

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.

Audrey Harrison
Christchurch
New Zealand

21/06/13

11.11.11
Tauranga

The Secretariat,
Constitutional Advisory Panel
Cp. Ministry of Justice
DX. SX. 10088

Wellington,

Dear Sir,

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,

Yours sincerely,

Mabelle & Harrison (Mrs).

3645

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 5:42 p.m.

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

Full Names: Juv Te Urikore Harrison Organisation Name: Tipu Email:
Phone: Postal AddressA:
Postal AddressB Postal City: Gisborne Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: I would like all riverbanks in the world to be
planted with native plants at least 20 meters each side of each river, creek, stream and lake, to keep
our water clean and healthy. We also need to keep waste water sewage and livestock out of our
waterways.
New Zealand could lead the way with this matter by making this law.

Submitted on the 16 July 2013 at 17:41

3009

newzealand.govt.nz

Our constitution is the set of rules that determines how this country is governed and how we all live together.

KiwiStamp

New Zealand

Tell us your aspirations for our country and let us know what's important to you about how this country is run:

I favour incorporating the principles of the Treaty of Waitangi in all legislation and making it mandatory to maintain these principles.
I also favour the government of the day not being able to override local democratic processes. Ewan.

You can find out more about the Constitution Conversation and make a fuller submission online at www.ourconstitution.org.nz

Secretariat
Constitutional Advisory Panel
C/o Ministry of Justice
DX SX 10088
Wellington

Name(s):

A.R. Wark

Email or postal Address:

☐ Tick box to receive regular updates by email

6088.1

4945

From: James Hart
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 10:22 a.m.
Subject: CAP submission
Attachments: const review submission hart.pdf

Good morning.

Please accept our submission as attached.

Thank you

James & Vanessa Hart.

SUBMISSION TO CONSTITUTIONAL ADVISORY PANEL

FROM: James and Vanessa HART

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

NO

*Do you think our constitution should have a higher legal status than other laws (supreme law)?
Who should have the power to decide whether legislation is consistent with the constitution:
Parliament or the Courts?*

We are told that New Zealand and the United Kingdom are the only two countries without a written constitution. This is only relevant to the discussion insofar as we can look at countries that have chosen the written route and learn from their mistakes.

The critical thing is that by adopting the written model such as the USA we are choosing to make a fundamental change to our constitutional background. At the moment our constitution flows from various sources including statutes, common law and precedent, and convention. All laws are passed by the parliament and these may amend the effect of judicial decisions. These are the fundamental points. Parliament is the elected voice of the people. The judiciary is appointed and, thankfully, more or less politically independent. This means it can make decisions in a free and independent manner without fear or favour. If the judiciary makes decisions that the government of the day dislikes Parliament's only remedy is to pass new laws. These in turn can be challenged by the people and interpreted by the court.

If we adopt a written constitution it will probably become entrenched law it could not be amended or repealed without a 75% majority vote in the House of Representatives or a simple majority in a public referendum. Changes will be hard to effect and be the subject of intense and possibly misguided lobbying. History confirms this, as demonstrated by the United States' attempts to change its constitutional laws around gun control.

A written constitution is framed by an elected representative, is promulgated on a specific date in history, and is regarded as superior law with unelected judges becoming the gate keepers, usurping parliamentary democracy. Elected MP's must have the last say on the laws of New Zealand – if we want to retain parliamentary sovereignty, a "written" constitution should be avoided at all costs.

There is also a real danger that the nature of the judiciary will change. The United States Supreme Court, which has the power to strike down laws as unconstitutional, is now openly political. Judges are appointed according to their political attitudes, and many decisions openly reflect their politics. This is in itself a bad thing. Here in New Zealand disproportionate political influence held by minorities will very probably mean the future appointment of clearly politically driven judges.

Does the Bill of Rights Act protect your rights enough?

YES

What other things could be done to protect rights?

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

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

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

The New Zealand Bill of Rights Act 1990 is a statute of the Parliament of New Zealand setting out the rights and fundamental freedoms of anyone subject to New Zealand law. It applies to acts carried out by the three branches of government; the legislature, executive and judiciary. It has been suggested that private property rights be given the added protection of being included in the Bill of Rights. The protection is already there in Section 22. If it were to be widened to better define property this would open a whole new area of debate that belongs elsewhere. The Bill of Rights deals with fundamental issues of how the state interacts with its citizens. It should stay that way.

It has been suggested that the Bill of Rights be entrenched. The Electoral Act is the only New Zealand statute containing entrenched provisions, which means that it can only be changed through a 75% vote in Parliament or a majority vote in a public referendum. The Bill of Rights does not need to be entrenched since by convention no government would change such a law without wide public and parliamentary support.

Should the Treaty of Waitangi could have a role in our constitution?

NO

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

NO

The original Treaty gave Maori equal rights with British citizens so any inclusion of a reference to Treaty principles enshrined in a new written constitution clearly elevates Maori to a level above everyone else. While we retain the current constitutional arrangements Parliament is free to legislate and reflect the views of the electorate. If we adopt a written constitution and incorporate Treaty principles it will be an affront to democracy. Unelected judges will be free to argue that the law should grant special privileges to members of the 'Maori race', and that any law that does not do so is defective.

The Treaty consists of three simple clauses: the first declares that the Queen is sovereign; the third, that Maori are her subjects with the rights and privileges of subjects; and the second, that among those rights and privileges is the security and enjoyment of one's own property. In other words, the Treaty gave us a sovereign, subjects and property rights, but not principles. Before we can discuss enshrining them in legislation we need to discuss and agree on what they are.

The notion that the Crown and Maori are a partnership is also flawed. The treaty itself says that Maori shall have the same rights as the other subjects of the then Queen, Victoria. Nothing has changed since then except that Maori have organised themselves and exerted such pressure on successive governments that as a group they are now in a position of privilege.

It is constitutionally impossible for the Crown to enter into a partnership with any of its subjects. The true position is that the Crown is sovereign but owes duties of justice and good faith to the Maori descendants of those who signed the treaty. Once this distinction is understood there can be no question of the sovereignty of the Crown in New Zealand represented by the Governor General and The New Zealand Parliament, being shared with any other person or entity. It is one and

indivisible." In other words, the duties of "partnership" are no more than the proper duties of responsible partners in a commercial transaction. It cannot be any more than that because it is impossible for the Crown to enter into a partnership with any of its subjects. Yet, for decades, the sovereignty movement has been successfully claiming partnership status, when they have no greater status than any other citizen.

Any further extension of Maori rights at the expense of the rest of the population will only fuel the feelings of resentment that are growing amongst all levels of society. We are all aware of the trauma of apartheid in South Africa. If we are not very careful New Zealand will soon be heading down the same path.

How should Maori views be represented in Parliament?

How could Maori electoral participation be improved?

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

The Human Rights Act and the Bill of Rights outlaw discrimination on the grounds of colour, race and ethnic origins. The whole concept of special Maori representation is in breach of these fundamental principles.

The Maori electoral option gives New Zealanders of Maori descent the opportunity to choose whether they want to be on the Maori electoral roll or the general electoral roll. New Zealanders want equality under the law with no race-based preferment and one electoral roll, the Maori Electoral option, the parliamentary, and local government Maori seats should be abolished.

Parliament.

How many members of Parliament should we have?

We now have a nominally 120 MP's but currently 121 because of the overhang created when a party wins more electorate seats than their party vote entitles them to. The 1999 Citizens' Initiated Referendum showed that 81.5 percent of New Zealanders wanted the number of MP's reduced to 99. We support this as an appropriate number.

How long should the term of Parliament be?

Although New Zealand has no Upper House to veto unacceptable legislation a term of 3 years is too short. The effect is an almost endless cycle of electioneering and associated promises that are not always in the best interests of the country. We support a 4 year term.

How should the election date be decided?

At the moment the Prime Minister may set date which may or may not be to his/her party's advantage. A fixed date would increase electioneering and lobbying by vested interest groups and give more power to the opposition and disproportionately powerful minority groups. The status quo should prevail.

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

Electorate number and size should be based on population, but with some compensation for those of disproportionately large geographic size. However the system of MMP gives rise to an excessive number of unelected list MP's who are often seen as representing no-one. Consideration should be given to reducing the number.

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

"Party hopping" laws prevent MP's leaving a party and distorting the proportionality of Parliament. Their seat is declared vacant and they are forced to quit. Such a law was enacted in 2001 but it had expired in 2005. Although a select committee was not convinced that replacement legislation was necessary, the current situation is ambiguous. We believe that the proportionality of the election should prevail so an MP leaving a party should be forced to resign from Parliament. This should not trigger a by election but the next available list member should take the seat.

2158

From: "Lawrie "
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:45 a.m.
Subject: CAP Submission

Dear Sir(s)/ Madam(s).

Re the above, I am strongly of the view that once the Treaty claims are largely fulfilled, which is (or should be) in the very near future, then the need for Maori seats will be negated and should therefore be abolished.

It is time for New Zealand to look ahead as ONE NATION, ONE PEOPLE with MANY CULTURES. We have reached maturity.

I have no problem with the special efforts being made to enhance the living, working and education standards of those in need, whatever the ethnicity, but let's not lock ourselves in the past. It only generates ill will and perpetual bitterness. With a prosperous economy, we can better take care of our needy.

Thank you & regards

Lawrie Hart

Whangaparaoa

2960

From: "Jack Harte" <
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 8:41 a.m.
Subject: CAP Submission
Attachments: A Two-tier Society.doc

From Jack Harte

A TWO-TIER SOCIETY

We in New Zealand are travelling very rapidly towards a race-based society, driven by a very greedy group of citizens that have a trickle of Polynesian blood and refer to themselves as Maori.

