

3834

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/07/2013 6:46 p.m.

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

Full Names: Allyson Teresa Hamblett Organisation Name: Email: :  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: I think we need a written constitution

Bill of Rights need strengthening and entrenching. It needs to be supreme law that protects new Zealanders, so Government cannot change laws so easily that affect people's rights.

The Bill of Rights, Te Tiriti O Waitangi, Human Rights Act and the United Nations Convention on the Rights of Persons with Disabilities need to be documents guiding the constitution – they need to be written into the constitution.

The Human Rights Act needs to be clarified in terms of gender identity to ensure that all transgender people are fully protected from discrimination.

A written constitution will give everyday New Zealanders a tool that we could use to ensure we get a fair go.

Submitted on the 24 July 2013 at 18:45

1462

**From:**

**To:**

**Date:** 19/06/2013 11:10 a.m.

**Subject:** <http://www.ourconstitution.org.nz/> form submission

**Attachments:** Constition- submission .pdf

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

Full Names: Dennis Collins Hamblin Organisation Name: Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Wellington Postal Region: Postal Post Code:  
Postal Country: New Zealand Submission: Submission Upload: Constition-  
submission .pdf

Sent on the 19 June 2013 at 11:08



1

Submission to NZ Constitution Advisory panel  
By Dennis C Hamblin  
19 June 2013

I am concerned at trends in our society that need to be addressed.

**1 A trend towards centralized power and control.**

**There are many examples but here is one:**

Why for example must one big computer in Wellington have to calculate pays all teachers throughout NZ?

Surely those close to the action know the rules best and with modern technology payrolls could be calculated locally. At this point the summated results could be transmitted to Wellington for statistical evaluation only.

**2 Local authorities need to train staff that they are the servants of the people.**

Unfortunately the populace at large as sees things as:

"What am I allowed to do?"

Another example: I have been party to being ignored when I offered ideas for a small public development close to our home. I was told: yes we will keep you in touch as things progress. We will call you in to see the draft proposals. The reality was that I was ignored until the plans became set in concrete and a public announcement was made in the papers: "came and see what we have done for the people in this locality. " The implication being we know what is best for you. Many shows, of seeking public input are nothing but a pretense, done to look good or appear to comply with some statutory requirement.

**3 Central Government and local government roles need to be more clearly defined. A Constitution needs to do this.**

**4 I would like to see the Constitution advisory panel examine other countries systems and ignore the thought that so often comes up in NZ "that we are unique. We know what is best for us" I say that attitude is destructive.**

I say, look at what the quiet countries do. The ones that just get on and do their thing without international headlines. Switzerland is a good example. I know a little about this country. The people practice democracy. The populace talks issues (and have the chance about every three months to vote on them) and not personalities as here in NZ. The Government must abide by the results of the polls. Their government elects a chairman (not sure of his/ her title) each year from among their number and by doing so responsibility rests wholly with the government and not just one man.



2

Certain powers rest with the Cantons (districts) and the central Government cannot intervene. (My description is very sketchy of how things work. I do ask seriously that you study the system and so that you understood it clearly.

Then they have the local authorities (I expect they go by a different name to us) to also study. I recall hearing of a recent example where two villages fiercely defended there right to retain their independence.

**5 It really saddens me to see our parliament divided into parties, which become adversaries. I'd like to see: one united body working together for the benefit of us all. This is what I had hoped would happened with MMP. It has not happened.**

1053

**From:** <website@cap.govt.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/05/2013 3:00 p.m.  
**Subject:** The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel #link:<http://www.cap.govt.nz/>.

Contact Name: William (Bill) R Hambidge Phone: Email:

Comment: I am pleased that the Government is reviewing our constitutional arrangements. I believe that certain matters should require more than a simple majority in Parliament before they can be enacted, changed or cancelled; e.g the continuing state takeover of ECAN, together with cancellation of elections. Sign Up For Updates: Yes

Sent on the 7 May 2013 at 14:59

1053a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 4:41 p.m.  
**Attachments:** Submission regardingConstitution.docx

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

Full Names: William Robert Hambidge Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Amberley Postal Region: Canterbury Postal Post Code: Postal Country: New Zealand  
Submission: as attached Submission Upload: Submission regarding Constitution.docx

Submitted on the 31 July 2013 at 16:40



## **Submission regarding Constitution from - William Robert Hambidge**

### **Aspirations**

- I want a country where all our people feel valued and where any who are under privileged are assured of support.

- I want to be sure that the government cannot change important laws with a bare majority in parliament.

### **Constitution**

- I think that those laws which affect our constitutional rights should have a higher status than other laws, requiring much greater public participation & discussion before change is permitted. It would be sensible to bundle such laws and to make sure that they are compatible and not contradictory. However before enshrining any law as a constitutional document of some type, it should be subject to a much higher level of debate

- Changes to constitutional laws should require a two thirds majority of parliament. Once a two thirds majority in parliament is gained then that same change should be submitted to a binding referendum vote, before becoming law.

- Binding referenda should be part of our constitution, but with the following safeguards; a) Such referenda should give a range of options, always including status quo; b) Voting on binding referenda should be by way of single preference vote; c) They should always be preceded by nationwide discussion groups run impartially, so that voters understand properly the consequences of changes proposed.

- The courts must have a part to play in interpreting our laws, with safeguards against political interference.

### **Bill of Rights Act**

- I don't think it is strong enough because Parliament can change it by a simple majority, and can overrule it in some situations. This therefore gives the act no greater status than any other.

- I believe it should be given a higher level of protection, such as requiring a 2/3 majority of Parliament to change it.

- The present Bill of Rights Act is obviously not strong enough when the government can take away the right of Māntabrians to vote for their district council without allowing a vote on that decision.

- The courts should have the right to decide if legislation is consistent with the Bill of Rights Act.

- The environment should be protected either through this act or in some other way which is beyond tampering by simple majority of Parliament.

### **Treaty of Waitangi**

- I believe that any constitution must "have regard to the principles of the treaty". The way that the Waitangi tribunal has operated to date, and the settlements which been made to date, have benefited all New Zealanders, not just Maori.

- So many countries have conflict between indigenous and pakeha people. The tribunal and settlements have acted as a safety valve in New Zealand averting serious armed conflict. We need to keep this in some form, whilst also ensuring, as the proportion of Maori increase, that a fair partnership between all races is maintained, whilst recognising Maori guardianship roles.

### **Maori representation**

:- The inclusion of Maori seats based on numbers on the Maori role from 1993 has given real meaning to Maori representation. This needs to continue.

:- I think this proportion should also be used in local government – particularly to replace the advisory system currently used in Auckland.

:- I think there is value in allowing individuals to identify with whichever voting role they wish, with no proof of ethnicity required.

### **Electoral Matters**

:- The number of members of Parliament should be based on population. 120 members seems too high. I would like to see the number of seats adjusted proportionally to population with say one MP per 40,000 population.

:- I would do away with list seats and use STV voting system, because list MP's are too dependent on their party.

:- The term of parliament should be increased to four years, because 3 years does not allow policies to be embedded.

:- I think there are good reasons to keep rural electorates separate from city, but believe that as rural populations slump so should the number of rural electorates decline.

:- I think there are far too many local bodies and that they should be combined in the manner of Auckland.

:- The matter of MP's separating from their parties is for the electorate to decide not the party. However MP's splitting from the party under which they were elected should not be able to join another party until the next election but should serve out their term as an independent. Under STV this issue would lose its relevance somewhat.

### **General**

:- I believe very few New Zealanders know that the current discussion is going on. Before any binding changes are made there needs to be a much greater level of public discussion. The panel should hold meetings & hui in every town in New Zealand. This can be done by way of live telecast from regional centres, providing full participation is provided for.

:- The Christchurch "Share an Idea" model was another good one – providing the ideas are taken on board.

:- Guardianship of the environment should be at constitutional level.

:- Funding of all constitutional responsibilities should be fully adequate. Parliament should not be able to starve any functions accorded constitutional protection by limiting funding below viable levels.

3842

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/07/2013 8:47 p.m.

