us all rights which are already protected in common law. The Treaty has been hijacked to become something more than it ever was. The words in article 2 are quite clear, the rights it bestows are to all New Zealanders to be allowed authority over their land and treasures, not just Maori, Being a party to a treaty does not make one a partner in all things. .

The protections given in the Bill of Rights should remain un-entrenched, it should include property rights. It should also guarantee the right to equality of citizenship and freedom from all discrimination by the state on the basis of race or sex and sexual orientation.

Currently sexual and racial discrimination is not allowed but when sexual or racial discrimination advantages a disadvantaged group at the expense of an advantaged group it is not regarded under the law as discrimination. This is quite absurd as despite what the law says it is discrimination and we should all be free of that. The reason for doing this is to achieve equality but any attempt to use inequality to achieve equality has failed before it starts because it promotes inequality. The term positive discrimination is often used but the people who use this term forget that all discrimination is by definition positive to the individual or group being discriminated for and it is negative to the individual or group being discriminated against. So you can not have positive discrimination without negative discrimination, and therefore all discrimination should be illegal.

The Bill of Rights should be strengthened and any legislation which breaches rights that are protected by the Bill of Rights should be subject to additional scrutiny by an independent judicial panel before it is passed. The panels report would not be binding on the Government. The review panel could also suggest a remedy by way of compensation for lost rights such as property rights. This would not be binding on the Crown.

I do not support a written constitution

I favour an expanded and strengthened Bill of Rights over a written constitution. Regardless of that one fundamental requirement must be that the right to be treated equally before the law and equal citizenship is paramount. There are over twenty Acts of legislation which bestow unequal rights on Maori and non Maori which have to be repealed before all New Zealanders can have equal citizenship. Currently most New Zealanders are in effect second class citizens in their own country because of the racial privilege for Maori that is inherent in these twenty acts.

Martin Luther King had a dream that one day his four little children would one day live in a world where they were judged not by the colour of their skin but the content of their character. Those who want special legislation to favour Maori or support special entry of Maori into medical school have made the judgement that Maori need special treatment because they belong to a race that can not manage without it. They judge Maori by the colour of their skin, not the content of their character. In my opinion they demean Maori and are racist. New Zealand shamefully is not the world Martin Luther King dreamed of.

Submission Upload: Submission to Constitutional Review.docx

Submitted on the 30 July 2013 at 22:47

Whangarei

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Martin Luther King had a dream that one day his four little children would one day live in a world where they were judged not by the colour of their skin but the content of their character. Those who want special legislation to favour Maori or support special entry of Maori into medical school have made the judgement that Maori need special treatment because they belong to a race that can not manage without it. They judge Maori by the colour of their skin, not the content of their character. In my opinion they demean Maori and are racist. New Zealand shamefully is not the world Martin Luther King dreamed of.

424

From: Griffin
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 9:22 a.m.
Subject: Review

Sir

After many years of being a National supporter I would like to inform you that I strenuously object to any changes to New Zealand's unwritten constitution which will make it a race based Constitution.

Changes to this end will ensure that my National vote is for all time lost. New Zealand needs to be One People One Nation with equality for all.

D B Griffin

Katikati

1393

From: & SL Griffin
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 2:43 p.m.

New Zealand does not need a written constitution and I strongly oppose any legislation or reference to The Treaty Of Waitangi should one be drafted now or in the future.
Sandra Lynne Griffin

1394

From: WG & Griffin
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 2:43 p.m.

New Zealand does not need a written constitution and I very strongly oppose any legislation or reference to The Treaty of Waitangi should one be drafted now or in the future.
William George Griffin

1836

16.06.13

Roforua

Dear Sirs,

I am writing to express my views on the
Constitutional Review.

We are all New Zealanders and must be treated
equally.

To include Treaty of Waitangi principles in a written
constitution is wrong as it will favour one small group
over the majority of the population.

We are supposed to be trying to unite the country
not send it down two differing paths where one path
has a lot more say than the other.

We should also get rid of special seats for Maori
on local bodies and in Parliament. I think that these
are a clear case of favouring a minority.