This group, led by The Maori Party and unfortunately encouraged by some members of the other political parties, appear to be hell-bent on creating and establishing an Elite Group that shall have the final say on all Govt and Local Body matters.

When The National Party joined Hands with the Maori Party one of the conditions agreed to was that The Maori Party would recommend to Government to establish a N Z CONSTITUTION placing the Treaty of Waitangi as the founding document and all future acts of Parliament and Local Bodies must be approved by an appointed Judge not the elected member of Parliament or our local Councils. (\$4m was appropriated for this adventure) History in hind Sight shows that a member of parliament discovered an idea in the middle of the night that the Treaty contained hidden principles. (It was really a nightmare) These were quickly adopted by the Elite group and the Waitangi Tribunal to boost their campaign.

PLUS the opportunity to discover Grievances prior to 1840 that could be the subject of another treaty claim. (Another Door was thrown wide open)

PLUS Anyone of any race or ethnic background can enrol on The Maori roll, but to be eligible to gain access to the gravy train you have to prove that your ancestors have a trickle and belong to an established IWI.

The recent Campaign to enrol all eligible voters old and new on the Maori Roll was nothing short of a blatant attempt to further the aims of creating this two-tier society.!!!

The travelling road show to ask for ideas and submissions for this new constitution passed through NELSON very quickly without adequate advertising, and was poorly attended by approx 200 people (that is 0.25% of the population of the Nelson area.). It was poorly run and was based entirely on the Maori perspective. The absence of our local business fraternity was most noticeable.

By the end of 2013, should the present administration approve the new Constitution, New Zealand as we know it will cease to exist.

ALL Citizens in New Zealand Deserve to be EQUAL and enjoy all the privileges that exist. To achieve this EQUALITY we need to :

1 Remove all reference to the Treaty In all present legislation Govt. and Local Bodies

2 Disband the Waitangi Tribunal which has outlived its original intention.

3. Remove all reference to Racial seating in Parliament. Let all prospective candidates stand on their own two feet.

4. If a referendum on a new constitution is proposed, THE STATUS QUO. Must be the best and only option.

ALL Citizens OF NEW ZEALAND DESERVE TO BE EQUAL.

A quote from Sir Bob Jones" The Gravy train has arrived at the station and has run out of steam .Lets send it of to the Museum

Jack Harte"

From: "Jack Harte"
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 8:41 a.m.
Subject: CAP Submission

From: "Jack &
To: <constitutionalreview@justice.govt.nz>
Date: 9/07/2013 4:54 p.m.
Subject: CAP Submission

From Jack Harte .Please remove the Maori Roll as soon as possible Wishful thinking !!

From: "Jack"
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 11:59 a.m.
Subject: CAP Submission Partnership (what Partnership)

Partnership (What Partnership??) Who in their wildest dreams (or nightmare) would consider the most powerful Nation in the world (in 1800-1900) entering into a partnership of any kind with a group of Natives with absolutely no organized union of scattered tribes? These immigrants were still practicing cannibalism on a large scale !!!

Land Ownership These natives had absolutely no concept of land titles or boundary ownership. Occupation by conquest was their only means of survival. The European form of survey was completely above their comprehension. The sale of areas of land to the Government agencies was a complete farce as no ownership was or could be established.e.g The Amuri was purchased THREE times from different Chiefs claiming ownership!!!

Farmland. The Natives had no animals to farm and therefore did not cultivate or grow crops to harvest. The land was mainly in scrub or bush. Their only source of meat was the tribe next door.

Lets not hold these natives as a possible Group to have as a partner.

Time to look at New Zealand s a country of one people.

Regards Jack Harte

699

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 30/04/2013 3:15 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Daniel Cole Hartell Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The Treaty of Waitangi allowed for private exploitation of the lands of New Zealand, resulting in large areas being despoiled by farming and industry, and mass immigrations from Britain and Ireland soon seeing Maori become minority citizens in their own

lands. An English system of government was imposed, very much biased toward the interests of wealthy investors, with Maori losing access to traditional ways, and many misled immigrants arriving to lives of low-wage labour and sub-standard living. Many injustices were perpetrated by the Crown and private interests in the name of the Treaty since its signing, despite the somewhat dubious manner in which it was introduced, ambiguous translations, and questions over the authority of signatories to even make such an agreement in the first place.

While the Treaty of Waitangi must be recognised as important in the early history of Aotearoa New Zealand, it should have no role in its future. The Treaty was a tool of colonisation and exploitation, elevating the principles of private property and capitalist profit, while disempowering individuals and communities. The Crown deserves no place in our constitution; it probably deserved no place in the Treaty. Quite simply, the constitution can not be founded on the Treaty. New Zealand is a nation of many diverse communities, and our constitution should reflect and protect those diverse values and principles, rather than allowing any group (e.g. the Crown) to impose its values on others.

Sent on the 30 April 2013 at 03:14

699a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/05/2013 12:09 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Daniel Cole Hartell Organisation Name: Email: m
 Phone: Postal AddressA: Postal AddressB: Postal City:
 Wellington Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
 Aotearoa/New Zealand is a culturally diverse nation, with many different peoples coexisting. This is a
 part of what makes our country special, and should be embraced. It is therefore important that any
 constitution protects this diversity, and does not
 allow one group to forcefully impose their values on another.

It is crucial then that we have a parliament that is truly representative of this diversity, allows all points
 of view to be heard, and does not discriminate against any group. To this end, parliament should be
 comprised of equal members, with no government
 ministers in parliament (The executive branch should be completely separated from the legislative). If
 MMP or similar is retained, we would have a much more representative parliament were people able
 to cast up to three party votes, rather than having to compromise
 their beliefs to choose only one. This would result in more balanced debate, and reduce the chances
 of one party claiming an absolute majority and ruling as in a dictatorship. It is important that members
 of parliament are our representatives, never our rulers.
 The present system of an elected aristocracy imposing their will on society must end.

The strict, culturally biased protocols (such as dress code) that govern our parliament at present must
 be abolished. These come from upper-class English values of the 19th century, and only serve to
 exclude entire communities from having political input. Once
 again, parliament needs to be representative of all cultures in Aotearoa/New Zealand, not inherently
 biased towards one group's values.

The independence and sovereignty of our parliament must be absolutely enshrined in the constitution.
 No parliament should ever be restricted by any foreign agreements or treaties, such as the TPPA, or
 Treaty of Waitangi. No matter what is happening around the
 world, parliament must be free to make the choices that are right for the peoples of this country.
 Anything else would only leave people feeling like they've been sold out and betrayed, which would
 bring into question the very legitimacy of the government,
 and completely justify civil disobedience, perhaps even revolt. Once again, we need a parliament that
 represents the peoples of our nation, not one that rules them.

Sent on the 15 May 2013 at 12:08

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.

V.Jonathan Hartfield
Whanganui
New Zealand

4350

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:11 a.m.
Attachments: Submission to CAP.docx

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

Full Names: Ihaia hartley Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: Submission to
CAP.docx

Submitted on the 31 July 2013 at 09:10

Submission to the Constitutional Advisory Panel

Name:

Organisation (if applicable):

Postal or Email Address:

Date:

Overview

I/We believe that the Consideration of Constitutional Issues has been constrained by its overly narrow terms of reference and the inherently political nature of its origin.

I/We recommend that the public be engaged in a more wide-ranging constitutional discussion that addresses fundamental issues such as the values that ought to underpin our constitution.

I/We also recommend that, in any case, the Treaty of Waitangi be recognized as a central component of our constitution and that, until better mechanisms are established for Māori representation, the Māori seats in Parliament are retained and entrenched, and the establishment of Māori wards continues to be encouraged at the local government level.

Narrow Terms of Reference

There is a pressing need for constitutional reform in Aotearoa. However, the terms of reference for the Consideration of Constitutional Issues are too narrow to allow for any issues to be addressed that could lead to effective constitutional reform. The terms of reference focus on specific mechanical issues relating to our existing constitutional institutions. This assumes that the basic structures of our current constitution work well, provide for effective accountability and participation in the exercise of public power, and reflect values that are appropriate for Aotearoa in the 21st century and beyond.

A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

The Consideration of Constitutional Issues is also constrained because it has been established as an inherently political process. The entire process originated from the confidence and supply agreement between the Māori Party and the National Party. The terms of reference are coloured by the political imperatives that drive each of those parties. Those parties have a vested interest in portraying this process as a success. Other political parties have an incentive to paint the process as a failure. These issues are simply too important to be politicized in this way or to be controlled by politicians and political processes.

A non-politicized process of constitutional reform should be undertaken.

Maintenance of Basic Constitutional Protections for Māori

While the Consideration of Constitutional Issues is too constrained to lead to effective constitutional change, it is vital that basic constitutional protections for Māori are not eroded as a result of this process. The Treaty of Waitangi ought to be recognized as a central part of our constitutional arrangements that speaks to the exercise of public power in Aotearoa. The Māori seats in Parliament may be only a minimal form of Māori representation but they must be retained and entrenched until better mechanisms are established. Similarly, Māori wards should continue to be encouraged at the local government level.

3941

timeforchange.co.nz submissions - 8

Name: Jim Hartley

E-mail:

Your submission:

As a New Zealand resident for more than 50 years I think it is ridiculous that to become a citizen I should have to swear allegiance to a monarch who lives on the other side of the world and who holds that position as a result of anti-democratic, bigoted, racist and sexist legislation dating back to Henry the Eight (what a role model!)

I believe New Zealand should have a New Zealander as head of state, who has been elected by the citizens and residents of this fair land.