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

Full Names: Cynthia Hamel Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga Postal  
Region: Postal Post Code: Postal Country: New Zealand Submission: I strongly urge  
the commission not to include The Treaty of Waitangi in any written constitution for New Zealand. The  
differences in the wording of Te Tiriti and The Treaty mean that a literal translation is unachievable,  
hence dissention unavoidable.  
I believe that by guidance of the principles of these documents rather than the words, is far more  
effective, acceptable and attainable. As with our tikanga, these principles can continue to evolve to  
cultivate the bicultural community we should and must strive  
for.

On the other hand, formalising these words sets our future in stone.

Submitted on the 24 July 2013 at 20:46



5195

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/08/2013 11:41 a.m.

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

Full Names: John MartenWyse Hameri Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Dunedin  
Postal Region: Otago Postal Post Code: Postal Country: New Zealand Submission: I  
would like to see NewZealand as one, One Law One People all treated the same.No pakeha no Maori  
all New Zealanders. also, immigrants from other countries wanting to live in our country must live our  
way of life, or stay where they are. Get rid of the

treaty, its well over its used by date. ( money could be used for all New Zealanders, ie health etc.)  
New Zealand would be a lot better off. Plus it would stop resentment between us all.

People running the country must be elected to parliament. not listed on a list. Numbers in parliament  
could be well reduced and I believe run in a more professional and mature way.

Submitted on the 10 June 2013 at 21:02

745

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/05/2013 10:30 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Colin Hamilton Aldridge Organisation Name: Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Dunedin Postal Region: Postal Post Code: Postal  
Country: New Zealand Submission: New Zealand is a country that, through poor governance, has  
lived beyond its means for many decades. The consequent unrelenting demand overseas equity has  
meant that control of New Zealand land and companies is constantly passing to overseas interests.  
We are severe danger of losing our sovereignty! This is dire. It outweighs any constitutional niceties  
right now.

In my view, there is only one serious matter to consider. We desperately need a longer term view of  
governance . A five year term of Parliament should be given priority. Otherwise our unwritten  
constitution is just fine.

Sent on the 5 May 2013 at 10:29

745a

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/05/2013 10:38 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Colin Hamilton Aldridge Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Dunedin Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: The Constitution as it stands is working pretty well. It does not need change. The Treaty of Waitangi is not and has never been a constitutional foundational document. In my view, attempts to treated it as such are disingenuous, verging on the dishonest.

Sent on the 5 May 2013 at 10:37

7456

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/05/2013 10:51 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Colin Hamilton Aldridge Organisation Name: Email:  
ione: Postal AddressA:  
Postal AddressB: Postal City: Postal Region: Postal Post Code: Postal  
Country: New Zealand Submission: The Treaty of Waitangi is an historical and important  
document. It was highly relevant during the 19th Century. It Is now an historical anachronism being  
used by a small minority of New Zealanders to unreasonably capture privilege, power and resources.  
The Treaty of Waitangi should now be relegated to the annals of history.

The Treaty is not and has never been a constitutional foundational document. In my view, attempts to  
treated it as such are disingenuous, verging on the dishonest. It should never be incorporated into the  
constitution of New Zealand.

Sent on the 5 May 2013 at 10:49

745c

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/05/2013 11:24 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Colin Hamilton Aldridge Organisation Name: Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Dunedin Postal Region: Postal Post Code: Postal  
Country: New Zealand Submission: The Maori seats had some relevance in the 19th century.  
However, their continuation is now offensive to many New Zealanders. Race-based representation  
has no place in a 21st century democracy. The Maori seats should be immediately abolished.

I quote from Te Ara The Encyclopedia of New Zealand: "In 2008 the National Party announced  
that it would abolish the Māori electorates when all historic Treaty of Waitangi settlements had been  
resolved, which it aimed to complete by 2014. However the National-led  
government then made an agreement with the Māori Party to withdraw a question on the future of the  
Māori seats from a referendum on MMP scheduled for the 2011 election."

If the National Government had even a microgram of integrity they would keep the election promise  
they made to this country in 2008.

Sent on the 5 May 2013 at 11:24

745a

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/05/2013 11:33 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Colin Hamilton Aldridge Organisation Name: Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Dunedin Postal Region: Postal Post Code: Postal  
Country: New Zealand Submission: In my view, quality governance in New Zealand has been  
beggared by the short time horizon forced by a three-year election cycle. Elections should be called  
every five years, or at such earlier time as may be decided by the Governor General .

For all its shortcomings, the current MMP system is probably the best we can do at this time. (That is,  
provided the existing race-based Maori representation is abolished.)

Sent on the 5 May 2013 at 11:32

487

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 17/04/2013 2:10 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Guy Hamilton Organisation Name: Email: Phone:  
Postal AddressA: se Postal AddressB:  
Postal City: London Postal Region: Postal Post Code Postal Country: United  
Kingdom Submission: As a New Zealander I would like to see my country retain its existing  
constitutional arrangements with the exception only that all people and races should be treated  
equally with no advantage or disadvantage based on race, religion or gender.

Sent on the 17 April 2013 at 02:09



3573

**From:** Lester Hamilton  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/07/2013 9:51 p.m.  
**Subject:** CAP Submission

I am very opposed to any form of constitution based on the treaty principles. I believe a constitution with co governance could cause great harm to NZ society and would be unworkable. I think it is essential for all New Zealand people to be treated equally under the law in order for this country to progress. The danger of creating a two tiered society is immense and I think that New Zealand should retain its present flexible constitutional arrangements or risk making some New Zealanders second class citizens.

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

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

Kind Regards

Lester Hamilton

4904.

## Submission for the Constitution Conversation

X Your name: Monica Samuelson

Name of the organisation you represent (if applicable):

AMNESTY INTERNATIONAL TAURANGA MOANA

Postal address or email address:

PO Box 1000 Tauranga

SUBMISSION:

THAT all the rights covered by the  
Universal Declaration of Human Rights  
and other United Nations Human  
Rights Agreements should all be  
included in the New Zealand  
Constitution.



602

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 22/04/2013 1:22 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Richard Hamilton Organisation Name: nil Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Postal Region: otago Postal Post Code: Postal Country: New Zealand  
Submission: i be-leave aspirations for our small country need to be realistic, as a small country with limited people we need to look after our population equally, which means medical care for the sick, food for the hungry, somewhere to live for everyone.

Its with disgust that i view the social experiments of the past 30 years, empty promising from corrupt and immoral politicians has lead to a raft of social evils reminiscent of the American states.

Our country's unsuccessful experiment with capitalism and naked greed needs to be dumped in the dustbin of history, we should take back our governing power into the hands of our citizens.

MMP was a attempt to do that bye the people but was corrupted into a bastard first past the post system bye politics afraid to relinquish law making into those hands,

as a result those at the bottom of the Heep have had there human rights revoked.

we need to take law making into our hands and stop any law changes from being handed down from those privileged and wealthy individuals who control the government bye means of lobbies and media manipulation.

I say no law changes without referendum

i say no asset sales or share issues of our citizens taxer built assets

i say guarantied Human rights for ALL

i say return to courts overseen bye an outside arbiter

Too finish id like to suggest a roll back of the welfare laws to the original act of 1964, an investigation of Jobs for retired politicians in state owned Enterprises and board jobs, some of these positions seem rewards for favors done when in power.

All that's become apparent in these social experiments is that in order for some to have allot more, everyone else have to be satisfied with a allot less.

Welcome too third world New Zealand

Viva the revolution

Sent on the 22 April 2013 at 13:21

5180

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 4:50 p.m.

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

Full Names: Stella Hamilton-Baker 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 want the constitution changed in any form.

No written constitution.