Thank you for your time

Yours faithfully

3680

From: Penny Griffith
To: <constitutionalreview@justice.govt.nz>
Date: 18/07/2013 10:34 a.m.
Subject: CAP submission
Attachments: CONSTITUTION CONVERSATION--18 July.pdf

Attached please find my submission

Yours sincerely, Penny Griffith

~~~~~

Penny Griffith >>>

\*postal\*: , Collingwood New Zealand

\*street\*: Collingwood, Golden Bay

\*landline\*: \*mobile\*.



## THE CONSTITUTION CONVERSATION – SUBMISSION

from: Penny Griffith      Collingwood      phone :

email:

### **Introduction :**

I write as a 70-year-old Pakeha woman who was brought to New Zealand from England as a 4-year-old in 1947, and who has received education to tertiary level. I try to respect differences between people, and acknowledge the particular significance of Maori as first people of this country, and as iwi who were joint signatories of the Treaty of Waitangi as a shared way forward

If this summary is very brief it is because “the conversation” embraces really esoteric matters on which it is possible to hold only a layperson’s view.

It also concerns me that consequential decisions may be based on feedback from only a small percentage of our population.

In order of your topics:

### **1 Aspirations for Aotearoa New Zealand:**

- To return to a more egalitarian society, while acknowledging our broadening diversity (ethnically)
- Parliament to be more collaborative than adversarial; perhaps conscience votes on all legislation?
- The current arrangement with the monarch as our head of state and as part of the Commonwealth seems to work reasonably well—why change it? Until we can resolve issues around Maori representation, it seems unwise to consider a separate major constitutional change i.e. becoming a republic.
- BUT—I would like to see a different **flag**. Our current flag is far too similar to that of Australia; we need one where our New Zealand identity shines.

### **2 Our constitution**

- Creating a single document would take a very long time to negotiate – and what would be the net benefit of that investment of time/cost? (Assuming that the current wording of multiple documents is adequate.)
  - Having a single document wouldn’t preclude the need for ongoing amendments over time.
  - Rather than attempting to write a new separate composite document as “the constitution”, perhaps it would be simpler, cheaper (and equally effective?) to consider preparing a contextual statement that lists the

existing documents and says “these documents collectively comprise our constitution”.

- Constitutional statements naturally have a higher status because they state fundamental principles from which other laws should flow.
- The Courts (not Parliament) should decide on whether law is consistent with the constitutional statements. This is because the role of the judiciary is to assess difficult legal matters in a context quite separate from parliamentary priorities. Parliamentary priorities include expedient matters like trying to stay in power and retain public support, which is inconsistent with long-term constitutional issues and values.

### **3 Bill of Rights Act**

- I don't know enough about what the Bill of Rights Act covers to be able to comment on its scope.
- As one of the constitutional statements (as I understand it), the Act should have higher status than other laws and be decided by the Courts (see comments under section 2)

### **4 Treaty of Waitangi**

- The Treaty should always be respected and treated as the founding document of this country, and the basis of an ongoing relationship between Maori and the Crown/government.
- We should always remember that when it was signed there were far more Maori than non-Maori resident in New Zealand, and that Maori had absolutely no idea what organised colonisation and immigration would look like—in either numbers of people that would arrive, or the cultural impact.
- For these reasons the Treaty must be formally accepted as one of our constitutional statements. However, there are difficulties in identifying which particular text and/or translation is **the** text of the Treaty.

### **5 Maori Representation**

- Despite the provisions of the Treaty of Waitangi, the Maori electorates were from the outset (1867) a token gesture. They were disproportionately few compared with the then population mix, when Maori were in the vast majority. It was a very inequitable arrangement then and still continues.
  - The current pro rata number of Maori electorates does not reflect the percentage of the total population that is Maori nor is the geographic coverage realistic. How can one person possibly represent the whole of the South Island and offshore islands (Te Tai Tonga electorate)?
- Only the people on the Maori electoral roll should decide whether the Maori electorates should continue. Depending on that outcome, a constitutional



decision should be made on the number of electorates to fairly represent the numbers who are on the Maori roll.

- Only Maori can be responsible for their electoral participation . You would have to ask them about this.
  - I am unclear as to the notion of "improvement" – does that mean numbers, or quality?