497

From:
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 11:22 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: keith hartley Organisation Name: n/a Email: Phone:
Postal AddressA: Postal AddressB:
Postal City: Postal Region: northland Postal Post Code: Postal Country:
New Zealand Submission: no special treatment privileges concessions handouts for maori or
reference to the mythical principles of the treaty of waitangi any representation should be in proportion
to the racial proportion to population no group should have any special consideration
we are one people that should be the guiding principle in all decisions relating to a fair and just
constitution any attempt by any pressure group to influence the outcome should result in their
disbarment any money spent in the promotion of information advertising
etc should be in proportion to the racial proportion of that group to the general population and not
favour any race religion colour or creed keith hartley

Sent on the 17 April 2013 at 11:21

4336

From: "Shae Hartley (Google Drive)"
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 8:42 a.m.
Subject: CAP Submission (constitutionalreview@justice.govt.nz)
Attachments: Submission to CAP template.docx

~~Attached: Submission to CAP template.docx~~
Sent using Google Docs <http://docs.google.com/>

Hello Constitution Conversation Roopu,

Here is my submission, do note that I will be sending a few from the same email address on behalf of whanau members.

Hope all is going well,
Mauri Ora,

Shae Hartley
Tauranga Moana
Aotearoa

Submission to the Constitutional Advisory Panel

Name:

Organisation (if applicable):

Postal or Email Address:

Date:

Overview

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Narrow Terms of Reference

There is a pressing need for constitutional reform in Aotearoa. However, the terms of reference for the Consideration of Constitutional Issues are too narrow to allow for any issues to be addressed that could lead to effective constitutional reform. The terms of reference focus on specific mechanical issues relating to our existing constitutional institutions. This assumes that the basic structures of our current constitution work well, provide for effective accountability and participation in the exercise of public power, and reflect values that are appropriate for Aotearoa in the 21st century and beyond.

A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

The Consideration of Constitutional Issues is also constrained because it has been established as an inherently political process. The entire process originated from the confidence and supply agreement between the Māori Party and the National Party. The terms of reference are coloured by the political imperatives that drive each of those parties. Those parties have a vested interest in portraying this process as a success. Other political parties have an incentive to paint the process as a failure. These issues are simply too important to be politicized in this way or to be controlled by politicians and political processes.

A non-politicized process of constitutional reform should be undertaken.

Maintenance of Basic Constitutional Protections for Māori

While the Consideration of Constitutional Issues is too constrained to lead to effective constitutional change, it is vital that basic constitutional protections for Māori are not eroded as a result of this process. The Treaty of Waitangi ought to be recognized as a central part of our constitutional arrangements that speaks to the exercise of public power in Aotearoa. The Māori seats in Parliament may be only a minimal form of Māori representation but they must be retained and entrenched until better mechanisms are established. Similarly, Māori wards should continue to be encouraged at the local government level.

4336a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 8:59 a.m.

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

Full Names: Shae Hartley Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga moana Postal Region: Postal
Post Code: Postal Country: New Zealand Submission:
<http://ahi-ka-roa.blogspot.co.nz/2013/07/template-submission-to-constitutional.html>

AAAAAAAA

Any legislation, act, bill etc NEEDS to be halted until this constitution is finished.

Asset Sales, GCSB, TPPA, protesting at sea etc etc

the list goes on. It makes no sense, when they both go hand in hand together.

Kaitiakitanga

Aahurutanga

Te Whakakoha Rangatiratanga

Mauri Ora

Tino Rangatiratanga

Manaakitanga

He whakaputanga & Te Tiriti o Waitangi

Any constitution needs to be underpinned with these values, beliefs and aspirations. These are inclusive of ALL peoples, and that needs to be recognised - so all know they are welcome.

Mauri Ora!

Submitted on the 31 July 2013 at 08:58

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.

Sally Hartley
Thames
New Zealand

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Jayne Hartstone
Auckland
New Zealand

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Anita Harvey
Auckland
New Zealand

1259

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/06/2013 5:41 p.m.
Subject: Waitangi ribunal

I think the tribunal should be abolished. It is too divisive.
The constitution should be designed to benefit all New Zealanders regardless of race.
Abolish special maori seats in parliament and on local bodies, and exclude any privileges based on race or ethnicity.
Bob Harvey
Tauranga

1248

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 10/06/2013 8:46 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Betty Priscilla Harvey Organisation Name: Email:
Phon Postal AddressA: Postal City:
Cambridge Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Surely our NZ goal must be move forward & provide a united effort for the
betterment of ALL NZ residents & future generations. We present day citizens were not
responsible for over 100years wrongs. Lets unite and forgive.

Sent on the 10 June 2013 at 08:44

349

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 3:13 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: David Harvey Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Whangaparaoa Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission:

How many members? Enough elected MPs to give an average of about 60,000 electors/MP, otherwise the MPs are likely to be swamped with electorate work. That gives a total of about 70 MPs. There should be half that number of "List MPs".

How long should the term of Parliament be? Absolutely no more than 3 years so that the ability of the government to introduce controversial legislation is hopefully subjected to the will of the country, and the electorate can then have the option of changing the government at a General Election if the country thinks it is necessary.

How should the election date be decided? By the present government finding itself unable to govern, or it is faced with a national emergency, or by a simple formula such as "3 years on from the last General Election, backed up to the nearest preceding Thursday which is not a national or provincial holiday". This will stop a government trying to position the next election to their perceived advantage.

What factors should be taken into account when the size and number of electorates are decided? The number of electors to be represented by each MP, and the physical size of the electorate. This is to reduce or even avoid the possibility of individual MPs being swamped with electorate work caused by an adverse combination of the number of constituents and the physical size of the electorate.

What should happen if a member of Parliament parts ways with the party from which he or she was elected? If an elected MP parts ways with the party, there should be a by-election in that constituency to allow the electorate a choice. If a "List MP" parts ways then that MP should resign from Parliament and the next person on that party's List then takes that seat.

Sent on the 15 April 2013 at 15:12

1412

From: "Jean
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 11:12 a.m.
Subject: Fw: "CAP" submission"

From: Jean
Sent: Monday, June 17, 2013 1:58 PM
To: constitutionalreview@justice.govt.nz
Subject: "CAP" submission"

Here is my submission on this subject. I Jean Florence Harvey am very happy with the current system and feel that if we were to have a n z constitution certain matters would be

more difficult to achieve by the government of the day , more especially as we have the electoral system of M.M.P. at the moment.

I am also very happy with National our present government as they have coped extremely well under unbelievable circumstances at times,

and have the economy at a much better level which they set out to do despite the world downturn. Our position as a member of the British

Commonwealth must be retained as " it works" with great respect to the Royal Family who have served it so diligently. A Republic

for a country of our size is a no go, for we have found in ventures tried at times already, that our small and distant location can be a

definite disadvantage. Jean Harvey

1246

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/06/2013 8:25 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: iohn barry Harvey Organisation Name: Email:
Phone Postal AddressA: Postal AddressB: Postal City:
Cambridge Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: time we all become one culture and working as a total nation toward the bright future of
NZ

Sent on the 10 June 2013 at 08:23

148

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 2:32 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Neville Harvey Organisation Name: NA Email Address:
Phone: Postal AddressA:
Postal AddressB: Postal City: Hamilton Postal Region: Waikato Postal Post Code:
Postal Country: New Zealand Submission: I do not think NZ needs a new written
constitution but there are some changes that I believe would be of great benefit. Any changes must
look forward and not back. Any changes must be for and refer to all New Zealanders as one people
no matter what race,
colour or creed (all NZ citizens) to achieve this the devise, past its use by date "Treaty of
Waitangi" must have no further influence on NZ law after treaty settlements are finalized.

When we consider how many Maori there are in the National, Labour, NZ First & Green Parties I
think it is obvious NZ no longer needs special Maori seats in Parliament. This would also reduce the
members of Parliament of which there are too many.

Sent on the 18 June 2013 at 14:30

594

From:
To: <constitutionalreview@justice.govt.nz>
Date: 22/04/2013 10:24 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Nicola Harvey Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: The most important thing for me is that everyone is treated equal. At the moment Maori have special rights in all atomspheres especially govt departments. This needs to change, everyone who is a citizen of new zealand deserves equal standing. It is inappropriate that other citizens get speical treatment from elections down to targets in the workplace.

The rest of New Zealand culture needs to be treated to the same level as Maori - just go to our 2 biggest muesums (Auckland Museum and Te Papa) and you get Maori cutlure tours, or a tour that expands on Maori culture but you dont get the rest of the country.

It is also important to me that we do not have Waitangi Day. I use to think that it was great because it was unique and not the same as every other country. Now days it Maori protest day, it is not a day for all new zealanders to celebrate new zealand. It is a day that maori people seem to think they are the most important people. They are NOT we are all New Zealanders and as such we all should celebrate. Mabey we can call it Our Day and have it the week after or something.

The reason i feel like this is in 2000 i left new zealand for my OE. I loved it here and it was my home. In 2007 i came back, and due to the political environment since i have been back, definately second class citizen status has definately how i have felt. As a New Zealand born and bred this is inappropriate.

Thank you.

Sent on the 22 April 2013 at 10:23

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.

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Sally Harvey
Haumoana
New Zealand

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 9:47 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

2000

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

Full Names: Simon Robin Henry Harvey Organisation Name: individual Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Marlborough Postal Post
Code: Postal Country: New Zealand Submission: I think that we should have our
constitution written down in a single statement so that we can look towards making this something like
a mission statement for NZ. It could then be pivotal with helping to guide us all (and particularly
politicians) over
decisions that are made that will affect us in the future.