Submitted on the 11 June 2013 at 18:14

888

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 21/05/2013 5:34 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission  
**Attachments:** The rights and freedoms of New Zealanders ciations.docx

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

Full Names: Benjamin Hammond Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Canterbury Postal Post Code: Postal  
Country: New Zealand Submission: Submission Upload: The rights and freedoms of New Zealanders ciations.docx

Sent on the 21 May 2013 at 17:33



The rights and freedoms of New Zealanders are slowly being eroded away, our voices are being suppressed, drowned out by the unlimited power of our elected government. In the future our "unalienable [rights to] life liberty and the pursuit of happiness,"<sup>1</sup> the very freedoms we as New Zealanders take for granted may dissolve. New Zealand require a written, entrenched constitution to confine the government's "unrestricted"<sup>2</sup> power in which it can pass any legislation even when it conflicts with human rights. Native rights need to be enforced in order for our heritage to be saved from the "terrific of the majority"<sup>3</sup> thus New Zealand needs a written constitution to ensure our future, the people's future.

New Zealand needs a written constitution to protect our individual rights, which can be easily taken away. Every developed nation has a written constitution except Britain, Israel and New Zealand a supreme law between the relationship of the government and the individual. Our big brother, Australia is closer to having a constitutional supremacy compared to New Zealand who are stuck in the dark ages of parliamentary supremacy. New Zealand's political formation has been contextually different compared to more famous formations, in which the general public revoked parliamentary supremacy, in essence demanding a written constitution as seen in the French and American constitutions. The enactment of the Foreshore and Seabed Act 2004<sup>4</sup> in modern terms would have forced a constitution however it only affected a minority, the Maori. Rt Hon. James B Bolger reiterates this by stating, "One I describe as being associated with a nation's rite of passage, a maturing society. The other...more aggressive...a deliberate change".<sup>5</sup> The purpose of this quote is to show the development of a constitution is not strictly for countries who aggressively demand the protection of individual rights, instead a country who is maturing into an individualistic country, who sees Crown and company greed encroaching on people's freedoms, this is where New Zealand sits, a maturing country. Continuing Treaty debates into asset sales and marriage equality has lifted the intensity of an entrenched constitution, however it still follows the path of the "Canadian experience"<sup>6</sup> in which the Bill was not a response to any immediate threat or crisis instead a constitution is there to limit Parliament who has the right to make or unmake any law whatsoever. "The Canadian experience"<sup>7</sup> shows that New Zealand require a constitution not due to aggressive 'deliberate change'<sup>8</sup> but to acquire a balance between the government and the individual.

Restrictions on the amount of power a government can wield reduces the effect of not having a written constitution. Balances and checks can give insurance to individuals that rights are secure and safe from a government who are "indifferent at heart to basic rights".<sup>9</sup> A separation of powers is an important balance and is "pivotal to limited government and constitutional democracy."<sup>10</sup> "It is seen that each organ,"<sup>11</sup> which are the government who pass the law, the executives who implements the

<sup>1</sup> Rt. Hon. James B Bolger "The American Constitutional Experience and Issues of Sovereignty: Lessons for New Zealand" in James Colin *Building the Constitution* (1<sup>st</sup> ed. Policy Studies, Wellington, 2000) at 49

<sup>2</sup> Webb Duncan, Sanders Katherine and Scott Paul *The New Zealand Legal System* (5th ed, LexisNexis, Wellington, 2009) at 111

<sup>3</sup> Leane 'Enacting Bills of Rights: Canada and the Curious Case of New Zealand's 'Thin' Democracy' (2004) 26 Human Rights Quarterly (No.1) at 175

<sup>4</sup> Foreshore and Seabed Act 2004 at 46-73

<sup>5</sup> Bolger, above n 1, at 50

<sup>6</sup> Leane, above n 3, at 164

<sup>7</sup> Leane, above n 3, at 164

<sup>8</sup> Bolger, above n 1, at 50

<sup>9</sup> Rt.Hon. Sir Robin Cooke 'Practicalities of a Bill of Rights' (1984)

<sup>10</sup> Joseph, Phillip A. *Constitutional and Administrative law in New Zealand* ( 3<sup>rd</sup> ed, Thomson/Brookers, Wellington, 2007) at 17

<sup>11</sup> Joseph, Phillip A, above n 10, at 17



law and the judiciary who interprets the law "Act as a restraint on the others."<sup>12</sup> The importance of strict division is that there could be "no liberty if there powers were not separated"<sup>13</sup>, however in New Zealand these divisions are entwined. This clear concentration of powers which is "fraught with risk"<sup>14</sup> must occur by law, as in s 6(1) of the Constitution Act 1986, members of the executive council are required to be members of Parliament so much so that the head of the government sector<sup>15</sup>, the Governor-General is the formal head of the executive branch.

A ruler with absolute power may do all of the following things: (a.) pass a law that makes shop-lifting an offence punishable by death (b.) direct the police force to apprehend only shop-lifters (c.) adjudicate on all cases of shop-lifting to decide who is guilty of it, and (d.) executive offenders. Such a ruler would be carrying out all three functions....<sup>16</sup>

This unbridled power that Rt. Hon Cooke states is in essence what occurs even further than just the government and the executive sectors, as the judiciary are answerable to any laws passed. These laws are retroactive meaning they apply to past decisions or actions. The Clutha development is an example of this where landowners appealed to the High Court stating that water rights were unfairly taken away by the government. The landowners, the people won, the government over-threw this decision, clearly breaching human rights by enacting the Clutha Development Empowering Act 1982<sup>17</sup> ignoring the division of powers restriction. Clearly showing this elective dictatorship<sup>18</sup> which is the political system currently in New Zealand, even after the electoral system change in 1993 to mixed-member proportional, needs an entrenched written constitution and even this voting change was by the "modest margin of 54% to 46%."<sup>19</sup>

The hidden effect of a constitution is to find justice in a sea of uncertainty. A just result may not be popular or even equal, however in principle it is the best result. Aboriginal title or native rights are not equal, entrenchment of native rights in New Zealand's constitution still needs to occur. The Treaty of Waitangi is the founding document of this country therefore due to the "failure of governments to adhere to the promises made in the Treaty"<sup>20</sup> it is crucial for the principles of this document to be part of our culture, to be part of our constitution. These principals are the essence of partnership, of active protection, of active protection and a duty to act reasonably. New Zealand has an unwritten constitution, it is made up of various documents including; the rule of law, legislation, constitutional conventions, letters patent, parliamentary and executive rules and procedures and the Treaty of Waitangi.<sup>21</sup> No laws or documents are double entrenched, "where the entrenching provision is itself entrenched [this] would potentially curb the exercise of parliamentary power."<sup>22</sup> The purpose and effect is that the government in theory can act against the constitution, against the perceived rights of the people. The Rule of Law, which is part of the unwritten constitution, has been breached, it states that, "Everyone is equal before the law, everyone is

<sup>12</sup> Joseph, Phillip A, above n 10, at 17

<sup>13</sup> Webb Duncan, Sanders Katherine and Scott Paul, above n 2, at 123

<sup>14</sup> Leane, above n 3 at 165

<sup>15</sup> Constitution Act 1986, s 16

<sup>16</sup> Palmer Geoffrey and Palmer Mathew *Bridled Power* (4<sup>th</sup> ed. Oxford University Press, 2004) at 8

<sup>17</sup> Resource Management Act 1991 (1982 No.20)

<sup>18</sup> McDowell Morag and Webb Duncan *The New Zealand Legal System* (4<sup>th</sup> ed. LexisNexis, Wellington, 2006) at 139

<sup>19</sup> Bolger, above n 1, at 52

<sup>20</sup> Judge Joe Williams "Building the Constitution Conference" in James Colin *Building the Constitution* (1<sup>st</sup> ed. Policy Studies, Wellington, 2000) at 49

<sup>21</sup> Webb Duncan, Sanders Katherine and Scott Paul, above n 2, at 133-154

<sup>22</sup> Webb Duncan, Sanders Katherine and Scott Paul, above n 2, at 133

subject to the law and that the courts are open to all.”<sup>23</sup> The enactment of The Foreshore and Seabed Act 2004<sup>24</sup> is a prime example. The Court of Appeal overruled the High Court’s decision that “the full legal and beneficial ownership of the public foreshore and seabed is vested in the Crown”<sup>25</sup> and that native rights may occur in the Marlborough region, the government passed the Foreshore and Seabed Act 2004<sup>26</sup> before the decision was taken to the Maori Land Court and therefore giving all rights to the Crown, the government. This is unconstitutional and was inconsistent with the rule of law, as this Act meant the Crown is not equal before the law, they are higher without restraint. Secondly they are not subject to the law and thirdly that Maori could not go back to the courts, rendering them closed. “An enactment found to be discriminatory by the Waitangi Tribunal and an international human rights body,”<sup>27</sup> however with no written constitution the courts could not state this as unconstitutional and therefore ultra vires, ‘beyond powers’,<sup>28</sup> even if it clearly is. Without an entrenched constitution the potential for this to happen again is possible. The principles of the Treaty need to be entrenched as ‘The Treaty helps us keep focused on the big picture and or basic ideas of justice and fairness.’<sup>29</sup>