- Local government: All local authorities should have to abide by the principles of the Treaty of Waitangi and equal partnership as a guiding principle . Having one token Iwi seat at the Council table wouldn't be able to achieve much.
  - Maybe councils could have an advisory committee that represents the local iwi, to advise on policy and other decisions (in the same the way that Treasury does for central government ). Councils would have to report to government annually on a variance basis—i.e. where Council decisions differed from iwi advice. Iwi advisory committees could also rate their councils according to agreed parameters.

## **6 Electoral Matters:**

- Representation: although population-based is the only rational basis, this does disadvantage rural electorates , which usually have greater diversity than urban electorates. Perhaps there could be a formula to correct remote/rural electorates. (I live in West Coast-Tasman – a huge and diverse area, with only 1 MP)
- Parliamentary Term: should be 4 or 5 years. (In each parliamentary term the final year dissolves into silliness, meaning that the 3-year term is too short to initiate, implement and bed in change in a sensible way.)
- List MPs: there are too many of these. Maybe one-third of the total MPs could be list, with two-thirds from electorates.
- Coat-tailing of list MPs on 1 electorate MP (regardless of % of list vote) : this should cease. The same percentages should apply to all parties regardless of electorate seats held.
- Waka-jumping MPs: They should have to resign from Parliament. That is because they were elected as representing a party (even if indirectly as a list MP). They are no longer able to carry through on what voters decided if they abandon (or are "sacked" from) their original party affiliation.

18 July 2013

===== END



4212

**From:** "David and Jocelyn"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 3:47 p.m.  
**Subject:** re: Constitutional Review

Dear Sirs/Mesdames ,

We ,and the majority of New Zealanders, have not heard of this Constitutional Review , and we have only just heard of it , the day before submissions close.

We believe that ANY Constitutional Review ,should ONLY be undertaken in the context of a binding Citizens Initiated Referendum.

It is vital that Democracy is enacted in an open and free manner,where each citizen has the opportunity to consider matters of concern and vote accordingly.

Yours sincerely,

David and Jocelyn Griffiths

148

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/04/2013 12:31 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: David Griffiths    Organisation Name:    Email:    Phone:  
Postal AddressA    Postal AddressB    Postal City:  
Auckland    Postal Region:    Postal Post Code:    Postal Country: New Zealand  
Submission: I as well as many hundreds of thousands of other NEW ZEALANDERS are totally fed up with this continuing Treaty of Waitangi &quot;gravy train &quot;; of so called greivences dating back to the 1800's.

Maori were at that time living a tribal existence which included endless fighting between themselves and cannibalism, they were an uneducated, raw and uncivilised breed of people who would have eventually self destructed had the British not arrived.

Now they wish to keep seperatism at the forefront to enable the multibillion dollar &quot;claim&quot; process alive. Maori hoodwink the Pakeha with allsorts of mythical and spiritual propaganda which always seems to be mitigated by huge cash settlements.

.Chris Findlayson ( The Lawyer who acted for Ngai Tahu's multi million dollar settlement) is the most pathetic excuse for a man i have ever seen or else he is being paid off secretly by Maori elite to continue giving massive amounts of money to Maori which is costing every single NZ'er one way or another.

I read in todays NZ Herald that TOTAL Maori wealth is in excess of \$37,000,000,000 (37 billion dollars) ie Approximately 4 times the National Debt, and they wish to keep going for more !!

As Tukuorangi Morgan stated, and he was dead serious....&quot;;Maori will not stop until we get full Sovereignty&quot;;

IS THE GOVERNMENT GOING TO CARRY ON GIVING NEW ZEALAND AWAY TO ONE GROUP OF PEOPLE ?

THIS HAS TO STOP ONCE AND FOR ALL, EVEN STEVIE WONDER CAN SEE WHAT IS HAPPENING.

Sent on the 9 April 2013 at 12:30

1651

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 27/06/2013 12:59 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Roydon Ronald Griffiths Organisation Name: Email:  
Phone: Postal AddressA: Auckland NZ Postal  
AddressB: Postal City: Postal Region: Auckland Postal Post Code:  
Postal Country: New Zealand Submission: I believe the Treaty of Waitangi should not be included  
in a new written constitution as supreme law.

We are all New Zealanders with the same oportunities & I have some very fine moari friends  
having grown up with them through the schools, clubs, and working beside them. We are all New  
Zealanders and i believe Wiatangi day should be combined with Anzac day  
or similar where there is some respect which is lacking in Wiatangi day.

We are all one nation regardless of colour and I beleive the moari has had has had a hard time in the  