It seems to me that a weakness of our democratic system is that as governments are voted in and out
of power we lose a consistent sense of direction that is essential for us all.

With a single constitution that is shielded as much as possible from political interference there is the
potential for governments to make hard decisions that may not be so palatable in the short term but
that are critical for the long term success of NZ, socially,
economically and environmentally.

If we could have a single constitution that was seen to be free from political interests there is the
potential for it to lead to a vision for our future that we can all buy in to, and feel a sense of ownership
with.

This could include what we believe are acceptable standards for us as individuals. If we want an
honest tolerant and fair society then don't we all have to practice these things as individuals?

With the diminishing influence of the church maybe it is time for NZ as a community to agree on a set
of moral values that we aspire to uphold and expect from our leaders.

Could this be a part of our constitution?

The constitution should have a status higher than other laws and the courts should hold the ultimate
power to decide if legislation is consistent with the what is enshrined within our constitution.

Thank you for the opportunity to make this submission.

Simon Harvey

Sent on the 30 June 2013 at 21:46

759

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 2:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Thomas Harwood-Stevenson Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Do you think our constitution should be written in a single document? Why?

I think it should be.

One reason is that in order to understand NZ's constitution currently, you will likely be a lawyer. And not just any lawyer, but a lawyer who specialises in this field. The complex interplay of legislation and common law is beyond average New Zealanders with a vast array of other concerns in their own lives. Like the Bible being translated into the vernacular, a constitution would bring the concrete understanding within the reach of the average person on their rights instead of these being funnelled through a minority.

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

Yes.

Otherwise there is little point. What protection does it afford if it is guidance only and can be overlooked. It would have some affect, no doubt - just as the recommendations from the Waitangi Tribunal have affect, however, it would not PROTECT, in all situations, against abuses of rights of minorities or individuals or perversions of Governance.

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

The courts.

Because having power to legislate and then make the decision on whether the legislation is consistent with the constitution should not reside with one group. Separation of power. Check and balance.

Sent on the 6 May 2013 at 14:06

2417

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 7:50 a.m.
Subject: CAP Submission

Maori seats should most definitely be abolished, This increasing racism grossly in favour of Maoris must stop. This answer is simple - All New Zealanders should be treated equally. This would fix a multitude of economic and racial problems for starters.

Bernie Haskell.

2524

From: "Brian Hastie"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 11:00 a.m.
Subject: CAP Submission

Abolish all race based seats.

4497

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:29 p.m.

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

Full Names: Gus Hastie Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: - Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Fluoridation of the public water supply should be illegal. It is a breach of human rights as the informed consent of each individual resident is not obtained. Fluoridation does what no individual doctor can do ie. prescribe a substance to somebody they have never met and have as much or as little with no monitoring. I have been adversely affected by fluoridated water. I have experienced excessive thirst, fatigue and neurological problems. About 20 minutes after drink a glass of fluoridated water I can't concentrate properly. If people want fluoride they can take it on an individual basis.

Submitted on the 31 July 2013 at 21:28

3885

From: John Hastings
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 4:42 p.m.
Subject: CAP Submission

I feel that there should be no race based policies in NZ and that should be enshrined in the Constitution.

To allow otherwise is to return to the sickening policies that many countries once had - but thankfully - no longer have.

John Hastings

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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.

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Susan Hatcher
Christchurch
New Zealand

2159

From: Lesleyann Hathaway
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:50 a.m.
Subject: CAP Submission

No maori seats; stop promulgating apartheid in New Zealand. There will be a backlash. For goodness' sake, stop the madness. See the Treaty for what it was. Lesleyann Hathaway, Ohura.

5141

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:18 p.m.

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

Submission: I believe that any constitution for Aotearoa must recognise that Tangata whenua (Maori) are the indigenous people of Aotearoa and further that the principals of Te Tiriti O Waitangi should be taken into account in particular that Tagata whenua have the

rights as a first nations people to determine their own self governance. Full Names: Te Reo O
Teomeka Hau Email: Phone: Postal AddressA:
Road Postal AddressB: Postal City: Whanganui Postal Post Code: Postal
Country: New Zealand

Submitted on the 14 June 2013 at 08:46

5036

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:01 p.m.

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

Full Names: Lucy Hawcroft Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Auckland Postal
Post Code Postal Country: New Zealand Submission: How many MPs should we have?

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

I have answered these two questions together because I think they are closely related.

First, I think that the number of MPs we have should not be set by dividing the South Island's population by 16 and then adjusting the number of electorates to suit. Instead I think it would be good to allow the number of MPs to slowly increase proportional

to our population. So, for example, you could say that each electorate should contain on average 35,000 New Zealanders who are on the electoral roll. This would determine how many electorate MPs you have. Keeping this ratio constant would ensure that most

NZers have access to local representation which is not too difficult for them to access.

However, for this system to work it is also important to set a ratio for list to electorate MPs. So for example, you could have 50% list and 50% electorate MPs, or 40% list and 60% electorate MPs. This would mean that as the number of electorate MPs gradually

increased, so would the number of list MPs. I think this is important to put in place because a) it ensures the proportionality of our electoral system which would be undermined if we had only 30% list MPs and 70% electorate MPs and b) it allows people who

belong to interest groups that are a minority in their area to be represented by list MPs at a national level. For example, a NZer who is passionate about animal rights is unlikely to ever be able to vote for an electorate MP who wins support on that platform

under a first past the post system. However, it is possible that around NZ there are enough people who care about animal rights that they can get one list MP elected.

Finally, in terms of how the boundaries of electorates are determined, I think this should be done where possible on the basis of areas having a similar character and interests. This was the process that was used in defining the Local Board boundaries for Auckland

Council, and I feel it was overall quite effective. However, I would see ensuring that the electorates have a similar population to MP ratio as being the first and most important guiding factor. similarity of character and interest in an electorate should

be secondary. Finally, there might be grounds in the cases of some rural areas to set a maximum physical size for electorates as well. For example, you could say that an electorate must either have a population of at least 35,000 voters to one MP OR not exceed

a certain maximum size. This would mean that in areas like the West Coast of the South Island, people would not end up living extremely far away from their political representative.

How long should a term of Parliament be?

3 years. In the past, I used to support extending the electoral term to 4 years because I thought it would make NZ governments more effective and less driven by populist desires (to get reelected). However, recently I have decided that because we only have

a uni-cameral parliament and we do not have a strong written constitution or Bill of Rights, having a 4 year term would make us too vulnerable to a government bringing in sweeping and highly damaging changes.

I would support a 4 year term if we either had a) a bicameral system or b) a stronger constitution and Bill of Rights with real legal standing, that could prevent law changes being brought in rapidly with little consultation.

How should the election date be decided?

The election date should be set on a fixed term (e.g., the last Saturday in November of every three years). If it needs to be changed for some reason (e.g., in the event of an emergency like the Christchurch earthquakes) it should be decided by the Electoral

Commission or another organization that is wholly independent of all political parties.

This will prevent political parties manipulating the election date for their own advantage. This often happens in Nz and it gives the incumbents in any government a clear advantage.

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

I think they should probably be allowed to stay in Parliament for the rest of the term. I think it is important to allow MPs to leave their parties for political reasons - otherwise the leaders of political parties would become excessively powerful within our

political system, as they could effectively punish any internal dissent by expelling an MP from their caucus and thus from their job.

However, it would also be good if all MPs could lose a proportion of their salary if they do not, attend Parliament for a certain minimum number of days while the House is sitting and vote on a certain number of bills. This would help to prevent a scenario

where, for example, an MP leaves his party and then remains in Parliament as an independent but contributes very little to the business of governing NZ. MPs are actually quite exceptional in this regard - they are probably some of the only employees in NZ

whose pay has almost no conditions attached to it in terms of how often they must come to work, how much time they must spend at work and how much they contribute.

Submitted on the 22 June 2013 at 18:57

284

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 4:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: David Hawke Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: The Treaty of Waitangi or any other document should not be referd to in the constitution
as this would mean that the treaty (or other document) would superced the constitution which would
void the constitution as the core document of reference in any
legal desicions that are made. Any issues over the treaty are about property rights and can be sorted
out through legal avenues or negotiation as is happening currently and could still happen in the future
under a constitution that does not mention the treaty
but garantees legal redress from an independant legal system to all. The constitution should not refer
to individual groups but all rights and responsibilities must ensure equality for all and singeling out any
group by name or reference to other documents
would void this.

Sent on the 13 April 2013 at 16:27

284a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 6:45 p.m.
Subject: http://www.ourconstitution.org.nz/ form submission

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

Full Names:	David Hawke	Organisation Name:		Email:		Phone:	
	Postal AddressA:		Postal AddressB:		Postal City:		
	Postal Region:	Auckland	Postal Post Code:		Postal Country:	New Zealand	

Submission: Our constitution should not be in a single document our current constituion is working fine as was reported back in a parliamentary review in 2005 giving. It gives great flexibility so parliament who are elected by the people make laws and descisions and are also answerable to the electorate, thus the constitution as it stands currently is in reality in the hands of the people making it very democatic and flexible to siut society as it grows and changes.

Sent on the 16 April 2013 at 18:44

4516

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:40 p.m.
Subject: Submission concerning the Constitutional Review

We are concerned about the fact that the matter of the constitutional review is not being put in front of the public in a way that is to be expected in view of its importance to New Zealanders. We believe that in a democratic country the government has the responsibility of keeping important issues clearly in front of the public, and although this is being done, mainly through the media, with respect to the partial sale of government assets, the GCSB bill, changes in the welfare system, etc., the situation with respect to the constitution review is very different, suggesting that the government does not want this issue to be understood and discussed by the public at large.