Basic constitutional safeguards do not exist in New Zealand meaning a written entrenched constitution needs to occur. The Bill of Rights Act 1990<sup>30</sup> sets out basic rules protecting New Zealand’s rights and freedoms, it protects against discrimination, “Everyone has the right to freedom from discrimination.”<sup>31</sup> This type of Bill ticks all the boxes, it minimises this “dangerous constitutional vacuum”<sup>32</sup> that New Zealand has. Section four<sup>33</sup> however removes these benefits of having a Bill of Rights and in practise makes it obsolete. This section states any legislation that is inconsistent with the Bill of Rights is superior this “renders the Bill even more subordinate to other enactments.”<sup>34</sup> “Section 4 still firmly anchors the New Zealand Bill of Rights,”<sup>35</sup> many opposing an entrenched Bill of Rights or constitution would see this anchor as being beneficial. As with double entrenchment a greater responsibility falls on the courts, the judiciary. Courts can overrule any Parliament Act if it is inconsistent with the entrenched constitution, stating ultra vires, beyond power. This occurs in other countries, at times this can be a disadvantage due to the constitution being a ‘frozen’ document, which is difficult to change, as seen in Australia where only 8 out of the 44 attempts to change the constitution have been successful, in the United States judges decided the constitution did not permit a “city of 500,000 residents to vote for a member of congress because they live in a district not a state ‘members chosen every second year by the people of the several states’,”<sup>36</sup> this meant people missed out who lived in the District of Columbia. The main reason for an entrenched constitution is to limit the power of the government, the benefits of protecting individual freedoms and rights, assist minorities in justice and ensuring balances and checks limit “legislation opposed to

<sup>23</sup> Webb Duncan, Sanders Katherine and Scott Paul, above n 2, at 134-139

<sup>24</sup> Foreshore and Seabed, above n 4, at 46-73

<sup>25</sup> Foreshore and Seabed, above n 4, s 13(1)

<sup>26</sup> Foreshore and Seabed, above n 4,

<sup>27</sup> Webb Duncan, Sanders Katherine and Scott Paul, above n 2, at 245

<sup>28</sup> <http://legal-dictionary.thefreedictionary.com/ultra+vires>

<sup>29</sup> Williams, above n 20, in 45

<sup>30</sup> New Zealand Bill of Rights Act 1990

<sup>31</sup> New Zealand Bill of Rights Act 1990 s 19(1)

<sup>32</sup> Huscroft Grant, Rishworth Paul *Rights and freedoms: the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993* (1<sup>st</sup> ed. Brooker’s, Wellington, 1995) at 5

<sup>33</sup> New Zealand Bill of Rights Act 1990 s 4

<sup>34</sup> Leane, above n 3, at 170

<sup>35</sup> Leane, above n 3, at 171

<sup>36</sup> Bolger, above n 1, at 48

basic principles of justice"<sup>37</sup> these benefits far outweigh increased reliance on the court systems who interpret the law.

An entrenched constitution which confirms native rights, supports minorities and slides New Zealand up the spectrum closer to a constitutional supremacy, therefore protecting our rights is fundamental. At present "The fox, then, is still guarding the hen house"<sup>38</sup> and this needs to change.

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<sup>37</sup> Rt.Hon. Sir Robin Cooke, above n 7,

<sup>38</sup> Leane, above n 3, at 171

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Leane, Geoffrey, 26 Human Rights Quarterly

#### Websites

<http://legal-dictionary.thefreedictionary.com/ultra+vires>



4554

**From:** "Peter Hammond" ·  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 1/08/2013 1:16 p.m.

1. What are your aspirations for Aotearoa New Zealand

2.

3. I want to live in a country which represents the true multicultural make-up of NZ in 2013, a country moving forward not one muddling in the past. It is important that all historical injustices - a result of actions taken by our forbearers - are resolved as soon as practically possible.

4.

5. I hope that these issues will be addressed by the Waitangi Tribunal so they are no longer a constant distraction and "guilt trip" for the Nation i.e. let's fix things and move on.

I want to live in a positive, progressive and harmonious country.

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

If we were to have a constitution, it needs to be based on principles that reflect all New Zealanders aspirations with a good sense of balance. It must be bold and fair, ignoring the temptation to incorporate "apartheid principles" or a "feel good factor" simply to satisfy a vocal minority.

All New Zealanders must be encouraged to follow their dreams and aspirations regardless of ethnicity, and support mechanisms need to be in place to assist those requiring assistance.

Thanks

Peter Hammond - tel

1598

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 26/06/2013 10:17 a.m.  
**Subject:** CAP Submission... nz constitution submission

we need a constitution to:

abolish the oldest irrelevant disfunctional treaty in the world, it is demonstrably the requirement of almost every nzt

bring back democracy [with ref to above], so

abolish all racial favouritism, ie maori party, korean party etc

stop disfunctional individuals increasingly getting into parliament to push their own barrows, making deals to keep parties in power creating bad legislation opposed by the vast majority to the detriment of our country,

stop greedy incompetents balancing books by selling assets my forebears sweated to create, and who shed blood in two bloody world wars, to bloody well protect them... and for what

is democracy alive and well in nz? no!!! a constitution gives us a chance.

will my children be able to own a house/ live in auckland... thanks to key brown and co driving up prices so only immigrants can, no chance... like a swelling number of our finest, my kids will take their qualifications and student loan to oz... and our 5th generation kiwi grandkid with them

mark & debbie hampson & family

akld



4224

**From:** Denis Hampton  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 4:50 p.m.  
**Subject:** Submission

To: Constitutional Advisory Panel

From: Denis Hampton of Christchurch

I am a researcher with a long-standing interest in Treaty of Waitangi issues. I have had several articles published.

My particular interest has been the Article Two word "taonga". Largely as a result of Waitangi Tribunal activities this word is now said to mean treasures, both tangible and intangible, including language and culture.

But is this what the good folk of 1840 had in mind when they put their marks on those early documents? I think not.

From my research, notably in 1820 and 1844 dictionaries and works by Frederick Maning and Sir Apirana Ngata, I have learnt that 1840 taonga were simply goods, property, things, possessions, or in modern parlance - stuff! (Some may have been treasures, but this is a secondary meaning).

With words changing from their 1840 meanings I argue that the Treaty of Waitangi should not be given constitutional status.

I urge you to recommend accordingly.

Thank you.

1753

Tauranga

25 June 2013

Constitutional Advisory Panel,

c/- Ministry of Justice,

DX SX 1008

**WELLINGTON**

Dear Sir/Madam,

**RE: review of the constitution**

I'm very unhappy with the discussions that have been going on concerning the above.

I feel that we **SHOULD NOT HAVE ANY CHANGE** to the existing unwritten constitution as it has worked very well so far (as the saying goes-if it aint broke, then don't try and fix it). We do not want to go down the path of the American system – which is atrocious.

There is too much division going on in this country now, and I can see this multiplying several fold, which is a great shame for this GREAT little COUNTRY of ours.

So please, in no circumstances change anything **UNLESS** the majority of New Zealanders wish it – this is called **DEMOCRACY**.

Regards,

**DAWN HAMPTON**

## 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.

Rachael Frances Hampton  
Wellington  
New Zealand

4332

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 8:28 a.m.

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

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Full Name: M Hanan Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Postal  
Region: South Auckland Postal Post Code: Postal Country: New Zealand Submission:  
The Treaty is no longer relevant in todays society. The English and Maori translations differ in their  
interpretation and as the country is now a multiracial country the Maori and British race no longer  
should stand alone.