past like 50 years ago but they are now on equal footing & the tribes have been paid out some  
several times over and it must stop.

Sent on the 27 June 2013 at 00:59



1468

**From:** < >  
**To:** <constitutionalreview@justice.govt.nz>  
**CC:**  
**Date:** 19/06/2013 3:09 p.m.  
**Subject:** CAP Submission  
**Attachments:** Submission David Grigg.doc

Please find my submission on the attachment.

Please contact me when you have received my submission?

Picton

New Zealand

1468

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**To:** <constitutionalreview@justice.govt.nz>  
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Picton

New Zealand

1

Send submission to: [constitutionalreview@justice.govt.nz](mailto:constitutionalreview@justice.govt.nz) with "CAP submission"

Submission by David Grigg

Address

Picton

## General

Too many times New Zealander's decide a change is needed so throw out all we had and come up with something new instead of looking at what is good and making sure those good sentiments are carried over into any new document.

Before any decision on whether we need a written constitution, Bill of Rights or change what we have, we need to know what was good with the old ones, clearly define what they are and what they mean and then make a decision on if we need a change and if we do, then decide what the changes should contain.

I also admit that if someone else can express my sentiments in a more eloquent way, I have used their words. Frequently borrowing from M Palmer's<sup>1</sup> published papers.

1. Dr M Palmer, "New Zealand Constitutional culture", "What is New Zealand's constitution and who interprets it? Constitutional realism and the importance of public office holders".

## Share your Aspirations

All new laws and policies need to ensure that New Zealand is **not** an oil (fossil fuel) based economy.

New Zealand must aim at growth in its exports and research and development but not at the expense of the environment. Government must be listening to the people and keeping New Zealand as green as possible.

Ensure that banks lower the percentage of their total reserves allowed for mortgages on housing.

Insure that banks keep larger amounts in cash reserve incase of emergency.

Making it one country we are first and foremost New Zealanders

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The three musketeers had it right "All for one and one for all"

## **New Zealand's Constitution**

### **What is a constitution**

A constitution<sup>1</sup>, like other law, can be conceived as "what officials do about disputes"

If it is important to make a rule then it is important to enforce that rule and to me all rules are equal whether it is a constitution or not.

As I researched this topic the more I found how little academic research has been done on the New Zealand Constitution. I could only find two academic papers about this topic both of which were written by Dr M Palmer<sup>1</sup>. Both these paper are well worth reading.

At the end of my short stint on research I was struck by the Māori word tikanga which if I have the definition correct is, "doing things right, doing things the right way and doing things for the right reasons". We should not go too far wrong if we can follow this mantra while doing this process.

### **Doing things right**

To do things right we need the academic community to step up to the mark and with no hidden agendas, hunt out all the previously done research and documents involved on the New Zealand current "Common Law<sup>2</sup> Constitution" define<sup>3</sup> each of them so there is no ambiguity about their true meaning.

2. I use Dr M Palmers definition
3. James Allan, a former legal academic at the University of Otago, now a professor of law at the University of Queensland, says a written constitution would be a disaster for New Zealand, and that he would "run a mile" from incorporating the Treaty into any

such document – "not least because no one knows what it means when applied to any specific issue". Inevitably, it would involve judges determining how the Treaty should be interpreted and applied.

The academics need to define what it is to be a New Zealander (their culture<sup>4</sup>).

- 4 I have lived overseas for many years and was frequently in situations where I was the only English speaking person. When away from this environment you needed time to speak English

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with other people so all the English speaking people from many different nations would come together to talk only to find that they were *separated by their common language*. This I felt was due to the different and diverse culture found in the group.

The constitution needs to be a living document that changes<sup>5</sup> with the times.

- 5 John Griffiths (over)stated the proposition more provocatively: The constitution of the United Kingdom lives on, changing from day to day for the constitution is no more and no less than what happens. Everything that happens is constitutional. And if nothing happened, that would be constitutional