Barry Wilson Hawken (Educational Tutor) and Carole Pemberton Hawken
(Retired Teacher)
Havelock North, Hawke's Bay

3884.

From: [redacted]
To: <constitutionalreview@justice.govt.nz>
CC: <muriel@nzcpr.com>
Date: 25/07/2013 4:35 p.m.
Subject: CAP Submission

Having read the Constitutional Review Submissions (see website address below), this is to inform the Constitutional Review committee that my wife and I are in full agreement with the submissions made on this website.

We would hope that the review process takes into account that the vast majority of the New Zealand population is appalled at the racist maori demands in their proposed constitution. The power to decide on any constitutional content must always rest with our elected members of parliament only.

This whole issue is far too important for any changes to be made to the current situation without a binding national referendum. Most New Zealanders are reluctant to take the time to make their views known through writing to their MP, but will do so if they simply have to answer "Yes or No" to questions in a referendum.

Kind regards

Greg & Judy Hawkins

<http://www.nzcpr.com/ConstitutionalReviewSubmissionGuide.pdf#page=1&zoom=auto,0,849>

4016"

From: Wayne Hawkins <
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 9:47 a.m.
Subject: CAP Submission
Attachments: CC Submissions.docx

Good morning, my submission to the Constitutional Conversation is attached

Regards

Wayne Hawkins

Emerging from our Awkward Adolescence

The Constitutional Imperative in New Zealand

A Submission to the Constitution Conversation – Constitutional Advisory
Panel July 2013

Wayne Hawkins M.A. (Hons) APR

Phone



Dedication

For all citizens who believe that it is time
For New Zealand to emerge from its
awkward adolescence
And achieve full maturity as the Republic
of New Zealand Aotearoa.

Introduction

I welcome the opportunity to make a submission about New Zealand's constitutional future. This is long overdue. New Zealand has been wallowing in the cesspit of subservience as a constitutional monarchy for far too long. The grandiose displays of sycophancy we see towards royalty fill me with revulsion. Fortunately a growing number of New Zealanders are beginning to feel this way too. They are starting to understand that monarchy is about status, wealth and privilege as an accident of birth. It has nothing to do with democracy. If we wish to develop as a self-determining independent and democratic nation, we need to dump monarchy soon.

Former Prime Minister, Jim Bolger, believes that we must make the change to a Republic too. When he travelled overseas he found that many leaders of other countries were confused about our status. They could not believe that we are truly independent and self-governing while we still call the Queen of England our Queen. Even Prince Charles acknowledges that we should go our own way. He doesn't understand why we keep on "hanging on". He doesn't even want to be our monarch!

Of course we have all been thoroughly socialized into accepting royalty and believing in the "primacy" of the Westminster system. We have more than our fair share of social climbers who see fawning before royalty as a quick way up.

New Zealanders need to reject this anachronistic nonsense. Fortunately some are. We need to be looking for a new democratic path for New Zealand.

Elizabeth must be the last monarch!

New Zealand's Constitution

A Single Document

The current situation is unsatisfactory. Our constitution, such as it is, is scattered over a range of documents. Because of this it is not transparent. We need to have everything together, written in plain English, not “lawyer speak”, so everyone can understand their rights and responsibilities.

The Constitution would become our foundation document and include

- A statement of principles we believe in as a nation
- Our rights as citizens
- Our responsibilities as citizens
- The rules by which we govern ourselves
- The structure of our government
- The powers and responsibilities of each arm of government

It's interesting to note that we are one of only three nations that don't have a constitution with everything in one place. Isn't it absurd that we require organisations to have constitutions but believe that we can make do without one for our own country?

Legal Status

The constitution will be our primary constitutional document. Every piece of legislation will be judged against it. This is how constitutional government works.

A Constitution Court

A constitution court will be the watchdog on constitutional matters. This court will have the final say on whether or not legislation complies with the constitution.

The Bill of Rights

The Bill of Rights will be part of the Constitution. Each article in it will have as much force as any other article in the Constitution.

The Constitution Court will judge whether or not legislation complies with the Constitution.

Our current Bill of Rights doesn't even cover undertakings we have made under the U.N. charter. The Human Rights Commission is hopelessly under resourced and seems powerless to address racist, sexist and ageist abuses.

Gender and children's rights have been excluded from the Bill of Rights. These will be defined and included in the new Constitution.

The Treaty of Waitangi

This agreement can be viewed as a founding document in the sense that it provided the basis for the Crown to come to New Zealand.

New Zealand society has fundamentally changed since 1840. We now have people from over 180 nationalities living in Auckland. To insist that the Treaty might serve as a basic constitutional document 173 years on is to my mind absurd.

I do not deny that important rights were conferred on iwi in the Treaty and these rights should be part of the Constitution, but the notion of "partnership under the Treaty" appears to me to be a platform for separatism. We do not need bi-nationalism here. We are many peoples but ONE nation.

Our new Constitution would supersede the Treaty. The Treaty should always be recognized as part of our evolution towards self-determination.

Maori Representation

In a modern democratic state where according to the constitution everyone is equal before the law, representation based on ethnicity is an anathema.

Maori Representation was introduced in 1867. Radicals tell us that the four seats offered were to blunt the influence, based on population, which Maori could have had in the Parliament. In those days there was a property qualification for voting, based on the value of land held in freehold title. This would have disqualified most Maori on communal land, but it also disqualified a lot of settlers who did not own land. So the Act gave Maori some measure of representation which many others did not have.

Maori Representation should have ended when Universal Suffrage was introduced. But, as it wasn't we now have a peculiar form of electoral apartheid which is unacceptable.

Maori voters seem to be ambivalent about it. Barely 50 per cent of those eligible to enroll on Maori rolls do so. They enroll on the General Roll instead. In my view that's where we should all be, on the General Roll.

Maori Views in Parliament

Once every one is on the General Roll, issues of importance to Maori will come into the mainstream of political discussion instead of being sectionalised.

Maori voters will be able to form voting blocs within some electorates just as African American voters have done in Congressional districts. It will mean that Maori candidates will win some General Electorates. Others will be placed high on party lists and come into Parliament as list members. I believe that the number of Maori members in the House of Representatives will be what it is now, if not more. There is no reason why the Maori Party cannot run candidates in General Electorates. Mana certainly will.

Electoral Participation

I believe we have a problem with many voters in New Zealand. Gone are the days when we could count on over 90 per cent participation. At the last elections we struggled to get 70%.

We need to have civics classes in our schools so that school leavers will have some understanding of how our government works and why it is important for them to vote.

Democracy demands participation, the more the better. Vast numbers of alienated people is harmful to democracy.

Maori politicians need to sell participation in their communities.

Local Government

I do not believe that iwi should have seats on councils as of right. All members of council who have voting rights on civic affairs should be elected by their local communities. If iwi wish to have representatives on a local council, they should stand candidates and get them elected the same as everyone else does.

I reject the idea of Maori wards. That would be another exercise in electoral separatism.

However, as Councils make decisions about resources and Maori often have interests in these resources it is important for iwi to have a say. Councils should be required to establish Maori Advisory Boards for their areas. Iwi would elect or appoint the members and councils would be required to publish advice from the boards on each issue referred to them. This would ensure that Maori interests and concerns are being considered and that the information is available to councilors before they vote.

Electoral Matters

MMP

I am reasonably happy with our Mixed Member Proportional Representation system although I do struggle with the concept of mixed members who don't represent an electorate.

MMP forces political parties to work together in parliament at least to some extent. It has saved us from the violent lurches between left and right which we experienced under First past the Post. This is a system we must never return to.

I note that my local council is using STV at this year's council elections. If we ever decided that we need every MP to represent a piece of turf STV would be worth considering if we could get people to understand it.

At present we have 63 General Electorates. The ratio of members to constituents is around 1:40,000 which is quite high considering that it used to be 1:32,000 about 30 years ago. Look at the electoral map, some of the electorates are huge. It's hard to see how there could be any community of interest in some of them. If we were to reduce the number of seats, we would have to increase the ratio even more. I don't believe that would be a good thing to do.

I favour leaving things as they are. I expect List MPs to set up offices in their areas to help with the work load.

The Term of Parliament

The parliamentary term should be four years. My experience of watching politics tells me that three years is not long enough for a government to implement its programme. Three years might be good if you don't like the government but a longer term might encourage governments to seek real solutions to problems, rather than just applying band aid for electoral advantage.

The Election Date

The election date should be a Saturday in November and be stated in the constitution e.g. the third Saturday in November.

Members leaving their Party

Parliament used to have this covered but the legislation expired in 2005 and unbelievably they've done nothing about it. So we had to watch Mr Copland sit in Parliament for nearly two years pocketing over \$140,000 per year for representing nobody. Right now we have the same thing again with Brendan Horan. This is farcical. Mr Copland was and Mr Horan is a list MP. These men were in Parliament to represent their respective parties. Once they left or were expelled from their parties there was no reason for them to stay. Both should have been removed immediately and replaced by the next person on their party list. Parliament needs to address this matter urgently. The current situation is a perversion of MMP.

The situation is different for electorate MPs because they represent the people of their electorate. So if an MP leaves their party they can stay on as an independent because they are at least representing somebody.

Other Issues

The Selection of Judges

The Judiciary is an important arm of government yet New Zealanders generally have no input into who sits on the bench in any of our courts.

When we finally have our new Constitution Judges will play an even more important role as its guardian.