The new constitution should not have the Treaty as the foundation as it is time the country moved  
forward to encompass all its races on an equal basis.

Submitted on the 31 July 2013 at 08:28

24332 a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 8:34 a.m.

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

---

Full Names:	M Hanan	Organisation Name:		Email:		Phone:	
Postal AddressA:		Postal AddressB:		Postal City:		Postal	
Region:	South Auckland	Postal Post Code:		Postal Country:	New Zealand	Submission:	

Maori representation should be on the same basis as all other representatives with no special treatment. All representatives should be there for their ability and not what colour their skin is. The Maori people contain European and other races blood and they should not use their Maori blood as standing apart from other N Z rs.

Submitted on the 31 July 2013 at 08:34



37

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/03/2013 5:01 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jeanette Naomi Hancock Organisation Name: Email:  
Phone Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Canterbury Postal Post Code: Postal Country:  
New Zealand Submission: I'd like to see New Zealand becoming a country that respects and  
protects all human life. Fostering a culture where all of our citizens, residents and visitors are  
respected and their inherent dignity upheld. I want to see NZL seek to protect and affirm  
the right to life of all humans, born and unborn.

If we cannot respect all human life, at all its stages, then no human life can be guaranteed  
protection.

Any Constitution must demand the incorruptable right to life of all human beings; as without the right  
to life, no other right can be enjoyed, no other right can be assured, no other right will matter.

Sent on the 3 March 2013 at 17:00





4728

**LAWS 420**  
**Research Assignment**  
**Andrew Geddis**

**The Maori Electoral Option**  
**Rufus Hancock**

**SN:**

**Word Count: 2329**

## **Submission for the Constitutional Advisory Panel on the Issue of Maori Representation**

### **1. Introduction**

**1.1** This submission is directed toward two goals:

1. To raise Maori participation in Government
2. To raise the average Maori standard of living

**1.2** I believe that the current situation faced by Maori in New Zealand needs improvement and will propose that improvement can be attained in achieving the aforementioned two goals. I am advocating having independent Maori MPs with a clearer mandate. From the outset I would like to make clear that further and alternate ideas to achieve these goals should be encouraged; this proposal does not claim to be a silver bullet. Rather, through this submission I ask you to acknowledge existence of the problem, and then consider adoption of the partial solution I advocate.

**1.3** I will make a case for the ongoing need for a Maori Electoral Option (the "Option") - however I acknowledge that thus far the Option has not been used with great effect and requires change. I will propose an addition be made to the Option, adding a succinct mission statement or purposive section. I will contrast this solution to the Royal Commission's 1986 recommendation to remove the Option in favour of a 0.4% threshold on the list for Maori parties and explain why I still think we should prefer the "Amended-Option".<sup>1</sup>

### **2. The Current Situation for Maori in New Zealand**

**2.1** Maori culture is the indigenous culture of New Zealand and has historically been recognised as such through its special relationship with the Crown.<sup>2</sup> The relationship between Maori, the Crown, and New Zealand makes this a constitutional issue, separate from other minority issues that we will need to consider in the future.

**2.2** Unfortunately, for a variety of reasons, present day Maori are statistically worse off than the "NZ European". This is displayed in crime, poverty, education and health statistics to the extent that I would consider it a self-evident proposition that for various reasons Maori are not functioning in our country as successfully as their NZ European counterparts.<sup>3</sup>

**2.3** I see the poorer position of Maori as an ongoing failure in New Zealand and I believe there is no need for any minority group to be so grossly overrepresented in the worse-off end of our society. I do not believe it is a result of any particular policy or political group – it is a social and institutional problem which should be addressed with this review of constitutional issues.

### **3. How the current system is failing Maori – the difference between Maori Representatives and Maori Issues**

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<sup>1</sup> <http://www.elections.org.nz/voting-system/mmp-voting-system/report-royal-commission-electoral-system-1986> accessed 19/05/13

<sup>2</sup> Such recognition can be seen in the Treaty of Waitangi or judicial bodies like the Maori Land Court.

<sup>3</sup> New Zealand General Social Survey 2010, [http://www.stats.govt.nz/browse\\_for\\_stats/people\\_and\\_communities/Households/nzgss\\_HOTP2010.aspx](http://www.stats.govt.nz/browse_for_stats/people_and_communities/Households/nzgss_HOTP2010.aspx) accessed 15/05/13

**3.1** Maori represent approximately 10% of the population of New Zealand.<sup>4</sup> Currently there are seven dedicated Maori seats in Parliament, and 23 Maori Members of Parliament (MPs) in total.<sup>5</sup> Seven Maori MPs are Maori Electorate MPs, and sixteen are General Electorate and list MPs.<sup>6</sup> Therefore, approximately 20% of Parliament are Maori or identify themselves as having hereditary ties to Maoridom. These figures indicate that Maori are well represented in Parliament; in terms of population they are over-represented. However this submission wishes to focus on the representation of Maori issues as distinct from the issue of Maori representatives.

**3.2** The Maori seats, in my opinion, are not about guaranteeing a number of Maori in Parliament. It was the case in 1870 with the land qualifications, but it is not itself the issue of today.<sup>7</sup> Rather the true purpose of the Maori seats should be to ensure that there a designated number of seats with the express duty of protecting Maori interests. We could consider the fact that Parliament no longer requires the Maori electorate representatives to be Maori as indicative that the true purpose is not to increase the number of Maori in Parliament but to reserve a part of Parliament for advocating Maori interests.

**3.3** Advocating Maori interests is not automatically achieved by having a high proportion of Maori MPs.<sup>8</sup> Kim Summersby PHD, graduate of Auckland University wrote the thesis "*Does Maori Representation Matter?*"<sup>9</sup> – in this paper she analyses the influence that political parties have on Maori representatives, finding:

*"[t]ensions between political party affiliations and representation of Maori interest were clear, and sometimes these conflicting representation responsibilities were irreconcilable."*<sup>10</sup>

This led Summersby to conclude that differences between Maori Electorate MPs and Maori list MPs in terms of their ability to act for Maori were "*most pronounced*".<sup>11</sup>

**3.4** I think the implications of the claim Summersby makes needs to be considered. Clearly getting Maori into Parliament is not the true issue, but rather getting Maori *interests* before Parliament is. If an MP is unable to represent Maori interest because their overriding loyalty is to the party, how can we say the MP is capable of representing Maori? I do not doubt for a moment that Summersby is correct when she says "*since most Maori MPs are elected via the list, primary loyalties are more likely to lie with the party.*"<sup>12</sup> Indeed the fact that we operate

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<sup>4</sup> Māori Population Estimates: At 30 June 1991–2012 available at [http://www.stats.govt.nz/browse\\_for\\_stats/population/estimatesandprojections/maori-population-estimates.aspx](http://www.stats.govt.nz/browse_for_stats/population/estimatesandprojections/maori-population-estimates.aspx) accessed 15/05/13

<sup>5</sup> <http://www.parliament.nz/enNZ/ParlSupport/ResearchPapers/2/2/6/00PLLaw2012021-Final-Results-for-the-2011-New-Zealand-General-Election.htm> accessed 15/05/13

<sup>6</sup> <http://www.parliament.nz/enNZ/ParlSupport/ResearchPapers/2/2/6/00PLLaw2012021-Final-Results-for-the-2011-New-Zealand-General-Election.htm> accessed 15/05/13

<sup>7</sup> M Bargh *Maori Representation: Fairer, Guaranteed and Independent* (2011)  
URL:<http://posttreatysettlements.org.nz/maori-representation-fairer-guaranteed-and-independent/>  
accessed 15/05/13

<sup>8</sup> K M Summersby *Does Maori Representation Matter?* (2009) pg 218  
<https://researchspace.auckland.ac.nz/handle/2292/5484>

<sup>9</sup> K M Summersby *Does Maori Representation Matter? An Analysis of the Relationship between Maori Descriptive and Substantive Political Representation in Parliament and Local Government* (2009)

<sup>10</sup> K M Summersby *Does Maori Representation Matter?* (2009) pg 219  
<https://researchspace.auckland.ac.nz/handle/2292/5484>

<sup>11</sup> Ibid

<sup>12</sup> Ibid



in a party system means that in order to get into Parliament, MPs are largely required to “toe the party line” for survivability.<sup>13</sup>

**3.5** The exception to these MPs is of course in some respects the electorate MPs. Nevertheless, as Summersby’s research shows, the electorate MP will ultimately cave to party pressure.<sup>14</sup>

**3.6** The Maori and Mana parties have a combined total of only four seats (all Maori electorates) following the 2011 general election.<sup>15</sup> The Maori Party’s party policy details a number of goals directed toward “reaffirming a sense of self-belief” for Maori, similar to the goals I have mentioned.<sup>16</sup> The other three Maori seats are held by Labour, and subject to Labour policies.<sup>17</sup> The three Maori Party seats are allied to the National Party on matters of confidence and supply.<sup>18</sup> I ask the reader how much scope they think the Maori and Mana parties can really have to speak for Maori when they are arguably so fenced in by other these commitments I identify?