### **Doing things the right way**

To do things the right way is going to be a tedious process and takes many years. First we must find ways to motivate all<sup>6</sup> New Zealanders so they become involved in the debate<sup>7</sup> and make them feel that this is a valid, worthwhile and important process. The whole of the population need to get involved not just small sections with hidden agendas.

6. "Constitutional change that is of any worth only ever occurs because it is something that large numbers of people want and are willing to organise themselves to get", says Trotter.
7. The rules which have constitutional status should be subject to heightened public scrutiny, intensified political and public debate, more generous judicial interpretation and, potentially, future judicial application of the principle of legality.

Before any thought on a new constitution we need to discuss where the English Monarchy is to sit, our relation to English law and whether we become a Republic etc<sup>8</sup>.

8. The following need to be discussed, "The prerogative powers of the Queen (with non-exhaustive examples); other relevant New Zealand statutes (with non-exhaustive examples); relevant English and United Kingdom statutes (with non-exhaustive examples); relevant decisions of the courts (with two "for instances" in terms of subject matter, but not specific cases); the Treaty of Waitangi ("which may indicate limits in our policy on majority decision-making" but "Policy and procedure in this area is still evolving"); and the conventions of the constitution"

Next, New Zealand needs to have a discussion on what it is to be a New Zealander (their culture), and how this differs from other countries.



**Doing things for the right reasons.**

I started my research in reading and digesting the common media and came up with the feeling that there are people out there going around the country holding Hui to drum up support, others were using the papers and finally others were using the radio. They all had their own hidden agendas and all they were succeeding in doing was creating division and fear in the New Zealand communities.

When thinking about doing things for the right reason I come up with my fathers saying "Why fix things when they are not broke"

Not until the afore mentioned problems have been dealt with can New Zealanders come up with a list of what is good, bad and what needs to be changed about our current constitution.

I conclude this section with, **we need to be one nation and New Zealanders first and then hang our culture and constitution around that.**

**Bill of Rights**

The Bill of Rights Act deserves a more elevated status

**New Zealand definition of a democracy**

If New Zealand does not have a national discussion on "What is New Zealand Culture?", then I believe that we need to change our definition of what democracy is for New Zealand and separate state from religion and culture<sup>9</sup>.

**9. One rule for all**

The sentiment expressed below from the Treaty of Waitangi<sup>10</sup> must be central.

10. Under the treaty of Waitangi be we Maori, Pakeha, Chinese, Polynesian etc are all equal<sup>11</sup> and all have chieftainship over our lands, homes and treasures<sup>12</sup>

11. Professor Sir Hugh Kawharu a former Tribunal member.  
His translation of part three of the Treaty of Waitangi.

"For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England"

12. Professor Sir Hugh Kawharu a former Tribunal member.  
His translation of part two of the Treaty of Waitangi.

"The Queen of England agrees to protect the chiefs, the sub tribes and all the people of New Zealand in the unqualified exercise<sup>13</sup> of their chieftainship over their lands, villages and all their treasures.<sup>13</sup>"

- 13 see Sir Hugh Kawharu translation

### Treaty of Waitangi

The true meaning of the Treaty of Waitangi needs to be tied down so that the Treaty of Waitangi can be translated into English<sup>14,15,16</sup> to the satisfaction of all Maori<sup>16</sup>. Once this has been done we can then have an informed decision on what part it is to play in any legal document in New Zealand.

- 14 Why should the Māori agree to translate the Treaty into English when it is already in a language that is the only official language of the country.
- 15 No landlord would allow a tenant to write his own tenancy agreement "in say Russian" and when there was a dispute only his translation was valid and it could be heard in only one court where only he and the judges fully understood the intricacies of the language.

- 16 At the moment Māori is the only official language of New Zealand.

The translation must be in a form that all Judges in New Zealand in any Court in our lands would come up with the same<sup>a</sup> judgement on any case in front of him/her which may partly or wholly be related to the Treaty of Waitangi .

- a. Even in the document on line "the conversation so far" defines the treaty as **not being definitive and evolving over time**. I believe any document that is part of another document or wholly makes up a legal document and put into law must have a fixed meaning. This document may have pieces change or added to it over time but the current meaning of what is written must show the tests of time and mean the same now as it did 140 years ago.