Government nominations for the Supreme Court, the Court of Appeal, and the High Court should be vetted by a committee of the House of Representatives. The committee would need to approve the nomination for the appointment to proceed. The hearings should be public. It's high time that New Zealanders know a lot more about the people who play such an important role in the governance of our country.

Direct Democracy

There is something wrong when 86% of the population tell Parliament they don't want Sue Bradford's smacking bill but Parliament enacts it anyway. This is not democracy. The referendum held on this issue should have been binding.

In my view there should have been a binding referendum held on same sex marriage.

At the local level Councils should not be allowed to proceed with grandiose projects such as sports stadiums which require increases in rates without asking rate payers. They should be required to organize Binding Local Initiatives to test rate payer opinion.

Protocols

Oath of Allegiance

Currently new members of Parliament have to take an oath of allegiance to the Queen and her heirs before they can sit in the House. This is offensive. It is time it was thrown out

The oath of allegiance should be to the people of New Zealand and our constitution.

Black Rod

At the beginning of each Parliament Black Rod bangs on the door to the House to summons members to the former upper house chamber to hear an address from the Queen, normally the Governor General, about the Government's programme.

In its true context, England, this is very relevant because there is a real history in the relationship between Parliament and the Monarch.

But this is not part of OUR history. Here we are in the South West Pacific aping a ritual from a society on the other side of the world 173 years on from the Treaty of Waitangi. Are we really so pathetic that we can't develop our own protocols.

This rubbish must go!

Symbols

New Zealand needs a new flag. Many of us find the Union Jack offensive. Our de facto flag the fern on black should be put to a binding referendum. We also need to think about a secular anthem. Knighthoods and Dame hoods need to be abolished. We need to concentrate on our own honours system.

Conclusion

My vision for the future is New Zealand as a Republic.

We will have a written Constitution which proclaims everyone as equal before the law.

Our Head of State will be an elected president. He /she will run the executive branch of government from outside the legislature.

The President will be able to select Cabinet Ministers from outside the legislature. This will provide the opportunity to select people with real talent rather than bench warmers.

The legislature will pass or reject all legislation proposed. Members will vet nominations for Cabinet and the Judiciary

New Zealand now free of the shackles of monarchy and the Westminster system will be able to develop symbols and protocols befitting a Pacific nation in the South West Pacific.

We need to do this to confirm our emerging identity and take our place as a truly sovereign country in the international community

Now is the time to seize the time. We can delay no longer.

Margaret Haworth
Auckland
e-mail:

3037

25 July 2013

Submissions
Secretariat
Constitutional Advisory Panel
c/- Ministry of Justice
DX SX10088
WELLINGTON

Tēnā koutou

Here is my submission in response to the invitation to contribute to The Constitution Conversation.

It is a general statement regarding my views as a pākehā on our relationship with the tangata whenua of this country and how I believe this relationship needs to be honoured and nurtured in every aspect of Aotearoa/New Zealand's government, as well as what the government or Crown creates for the people of New Zealand.

As a pākehā New Zealander I am very saddened by the inaccuracies which have been perpetuated over the decades about the actual history of pākehās' engagement with tangata whenua and what rights the Crown has taken to itself without honouring te ao Māori, the seemingly inalienable and indefensible right it has given itself to govern Māori, land and the resources of the land being one of them.

I do not have the ability to present an involved or detailed documented outline of my views so the following bullet points will have to suffice.

- In the first instance I would like the present 'Constitution Conversation' to be the basis for a longer ongoing dialogue with due account taken of the views expressed by the Independent Iwi Constitutional Working Group Aotearoa Matike Mai.
- I do not accept 'the Treaty of Waitangi' (English translation) as legitimate, as it was not the version signed by the rangatira. In any constitution of this country I would hope to see Te Tiriti o Waitangi (the Māori text) entrenched as a supreme law of the land, perhaps alongside the Bill of Rights. I would hope to see it made compulsory that every bill passed by any government must meet with the approval of a constitutionally established Māori body appointed by Māori to represent them at the highest level.

As I understand it from recent sources (*Ngāpuhi Speaks* – see attached), Māori didn't and *couldn't* cede their sovereignty to a pākehā government because they were not that stupid. It was not within their world view to do so, and for the Crown to assume on the basis of the English translation of Te Tiriti that this was done is a huge insult to Māori, not to mention the distress and loss of mana in all ways that has resulted to the tangata whenua over the decades from this viewpoint. I have attached some pages from *Ngāpuhi Speaks* and highlighted the passages which support this view.

- I would hope that any constitution of this country would recognise the inalienable right tangata whenua have by virtue of Te Tiriti to have control over their own lives and the resources still remaining to them.
- I would like to see the Crown of this country seek through the constitution to enter into a true and just partnership with tangata whenua such as was envisaged by the rangatira who signed He Wakaputanga, participated in Te Wakaminenga and signed Te Tiriti o Waitangi. In effect I'd like to see the government pick up the conversation where the signing of Te Tiriti left it and start again with full intent to honour the Māori view of it.
- I would also like the Crown to willingly divest itself of the power and right it has given itself to make unilateral decisions about the structure, functions and processes of the Waitangi Tribunal in the matter of redress, so that there is a true partnership with Māori and te ao Māori there, not one party imposing its world view and modus operandi upon the other.

For that matter why should the tangata whenua of this country have to prove anything to the government to enable them to live in peace on their lands? Inter-iwi matters of negotiation between iwi should be all that has to be proved, amongst themselves!

- I believe any constitution of this country should make it mandatory that a true history of the place of the tangata whenua of this country as a taonga be taught throughout all education systems. In the twenty-first century and beyond it is inappropriate for any pākehā or other New Zealander to believe that Māori have been accorded special rights, or else that they are just one among many ethnic groups in the country who happen to be getting a special handout. Māori are a taonga of this country and their generosity in seeking to enter into a *partnership* with pākehā (not a position of dominance or subservience) in the first instance through Te Tiriti needs to be acknowledged and honoured.
- In this regard I would hope that all matters to do with the constitution would have regard for the Māori world view, way of doing things, values and priorities. If Aotearoa doesn't protect these things who will? No one!
- I would hope that the constitution would go as far as is possible towards ensuring that Māori are honoured in future at all levels of society as the essence of this country that must be cherished, as the seed is nourished inside the protective coating that surrounds it.

Thank you for considering my submission to your Panel. I am grateful to have had the opportunity to contribute.

Yours faithfully

AA

Margaret Haworth

P.S. I am grateful to the Maori Party for initiating this Constitution Conversation. Without their vision and initiative none of this would be happening!

S167

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:41 p.m.

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

Full Names: Terry & Gloria Hawthorne Email: Phone:
Postal AddressA: you have it Postal City: Te Puke Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: I do not agree that any constitution of
New Zealand should contain any references to the Treaty of Waitangi or its principles.

(We will never vote National again if this should occur)

Submitted on the 12 June 2013 at 11:54

3913

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 27/07/2013 9:59 p.m.

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

Full Names: John Arthur Haxton Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Paraparaumu Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Recognition of the fallibility of all human institutions.

As can be witnessed in the amendments to the American Constitution no document encapsulates the future well. What was written in the beginning could not have possibly anticipated the changes that have occurred in society since that time. The 'Right to Bear Arms' could not have anticipated the development of armaments such as assault rifles and so on. What was considered right at the time is clearly wrong now.

Any New Zealand Constitution should recognise fallibility. Principles should be followed and the specifics must be dealt with recognising fallibility. It is not only fallibility that creates a problem, it is changes in society, social practices, new technology and so on.

Recognition of fallibility can be included in a number of ways in a New Zealand Constitution. The constitution could be reviewed in total, or in part, periodically. Perhaps a period of 25 years or so should elapse between reviews. That would mean that most people would be engaged in a maximum of two reviews in their adult lifetime. Each review should be open for submission by the New Zealand public.. Such a review would form part of the constitution. Since I anticipate optimistically that there will be a document call the New Zealand Constitution as a result of this review I also suggest that the first review of it be only 10 years after it is adopted. The constitution should belong to the people of New Zealand and not to Parliament.

The provision for indicative referenda is a precursor for the recognition of fallibility. However, there should be some protection for indicative referenda. There is none at present. I believe that such referenda can still remain indicative. However, I believe that there is a very strong case for such referenda being debated by Parliament and for a select committee to hear submissions from the public.

I was bitterly disappointed by the rejection by the present government of the review of the MMP electoral system on the basis that the present government could not get consensus on the matter. In a decent democracy all those who wrote submissions should have been entitled to have a hearing before a select committee.

The select committee process is very helpful for the public to engage in participatory democracy. Also, in the same vein, there should be restrictions under which Parliament sits under urgency. There should be genuine need for urgency and not convenient urgency.

I believe that New Zealand should continue to be unicameral. The single house of parliament can be kept in check by other bodies. The problem with the bicameral system is who gets chosen to be in the upper house.

One body that could be formed to keep a check on Parliament would be a Constitution Court. Yes, there might be some similarity to the United States Supreme Court. However, I would suggest that the members of such a court would have a fixed term of office. There would be an uneven number of members. The first three members would have to be appropriately qualified. The government of the day would nominate one member for a hearing and the opposition would nominate another member for the duration of the hearing. A Constitutional Court would be headed by the Chief Justice or a special appointee who would hold office for a fixed term. That would give three members. I think it would be wise to expand such a panel to 5 members with the addition of two more. At this point I am uncertain as to how those further two appointees might be chosen or from where. I think that the latter two appointees might not necessarily come from the judiciary.