**3.7** This tension of competing pressures which Maori MPs face deprives Maori of a voice in Parliament when party interest trumps Maori interest. This systematically alienates the Maori voice from the controversial or significant issues such as the sale of state assets because Maori, as a minority, never get the chance to have the dominating voice as Government.<sup>19</sup>

#### **4. Our Expectations**

**4.1** Returning a Maori voice to Parliament is not going to instantly cure the problems many Maori currently face day-to-day. Instead we need to keep the Maori seats, ideally enhancing them with a clear purpose, until the overall status of Maori in New Zealand shows signs of improvement; at that point the position should be reconsidered.

**4.2** I strongly believe that involving Maori in government will have flow on benefits throughout the Maori population. Increasing the strength of Maori presence in Parliament will give Maori a greater hand in Government. Greater influence should carry an

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<sup>13</sup> Examples of whom would be the Maori National Party MPs who voted for the Mixed-Ownership Model Bill (a policy very unpopular with Maori – Paula Bennett, Simon Bridges, Aaron Gilmore, Tau Henare, Hekia Parata, Paul Quinn, Jami-Lee Ross and Georgina te HeuHeu all voted for the Mixed-Ownership Model Bill, Kate Shuttleworth “Asset Sales Bill Passes by One Vote”

<sup>14</sup> K M Summersby *Does Maori Representation Matter?* (2009) pg 219

<https://researchspace.auckland.ac.nz/handle/2292/5484>

<sup>15</sup> “Party Votes and Turnout by Electorate – Statistics – 2011 General Election”. Electoral Commission (New Zealand). [http://www.electionresults.govt.nz/electionresults\\_2011/e9/html/e9\\_part9\\_1.html](http://www.electionresults.govt.nz/electionresults_2011/e9/html/e9_part9_1.html) Accessed 15/05/13

<sup>16</sup> Maori Party Policy 2011, [http://www.maoriparty.org/file\\_uploads/2011MaoriPartyPolicy.pdf](http://www.maoriparty.org/file_uploads/2011MaoriPartyPolicy.pdf) accessed 15/05/13

<sup>17</sup> Ibid

<sup>18</sup> “Key finalises Maori coalition deal”. Television New Zealand. 11 December 2011. <http://tvnz.co.nz/politics-news/national-and-maori-party-back-in-business-together-4626361> accessed 15/05/13

<sup>19</sup> K M Summersby *Does Maori Representation Matter?* (2009) pg 219  
<https://researchspace.auckland.ac.nz/handle/2292/5484>

accompanying sense that Maori can contribute to the future of this country, a sense that may be lacking for many disenfranchised Maori today.<sup>20</sup>

**4.3** Admittedly claims to these flow on benefits also depend on many intangibles. However I think it can at least be agreed that in giving a statistically disenfranchised group a voice in government capable of swaying the larger political parties by the ability to trade their support for policies, we could confidently expect to see legislation with Maori awareness. Adding their interests to Government Bills in exchange for support in passing the measures is often how smaller political groups tend to operate.<sup>21</sup> I believe in time could raise the standard of living for many Maori in New Zealand, promoting Maori interests in small steps.

**4.4** A united seven Maori seats would appear to assume Maori MPs could agree on a single best course of action each time. Clearly this is not the case; the nature of politics is to disagree on the best way to achieve certain shared overall goals of wellbeing for the nation. However I would contend that it is far more plausible that seven Maori MPs, without primary allegiance to any particular party but to their Maori constituents, could at least choose in particular instances if a policy would better serve Maori or if it would harm them, and vote accordingly.

## **5. Achieving our Expectations**

**5.1** I have identified that one main obstacle that prevents the Maori seats from fulfilling their full potential is a need for those in the seats to have a clear purpose as a Maori Electorate MP.

**5.2** As I mentioned earlier, the Option was originally a result of bypassing an old land qualification on the right to vote. It is now included (but not entrenched) in the Electoral Act 1993 ss76-79.<sup>22</sup> Today some argue that the Option has become redundant, the original purpose no longer relevant.<sup>23</sup> I submit that the seats do have a remaining purpose to achieve, namely to ensure the success of the Maori people in modern-day New Zealand.

**5.3** The purposive section would operate alongside the guidelines already acting on MPs. It would need to be incorporated in a way that did not conflict existing duties to the whole population. Arguably there is already an existing Maori consideration for all politicians when they scrutinise new policies and legislation, but significant good could be done by emphasising it. The purposive section would appropriately guide Maori MPs, hopefully tipping the balance of tensions in favour of the constituency Maori MPs are there to represent. This could also allow parties to forgive Maori MPs for advocating Maori concerns over the party interest, although in reality the separate Option purpose could result in many unpopular votes being cast.

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<sup>20</sup> "Final Results for the 2011 New Zealand General Election and Referendum", accessible at [http://www.parliament.nz/enNZ/ParlSupport/ResearchPapers/2/2/6/00PLLaw20 12021-Final-Results-for-the-2011-New-Zealand-General-Election.htm](http://www.parliament.nz/enNZ/ParlSupport/ResearchPapers/2/2/6/00PLLaw20%202011-Final-Results-for-the-2011-New-Zealand-General-Election.htm)

<sup>21</sup> The "policy concessions" made by John Key in forming 2008 National Coalition Government; NZPA "Key announces shape of new National-led government" <http://www.nbr.co.nz/article/key-announces-shape-new-national-led-government-37836>

<sup>22</sup> "Setting up the Maori Seats" <http://www.nzhistory.net.nz/politics/maori-and-the-vote/setting-up-seats>, updated Dec 2012, accessed 15/05/13

<sup>23</sup> [http://www.nzherald.co.nz/nzelection2008/news/article.cfm?c\\_id=1501799&objectid=10534713](http://www.nzherald.co.nz/nzelection2008/news/article.cfm?c_id=1501799&objectid=10534713) accessed 15/05/13



**5.4** Undoubtedly this proposal even in its most modest formulations is highly optimistic. If applied to extreme lengths, it could mean that those wishing to be Maori Electorate MPs could be barred from joining many of the major political parties of the day because we would be requiring them to prioritise their purpose over their party, ignoring party leadership on perhaps crucial votes. The proposal would also likely prevent those MPs from ever holding a position as Minister, alienating these MPs from the upper echelons of Government. But in time the Option with the purposive section could equally force the political parties to bend their policies in pursuit of an extra seven seats of support, knowing that the Maori seats cannot change their position to accommodate the party. At this point we would have achieved a real Maori voice for New Zealand.

**5.5** The proposal by the Royal Commission in 1986 was to abolish the Maori Option altogether and instead remove the threshold for Maori parties trying to get into Parliament requiring only 0.4% of the national vote to get a seat.<sup>24</sup> This is also a proposal with the potential to achieve the two goals I outline. However I think the Option proposal I make has the benefit of direct electorate accountability. Rather than have, for comparison's sake, seven different Maori parties meeting the threshold and getting a seat each, attempting to work for the whole country, the Option has the benefit of creating constituencies which the representatives can focus on. With only seven seats there would still be an impossible number of people for each representative to account to, but if we wanted to look at the advantages we could say that the workload has been divided by seven, each representative communicating with only one seventh of the total Maori roll.