### Māori Representation

There should be a minimum of 4 seats. The number of Māori seats in parliament need to be the greater of: 4 or ratio of the number of Māori in New Zealand verse the rest of the population of New Zealand times the number of seats in parliament

### Electoral Matters

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Number of MP in parliaments

**Countries closes to ours, their population, Parliament size and how many each member represents.**

| Country     | Population (Millions) | Members in Government | Number of people each politician represents |
|-------------|-----------------------|-----------------------|---------------------------------------------|
| Australia   | 23                    | 226(150 + 76)         | 101 000                                     |
| Canada      | 34                    | 308                   | 110 000                                     |
| France      | 66                    | 925(348 + 577)        | 71 000                                      |
| New Zealand | 4.5                   | 120                   | 38 000                                      |
| UK          | 63                    | 650                   | 97 000                                      |

With my limited resources the figures above are the best I can find on how we compare with similar nations, with the number of people in their parliament and how many people each member of that parliament represents.

Using these numbers New Zealand should have far fewer MP's and their number should be between 41 and 63.

I feel we would be better with 65 , 30 elected members and 30 list members and 5 M āori seats.

**Length of Parliamentary term.**

- 4 Years. No Prime Minister to lead a party for more that 2 terms (consecutive or not). An ex-PM can stay in parliament but he must not lead a party for more than two terms.
- Currently there is not enough time for an elected party to get their "dream" of where they see the country going put into place. In current three year term the
- first year is spent finding ways to save money, second year on policy, third year for handouts from saved money in first year to keep them in office.
- All promises that a party makes during an election year must be in place at the end of their 4 year term or suffer a punishment.

**List MMP**

- If there are 65 MP's the country is broken into 30 electorates and all list MP's will be given an electorate to look after. This would mean that all electorates would



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have two MP's fighting for their causes. Where possible the list MP for that electorate would be from a different party than the elected MP.

- A person wishing to be an MP can be on either the list or voted in not both<sup>17</sup>.

17 Why should those possible MP's that people in an electorate have rejected be able to get into parliament by the back door?

- No list MP can be the leader of a party.

#### **How should the election date be decided?**

- Nearest Saturday to exactly 4 years from the date they took office.

#### **What happens to an MP that jumps Waka's or is thrown out of cabinet?**

- In the party vote the electorate voted for a party not an individual. List MP's that jump or are pushed from a party must leave parliament altogether and the next on the MMP roll takes his/her place.
- People generally vote for an individual. Electorate voted in MP's can stay on until the next election.

#### **Positioning of electorates.**

- All electorates are to be as close as possible in voter numbers. The Number of Māori MP's is to be proportional to the number of Māori to the number of the rest of the population. As far as possible all electorates are to be as close as possible in their cultural and socio economic grouping.
- As we are frequently reminded by our MP's times have changed and with tightening of the economy and with less money to go around all sections with state employees need to make a saving. If I am fired (voted out at an election) from my job I do not continue to get my pay or perks from my job.
- If I apply for a job (voted in as an MP) the new employer may pay a shifting allowance but he will not pay indefinitely for my accommodation.

#### **All MPs perks, allowances and salaries need to be looked at.**

- All MP's need to get only a salary and no additional perks<sup>18</sup> for travel<sup>18</sup>, accommodation etc.

18 If appropriate they can claim it off their tax

- All current salaries and perks are put into one basket and divided between PM, cabinet ministers, Shadow Cabinet, MPs. PM getting the biggest and going down from there.
- Currently the salaries of all MPs are decided by an outside group. Unless government is going to allow all state employees salaries to be adjusted regularly by the same group<sup>6</sup> then every two years all MPs will get the sum of the last two years rate of inflation divided by two.
- No MP once he has left or has been voted out of parliament shall receive any perk from the crown other than any superannuation he/she is entitled to.