Numbers Of Members of Parliament

The arrangement to have 120 members of Parliament I believe is satisfactory. Given that the governments are drawn from somewhat a little over half of Parliamentary members that is not particularly much to cover all of the duties required. Work has to be done in select committees and it is my view that the papers presented to those members should be studied. If we have overworked members of Parliament then it is unlikely that papers will be read properly. Also there is the work that has to be done in electorates.

The provision to have the one member overlap to resolve any particular permutation of MMP is fine with me.

The 120 members is the result of the division of the population of the South island by 16. That has to be reviewed at times as the population changes. However, it is my belief that 120 members is sufficient and that the formula should continue to produce that number as a maximum for the country as a whole. The overhang provision should continue.

How long should the term of Parliament be?

Until such time as the Constitution is strengthened to prevent unpopular decisions going untested by any means other than a general election then I favour the present three-year term. If, however, other measures come into place to curb unpopular decisions then there may be a place for a four-year term.

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

The member should resign irrespective of whether they hold an electorate seat or a list seat. If they then stand for Parliament and win back an electorate seat subsequently they would have won it on their own merit. Electors need to have confidence in the integrity of their vote being recognised. Obviously, if a member of Parliament is elected as an independent they would continue to occupy the seat for the term of the parliament. We may see Independents winning electoral seats sometimes.

How should the election date to be decided?

There are many good reasons why there should be some flexibility about the election date. The maximum term is a sufficient guideline. It for a whole host of reasons a government decides not to continue governing under a mandate earlier than the maximum term that should be recognised as legitimate.

The role of the Treaty of Waitangi in New Zealand's constitution.

In more recent times the Treaty of Waitangi settlements have delivered some justice to Maori. However, my understanding is that when the settlements have occurred there is a finish to the claims. Any claim under the Treaty of Waitangi should at some point be settled once and for all. Otherwise there is no purpose to the process. Therefore as time passes the role of partnership will change. Essentially the present settlements are concerned with property.

Other aspects of Maori life should be recognised within provisions for cultural rights, which are not as yet enshrined in legislation. It should always be remembered that Maori culture belongs to this country alone and must be supported here. I think that the question about the Treaty of Waitangi being enshrined in the constitution would be served by recognition of cultural rights. The cultural rights of other discrete groups would be covered by the same statement.

Freedom of Expression

Section 14 of the New Zealand Bill of Rights Act is concerned with freedom of expression. I quote it below

Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

This is the kind of statement that one would expect to see in such an Act in a Western democracy. However, I think it needs to be strengthened more. This particular statement does not make any reference to audience or to means of expressing views.

By example, our grandchildren, born in and resident in New Zealand, also have Cuban grandparents. When we have tried to telephone their grandmother in Cuba the telephone call is usually blocked. This has happened several times in the past nine years. Sometimes there is just silence. Which I suppose could be argued may be a technical fault, although I doubt it. However, at other times a voice with an American accent interrupts and states "Your call has been blocked." This is an interference with our rights as New Zealanders in one sovereign country trying to speak to people in another sovereign country. I think there should be some guaranteed remedy to such a situation. If indeed the USA authorities are

blocking the call that is an interference in our human rights

here. I do not make any suggestions how that might be worded but I do think that it should be included in some way in section 14. Some overall reference to New Zealand being a sovereign country should be included in the Bill of Rights.

I think that the Commission will get other submissions on the matter of surveillance. Here are my own observations. Given that the approach these days is to collect all information that is transmitted or recorded electronically and then sift through it to see

if there is anything there, is a dangerous situation for democratic engagement. Democracies certainly must protect themselves from subversion. This can be done within current laws with the issue of warrants. Mass electronic surveillance is abhorrent in a democracy.

Plus there are other dangers, as was stated in the 28 June, 2013 edition of "Guardian Weekly" on page 15 in an article titled "Scotland Yard spied on critics and justice campaigners", "All police forces have two cultures. One is of genuine service to the local

community and enjoys public support. The other is a murkier culture of specialised units, secret operations in semiprivate militias." There is nothing to suggest that in New Zealand society that we are immune from such activities. Remember please my opening words about all human institutions being fallible.

Economic, social and cultural rights

The International Declaration of Human Rights makes reference to a number of economic, social and cultural rights but these are not explicitly included in our own Bill of Rights. I find that the rights that are guaranteed under our present Bill of Rights Act

are rather narrow. The rights of people to not be wrongfully detained is good. However, of more importance to many people in this country should be the right to be free from want. Democracy cannot flourish where there is want.

I am bitterly disappointed that in my lifetime I have seen an increase in poverty in this country. I am 68 years old and grew up in the beginning in a rather poor settlement, however, all of the men had jobs and even the very tiny settlement in which I lived the housing was adequate.

Yesterday, my daughter told me that two women aged around 70 approached Kapiti Coast District Council for council housing because their private rental accommodation was too expensive. One was living in a car. This is shocking in a country that has done better in the past.

I worked at Porirua College in the 1970s. At that time that community was not suffering from want. That does not apply now. Any constitutional change should include a statement that people will be free from want.

Conclusion.

There are 30 rights defined in the Declaration of Human Rights. Each one of them should be explicitly recognised in the New Zealand constitution.

In 1968 NZ signed the International Covenant on Economic, Social and Cultural Rights and ratified it 10 years later. But those rights have never been explicitly incorporated into the NZ Bill of Rights Act. They should be now. Explicitness will ensure a better

democracy.

Submitted on the 27 July 2013 at 21:58

2199

From: "Bill Hay"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 12:22 p.m.
Subject: CAP Submission

The Golden Rule (to me) is "One Law for All" regardless of race or colour." We would not have Chinese seats, Scottish seats (pity) , or English seats. Lets have New Zealand seats.!!!
Also let's stop double dipping "Co Party Leaders"do both have allowances or do they share the allowance.

Keep up the good fight for honesty and fair play.
Bill Hay

2199a.

From: "Bill Hay"
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 2:56 p.m.
Subject: CAP Submission/ question

Do joint (or co) leaders of political parties receive "joint allowances" or half each.

They are not elected as co leaders. Their party's choice so how are these allowances funded
Unhappy voter.

5016

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:42 p.m.

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

Full Names: David Hay Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Post Code: Postal Country: New Zealand Submission:
New Zealand needs a written constitution, so that the courts can act as a restraint on the power of the executive, and abuse of legislative power by a dominant political party.

We should also retain a "titular" head of state with specified reserve powers, similar to the Governor-General's. These powers should include the ability to refuse assent to an Act of Parliament, if it is judged to offend the letter, or the intent, of the constitution.

The head of state should be a conjoint role, replacing the role of the Crown with a tangible expression of partnership under the Treaty of Waitangi: one person elected by Maori, another elected by tangata tiriti.

The exercise of any reserve powers, held jointly by the heads of state, would have to be undertaken by both heads of state acting together (thus providing a significant restraint on the exercise of those powers).

Submitted on the 26 June 2013 at 13:10

675

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 3:12 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ken & Helen Haycock Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Waipa Postal Post Code:
Postal Country: New Zealand Submission: When NZ implements a Constitution it must be free of
any Treaty of Waitangi obligations and any Maori contribution by right and threats made by minority
groups and no special positions be allocated to Maori by right. Any positions are earned and
respected. We
are all New Zealanders.

Sent on the 29 April 2013 at 15:11

675a.

From:
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 4/07/2013 11:01 a.m.
Subject: CAP Submission

Hi to you all

As a born and raised New Zealander I have become very concerned by governments past and present by their keenness to include Maori in compensation or positions of power above all other races . The current government seems hell bent on courting Maori as if they are special and making payments and positions at a cost to the economy. As for seats in central and local government being available by law goes against my views and is undemocratic as we are all equal.

I therefore oppose such a move.

21337

From: Terry <>
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 8:42 a.m.
Subject: Constitution Conversation and my aspirations for New Zealand

Dear Panel Members

Firstly I appreciate the opportunity to be able to share my aspirations for this magnificent country and be able to express the concerns that I have for its future.

Over the past thirty odd years I believe we have allowed New Zealand to drift and descend into a country divided by greed and self interest. This coupled with the constant lowering of expected standards of its peoples, I believe, will lead us into a bleak and somewhat indifferent future, unless remedial action is taken immediately. Remedial action that will involve us all working together as one nation to reinstate the values that this country was built on. Hard work and responsibility to self and fellow citizens.

I believe the most pressing problem we currently have is the division that is becoming greater by the day between Maori and Non Maori that were represented at the signing of the Treaty of Waitangi (TOW). A Treaty that was entered into with the British Crown at the request of Maori. Firstly to install law and order in an effort to try and neutralise epidemic tribal infighting and cannibalism and secondly to provide protection against an anticipated French occupation. The British did not just arrive but were requested to come to New Zealand no less than three times by Maori. Twice they rejected the request. The British at the time (1830 -1840) had no desire to extend their colonies, however did so at the ongoing pressure and request of Maori Chiefs from around the Hokianga, Bay of Islands and associated locations.

A point that is lost on the New Zealand public and never referred to in despatches. If this was known and taught in our schools instead of the sanitised history of the TOW that is put forward I believe the attitude to the ugly colonist would be softened and maybe Maori would be able to appreciate just what the Crown has achieved at their request and invitation for the benefit of all New Zealanders. They may even say thank you so that attention could be focused on any real breaches of the 1840 Treaty, that were possibly transacted by either party rather than many of the current disputes that appear to have been imagined and/or manufactured by implication and manipulation of the facts by descendants of both parties.