## **6. Conclusion**

**6.1** Having recognised the adversity Maori face in New Zealand today, the question that needs answering is how they might be helped. This submission has shown why an important part of Maori self-help will need to be promoting their participation in choosing representatives. It has shown how a guiding purposive section like the one proposed could be one means by which this goal is achieved. The power in this proposal rests in applying the recommendation conservatively, giving some small guidance to Maori MPs how they might properly carry out their role. The Option is not a standalone cure for the issues Maori face, and other measures should also be considered to operate concurrently, but it should be kept and amended so that Maori interest might be protected in the future

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<sup>24</sup> "Setting up the Maori Seats" <http://www.nzhistory.net.nz/politics/maori-and-the-vote/setting-up-seats>, updated Dec 2012, accessed 15/05/13

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- Māori Population Estimates: At 30 June 1991–2012 available at [http://www.stats.govt.nz/browse\\_for\\_stats/population/estimatesandprojections/maori-population-estimates.aspx](http://www.stats.govt.nz/browse_for_stats/population/estimatesandprojections/maori-population-estimates.aspx) accessed 15/05/13
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<https://researchspace.auckland.ac.nz/handle/2292/5484>
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[http://www.stats.govt.nz/browse\\_for\\_stats/people\\_and\\_communities/Households/nzgss\\_HOTP2010.aspx](http://www.stats.govt.nz/browse_for_stats/people_and_communities/Households/nzgss_HOTP2010.aspx) accessed 15/05/13





1566

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 25/06/2013 11:34 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Kerry Hand Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Dunedin Postal Region:  
Postal Post Code: Postal Country: New Zealand Submission: All future constitutional  
arrangements for New Zealand need to be fully inclusive for all citizens. There should be no special  
arrangements for particular races or cultures.

Specifically.

- a. Equal before the law.
- b. Remove the Treaty of Waitangi from all law, etc and relegate it to the past.
- c. No Maori electoral seats.
- d. Access to services should be based on individual need and not on racial category. An end to racial discrimination in government activity and constitutional matters.
- c. Acknowledgement of a future for New Zealand as a rich ethnic mix, with equal rights for all New Zealanders.

Sent on the 25 June 2013 at 11:32

1106

**From:** <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/06/2013 6:59 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: terence george handcock Organisation Name: Email:   
Phone: Postal AddressA: Postal AddressB: Postal City: katikati  
Postal Region: Postal Post Code: bop Postal Country: New Zealand Submission: the  
treaty of waitangi should have no part in a new constitution in fact there is no need for a new  
constitution.we are told by certain sources that we should take on the maori world view but what  
maori do best is pull each other down which is what the  
emphasis on the treaty is doing to nz.

Sent on the 5 June 2013 at 17:44

2514

**From:** Aphrodite Hannah  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/07/2013 10:48 a.m.  
**Subject:** My Submission

I truly believe we need to have one law for all and be equal and would like to see the maori seats removed. Without doing this, we have different classes of citizens and that isn't right!

Aphrodite Hannah

--

\*Enjoy this Fantastic time of the Year\*

\*Aphrodite Hannah\*

\*Auckland NZ\*

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> You will

4219

**From:** Lynda Hannah  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 4:10 p.m.  
**Subject:** CAP submission

I submit that the "Constitution Conversation" process is fundamentally flawed and should not be utilised to change New Zealand's constitution - that is, any of its documents, including the Bill of Rights, in any way.

I submit that the current constitution in its entirety should remain unchanged until a better consultation process is developed and undertaken - one that runs independently of the political agenda of individual parties as much as possible - one that is led by "the people" of New Zealand, and includes transparent, extensive, external advice to the New Zealand public from experts in the fields of constitutional law, human rights, the treaty of Waitangi, electoral matters and parliamentary process and any other issues pertaining to our constitutional documents. And that this process is widely advertised, and lengthy enough to include as many New Zealanders as possible.

Lynda Hannah

--

Motueka

1739.

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/06/2013 10:39 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Niki Hannan-Brosnahan Organisation Name: CPIT Email:  
Phone: Postal AddressA: Postal  
AddressB: Postal City: Christchurch Postal Region Postal Post Code:  
Postal Country: New Zealand Submission: I believe that the Treaty of Waitangi is the  
founding document for NZ Aotearoa, it provides the legal basis for my citizenship as a pakeha. I am  
comfortable with no written constitution. however if government is going to change the current  
constitutional  
arrangements then we may need a written one. If that is the case then we definitely need more  
education regarding the Treaty. We need a comprehensive public education programme -similar to  
the programme or introducing MMP. The general public have many misconceptions  
regarding the Treaty, these need to be cleared before a conversation can even take place. Once the  
nation can have an informed conversation about the Treaty, then we may be in a position as a people  
to discuss a constitution.

Sent on the 30 June 2013 at 10:38

1739a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/06/2013 10:45 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Niki Hannan-Brosnahan Organisation Name: CPIT Email:  
Phone: Postal AddressA: Postal  
AddressB: Postal City: Christchurch Postal Region: Postal Post Code:  
Postal Country: New Zealand Submission: The courts should have the power to decide  
whether legislation is consistent with the Act because the courts are impartial - the track record of  
parliament shows that rights can be taken away eg the right to go to court in regard to the foreshore  
and seabed  
issues and the right to protest at sea and recently the right for disabled families to challenge their  
level of care.

Sent on the 30 June 2013 at 10:44



1739 b

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/06/2013 10:58 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Niki Hannan-Brosnahan Organisation Name: CPIT Email:  
Phon Postal Address Postal  
AddressB: Postal City: Christchurch Postal Region: Postal Post Code:  
Postal Country: New Zealand Submission: The Treaty or wwaitangi should be part of a formal constitution for Aotearoa, because it is seen as a sacred document by Maori. It allowed for the British to govern and make laws, it established a partnership between the crown and the iwi. It is a legal document. It provided for rangatiratanga for Maori over their taonga, it provided equality under the law for all and in article four the right for freedom of religious belief. It has been woven into the history of this land since 1840, it is embedded in the laws of this land. Its principles are sound and have stood the test of time. Its principles are being applied in education and health now. Although there are difficulties in the translation the essence of this Treaty provides an inclusive environment for all  
. It would be wrong, and a great injustice to not include these principles in a constitution.

Sent on the 30 June 2013 at 10:57

769

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 6/05/2013 9:23 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tony Hannifin Organisation Name: -- Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Auckland Postal Region: Postal Post Code Postal Country: New Zealand  
Submission: This is a complete waste of taxpayers money. The money spent on spin like this would be far better spent on Infrastructure, Health, Education, Housing instead of garbage like this. The country is working just fine, Why change a perfectly good working model. We had a vote at the last Election about MMP. Things in NZ, while maybe not perfect are just fine as is evidenced by the numbers wanting to emigrate here. We live in paradise .. Stop WASTING taxpayers hard earned money. If it's not broken, DON'T FIX IT.

Regards.

Tony Hannifin.

Sent on the 6 May 2013 at 21:21

3800'

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/07/2013 11:42 a.m.

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

Full Names: Mathilde Hanscamp Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region: BOP Postal  
Post Code: Postal Country: New Zealand Submission: I am against NZ having a one  
document written constitution. I would like to keep things as they are.

Submitted on the 24 July 2013 at 11:40

3800a

**From:** "Mathilde Hanscamp"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 4:29 p.m.  
**Subject:** Submission

Dear Sirs,

I would like to add to my previous email that, if there really has to be a written constitution, that I totally disagree with the Treaty of Waitangi being included in ANY constitution, whether written or not. I still do not agree with a written constitution - things are working fine as they are.

Thank you for your consideration to my written submission. Mathilde

Shalom,

Mathilde Hanscamp

Please use this email address for me: . My apologies  
about all the changes.

843

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/05/2013 8:00 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graham John Hansen Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Auckland Postal Post Code: Postal Country: New Zealand  
Submission: 1) There should be no "Maori" view in Parliament. Parliament is there to represent all the people. It should not be split along racial lines especially when those racial lines are represented by someone with as little or even less than 1/8 ancestry.

2) The mistake we make is thinking that there are "Maori" and the rest. There are not. There are many New Zealanders of Maori descent and they should have only the same rights as every other individual. No more, no less.

3) The same way everyone else is represented. there should be no special seats allocated for any racial group. Bear in mind there are no Moari alive today although there are many New Zealanders og Maori descent.

Sent on the 14 May 2013 at 20:00

843a

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/05/2013 8:08 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graham John Hansen Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Auckland Postal Post Code: Postal Country: New  
Zealand Submission: 1) Nothing. The Treaty should relegated to the past and only be treated as  
an historical document. It was written under the morays, ethics and social mores of the time. It has  
absolutely no relevance what so ever today. In fact,, with help from liberal  
Judges and what I believe to be fraudulent interpretations it has fast become a tool for  
racial/separatist division and legislative privilege.

2) No. Absolutely not. The Treaty should relegated to the past and only be treated as an historical  
document. It was written under the morays, ethics and social mores of the time. It has absolutely no  
relevance what so ever today. In fact,, with help from liberal  
Judges and what I believe to be fraudulent interpretations it has fast become a tool for  
racial/separatist division and legislative privilege

Sent on the 14 May 2013 at 20:07

8436

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/05/2013 8:18 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graham John Hansen Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Auckland Postal Post Code: Postal Country: New  
Zealand Submission: 1) No more that 50 -55. There should be no list MPs at all. They are a waste  
of money, space and time. New Zealand is far to small to have the number of MPs we have now and  
their attendant hangers on.

2) 3 years. This is long enough to see if their ideas are worth persevering with yet short enough to get  
rid of them before they can do really serious permanent damage.

3) At the end or as close as to the end of the third year as possible and not coinciding with any large  
events that may distract from the exercise.

4) Population size, regardless of ethnicity and wealth. To many times we have seen boundaries reset  
to benefit the incumbent party.

5) They should leave Parliament immediately. Especially on the case of an list MP. If we do get less  
MPs and only those who win seats then they are accountable to the people who elected them and not  
the Party.

Sent on the 14 May 2013 at 20:17



8436

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/05/2013 8:28 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graham John Hansen Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Auckland Postal Post Code: Postal Country: New  
Zealand Submission: 1) No. I do not think it is necessary. What we have is working just fine. I think  
this is just a cynical back door ploy to gain a Treaty based Constitution that would grant more rights to  
approx. 15% of the population at the expense of the other 85%. I  
still can not understand how someone with 1/4 ancestry can set themselves aside as  
"Maori" and not a New Zealander.

2) No way. Leave it as it is. Especially if we end up with a Treaty based constitution, there will be no  
end to the financial extortion.

3) The people. By referendum. Parliament and the Courts can not be trusted to give a fair and  
unbiased decision as has been seen many times by the fraudulent interpretations afforded the Treaty,  
when they have ignored precedent and found in favor to garner  
support for their own beliefs, ideology, power and in many cases, ego.

Sent on the 14 May 2013 at 20:28

843d

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/05/2013 8:44 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Graham John Hansen Organisation Name: Email:  
Postal City: Postal Region: Auckland Postal Post Code Postal AddressA: Postal AddressB:  
Zealand Submission: 1) That everyone/all ethnicities be treated equally under the law. That there be no race based legislation/laws/rules in any facets of New Zealand life. That cultural heritage be taught in the home, not force fed at public schools. That we get back to an education system that actually teaches our children properly so they have an advantage moving into the future. That the so called "independent" Waitangi Tribunal is abolished as quickly as possible. This commission has never been, and never will be independent. That we stop selling out to overseas investors and add value to our own resources for the benefit of all. More jobs with better wages and living conditions for all. We can do it if we try, and can put petty difference behind us. Most importantly we have to stop living in and dredging up the past.

2) Fairly, equitably and equally. All separatist/racist legislation to be removed from the books. Any reference to the Treaty or the invisible ever evolving principles to be removed from legislation. We are not all born the same. However we should all get exactly the same resources as we grow to adulthood. What we do with them is up to us. We have to stop blaming other people/cultures for our failures. This can only work if we are all treated equally as New Zealanders. Not broken down into racial stereotypes with associated privileges.

Sent on the 14 May 2013 at 20:44

1231

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 7:58 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: ronald scott hansen Organisation Name: Email:   
Phon Postal AddressA: Postal AddressB: Postal  
City: tepuke Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: 1. i think the treaty document should play NO part in a modern law making process.  
common sense should be the only logic used. culture and religion should stay an individuals choice  
and should be kept right out of any decision making that relates to ALL  
citizens. 2. i think that would divide us as a nation by having race based rules. as a species we need  
to move forward together for the betterment of all and here we are in N.Z debating a narrow minded  
backward step of a topic

Sent on the 9 June 2013 at 19:57

747

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/05/2013 11:53 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ross hansen Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Auckland  
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: A  
constitution should:-

(a) Be governed by a simple statement of democracy, (not as easy as it sounds).

(b) Apply equally to all New Zealanders, no exceptions, no special privileges for specific groups, races, ethnic groups.

The above would automatically exclude any reference to the treaty of Waitangi. To suggest including the treaty would show bias,

The concern is that the "independent" panel is actually interested only in Maori opinion, & has already made a decision.

Sent on the 5 May 2013 at 11:52

5074

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:24 p.m.  
**Attachments:** NZ contitution submission.docx

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

Postal Country: New Zealand Full Names: Trevor Hansen Email Address:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Rotorua Postal Region: BOP Postal Post Code: Submission  
Upload: NZ contitution submission.docx

Submitted on the 17 June 2013 at 19:09

[www.ourconstitution.org.nz](http://www.ourconstitution.org.nz)

To the panel;

I submit the following:

There is nothing wrong with what we have currently. I do not want to see it changed. I do not want to see a constitution skewed to suit the Maori or more to the point the separating out for special treatment of approximately 15% of our population. This Treaty of Waitangi has way out lived any relevance and to consider having the Treaty (which ever version) included within a written constitution is not right. This so called treaty document has changed meaning so much and so often for so few, to consider having it within the thread of a founding state document is ridiculous and frankly dangerous. In my opinion the Maori have not assimilated very well and to continue pandering to this group only delays that process. I am from Norse stock and we learnt to assimilate quite well where ever we went.

Trevor Hansen



5074a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:59 p.m.

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

Full Names: Trevor Hansen Email: - Phone: Postal  
AddressA: Postal AddressB: t Postal City: Rotorua Postal Region:  
BOP Postal Post Code: Postal Country: new zealand Submission: There is nothing  
wrong with what we have currently, I do not want to see it changed. I do not want to see our  
constitution skewed to suit the Maoris elite or more to the point the separating out for special  
treatment of approximately 15% of our population.

To consider having the Treaty of Waitangi included within our constitution is a sick joke. This socalled  
document has changed meaning so much and so often to to suit so few, to consider having it within  
the thread of our founding state document is rediculous

and frankly dangerous.

Submitted on the 16 June 2013 at 06:49

2852

**From:** Jennifer Haraki <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 10:42 p.m.  
**Subject:** CAP Submissions - Maori Seats

Good morning

Maori Seats - to remain Entrenched

You have a great day  
Jennifer Haraki

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4989

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 27/07/2013 10:11 a.m.

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

Full Names: Jordan Kyle Harder Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Postal Region: Manawatu Postal Post Code: Postal Country: New  
Zealand Submission: I believe that New Zealand should have a written constitution. Firstly for the  
fact that the system of the treaty of Waitangi has had too many confusions and caused too much hurt  
to still be applicable. we as new zealand today must decide our collective  
future not follow a document written in the past that's primary purpose was to add more land to the  
British Empire and not about the people already living here or those who would eventually live here. A  
constitution will also bring us all equal under the same  
laws, no separatism or special privilege allowed to anyone including Maori, Europeans or Asians, we  
must all be equal. Finally I believe that a constitution can be a gateway for our country to progress  
together into a better future.

Submitted on the 27 July 2013 at 10:10