This very basic, but constantly unreported fact, plus many other evidential reports from both Maori and Non Maori that are recorded in the writing of the times (1820 to 1840), and later, just do not reconcile with the way in which the TOW has been interpreted over the recent years by the Waitangi Tribunal (WT), Maori representatives (I hasten to add not all Maori), some member of the Judiciary and associated Ministers of the Crown. It is the findings of the WT that have never been scrutinised by contest of evidence or peer reviewed that has formed the basis for claims of injustice experienced by Maori due to alleged breaches of the Treaty.

It is this situation that troubles me greatly and I suggest many other fair minded New Zealanders, both Maori and Non Maori, as evidenced at the various barbeques and social gatherings I attend that always seem to include a discussion on what is seen as a total aberration and distortion of the facts that surrounded the signing of the TOW and the interpretation by the WT.

I respectfully suggest that this "Conversation" and any thoughts on discussing New Zealand's future cannot successfully be held until the intention and truth of the TOW are established and agreed in a final document by the majority of New Zealanders. To try and do so without finality in this matter will only lay the future open to continual discord and aggravation. Accordingly I would like to suggest that the Advisory Panel would be far better off spending its time and energies in getting Government to indulge in an open, frank and fulfilling enquiry into the place and actions of the WT in its interpretations of the TOW and all claims that have emanated from its actions. There is so much written evidence and commentaries, from accredited historians and writings at the time, that is at odds with the findings of the WT that it would be irresponsible for any Government to not review the process since 1975 and indeed the actions of those that have supposedly been acting in the best interest of all New Zealanders.

The words of History Professor Paul Moon in a recent article in the Sunday Herald sum the matter up very well and portrays the issue I have with the WT findings that it appears were made without a full, open and contested investigation.

"But - imagine if you come across something and you don't scrutinise it, you don't probe at it from different directions, you leave it alone?. That's intellectually dishonest. It's not history. It's made up

history."

Recently there has been much hand wringing about the misinformation and various actions of some finance company related directors that have been responsible for misleading the public. I suggest the findings of an official review into the actions of the WT and many of the TOW settlements that have been approved based on the WT's findings will portray a serious lack of transparency and honest review of written historical documents. The level of misleading statements and ill-conceived conclusions would make any accusation relating to finance company directors pale into insignificance I believe.

Does the Panel have the courage to bring these matters to enquiry and respective personal to account? If it did it is my belief that it would be doing a great service to the Nation and its peoples. It would go a long way to enable New Zealand to reach the overwhelming desired goal of most New Zealanders, to be "one people". The finding would provide a firm and unambiguous foundation that all people could respect and be used as a base to grow upon. If this were done then perhaps the TOW could then be seen as New Zealand's founding document rather than the catalyst for descent and disharmony as of now. Then we could have the "Conversation" envisaged.

My concern and statements above are confirmed and supported by a former WT Chairman who in a paper he wrote in 1999 admitted that New Zealand's history was being distorted by the WT in its efforts to rewrite New Zealand history from a Maori point of view for the ultimate benefit for Maori. If there is the slightest doubt of any dishonesty or manipulation surely it is all of our best interest to get it out in the open and establish the facts once and for all. How can we allow such strong evidence of wrong doing to continue without even an enquiry?

I believe all New Zealanders are owed this indulgence by current politicians to have the actions of the WT openly reviewed for it does not and should not have the self appointed position of arbiter and/or guardian of the interpretation of our founding history and relevant documents without peer review, by independent researches as a minimum requirement. If found at fault and responsible for an abuse of power then redress be put in place immediately. It is my opinion that the ever present and growing dissatisfaction with the status quo, will only further widen the gap and division between New Zealanders until resolved. The aggravation that is evident in day to day discussions will fester until somebody has the courage to place a line in the sand and prevent irrevocable harm to the future aspirations we all have for a fair and equitable New Zealand.

Only then can any consideration be given to the question asked by the Constitution Conversation Agenda, with confidence and honesty, to the ongoing future of our Nation and its children.

Before commenting on my aspiration for New Zealand I would like to make some observations.

1) The Submission Guide suggests the TOW as a founding document and that any Constitution should consider enshrining Treaty Principle as a prerequisite. Even if one agrees with this proposition I cannot see how this will be possible until all New Zealanders agree just what those principle are and have them clearly stated in a unambiguous document for all to respect and honour. As it is now nobody can clearly articulate them with certainty and therefore until agreed it is meaningless to consider them as a possible foundation for future laws and direction of Government.

2) It is my view and very great concern that the establishment of this panel is reminiscent of the 1975 establishment of the Waitangi Tribunal (WT) that Norman Kirk's Government established to specifically consider the alleged breaches by the Government of the Treaty Of Waitangi (TOW).

3) The WT was basically high jacked by Maori and supported by some self interested judiciary and parliamentarians, with little or no reference to the written history of the time nor historic research of those items and articles that have come to light since 1840. As Professor Paul Moon refers, without such research the findings can only be seen as "made up history".

4) The Waitangi Tribunal became a law unto itself and was basically put ahead of well established legal processes that the New Zealand Justice and legal system was founded on. This aberration disregarded the Westminster System and the right for justice for all. The WT became plaintive, defendant, judge and jury without the normal contested evidence or reviews by peer groups. Similarly there was no right to a judicial review that is normally available as a safety value to contest such Government actions and is paramount in English law upon which our legal system was based. In effect the middle men have basically overridden Parliament and thereby denied the people their right to appeal to the courts under the law regarding the manipulation of the WT and indeed many decisions made and recommended by that entity. The rights of the people as intended in the Constitution Act 1986 and Bill of Rights Act 1990 have been totally disregarded and abused in my view.

It appears to me the WT was transformed from a tribunal as intended by the Kirk Government to a racially based vehicle that was solely intent in assisting Maori to claim breaches of the TOW. To expedient this the WT reverted to re writing New Zealand history and simply, in many cases, without adequate, if any, research distorting the facts to accommodate this objective. I make this statement based on the plethora of evidence that is being made available by the growing number of well respected academics and historians who are collectively claiming that many of the grievance claims and settlements are not only unsupported by the facts but also have an element of what appears deliberate distortion in some instances.

5) What safe guards are there to ensure that the suggested Constitution will not be ambushed by self interest and greed as it appears the WT has been. I am very uncomfortable that the push by the Maori Party for a review as suggested is solely based on the possibility that New Zealand will become a Republic and if that happens by embedding the TOW into law will enable the gravy train to continue for Maori. The Maori Party has never expressed any intention to consider all New Zealanders before and is only interested in progressing the division of society and benefits for Maori alone. Why should that attitude change with this suggested review of the constitution.

6) An example of the effect of the WT achievements. The settlement of the Ngati Tuwharetoa Claim and in particular the Taupo Lake bed matter. The Tribe then go on to;

1. Seek to charge Air New Zealand for use of the air space above Lake Taupo.

2. Immediately and only days before the long established and international annual Taupo triathlon, that had been an annual event for years, claim a fee of \$58,000.00 or \$40.00 per head on each participant for the use of the lake bed to access the lake so that participants can complete the swim section of the event.

3. The latest stunt is to seek to charge Contact Energy for storing water above the lake bed that is used for electric power generation. Water that is used to produce power for all New Zealanders including for the benefit of Ngati Tuwharetoa.

Do the Panel expect New Zealanders to really believe that this was the intentions of both Maori and the British at Waitangi in 1840 and for the parties descendents to be subject to such distortion and uncertainty.

And

Is this the sort of New Zealand we can expect and aspire to if this greed and apparent unsubstantiated manipulation of the facts is allowed to continue without some interference of establishing fair and equitable governance of our resources and its people.?

Can all New Zealanders expect the same attitude to beach access of our coastline if the Marine and Coastal Area Act allows private tribal ownership that the National Government used as an incentive to influence the Maori Party to join it as a coalition partner? Not dissimilar to the sop that the Kirk Government gave to Matiu Rata in 1975 is it, and look what happened from that.

And then there is WATER?

Are we to expect similar stealth and manipulative outcomes in establishing a constitution that appeared evident in the WT development and then have the Treaty, without open research and debate, embedded into our laws with the obvious bias to Maori in the "running of our country"?

7) My concerns are further enhance when I look at the makeup of the Constitutional Advisory Panel and understand that 6 of the 12 have already, prior to any "Constitutional Conversations or submission reviews", publically noted their support for the Treaty to form the foundation for any

Constitution and future review of our laws. Accordingly how on earth can you call this panel independent and be sure that submissions will be considered without bias or the final report presented to the Minister of Finance without undue influence.

8) I am an average New Zealander who emigrated with my parents at a young age had have been fortunate enough to experience this wonderful country, contribute to its growth and provide a home for my family and grandchildren. My sole aim in this paper is to try and preserve the New Zealand way of life for them and all New Zealanders in a fair and responsible way. What is good for New Zealand is good for me and mine.

I ask that you stand still for a few minutes and consider my concerns, read the history of our Nation as recorded at the time it was being made and/or one of the many recent books that provide a critic of our history and the misplaced interpretation and direction of the facts by some of those seeking redress for some alleged wrongs. If you consider there is any substance to what I say I consider it is your responsibility to bring these matters to the Ministers attention and put in place a process for enquiry and review. If you do not consider that my comments have any merit I would very much like to meet with the panel members that consider I have erred so that they can show me the error of my ways and thoughts.

I am the first to support valid grievance claims but they must be supported by indisputable facts and comprehensive research of the facts that make up the matter in contention. We are talking of the very foundation and honesty of our Nation and I am not convinced that the WT have achieved this requirement in an unbiased manner.

MY SUBMISSION

My Aspiration for New Zealand

We are a country of two peoples that each have its own unique history and culture. I would like to see that both parties respect the others beliefs and join forces to make best use of our resources for the betterment of all in a fair and equitable way. This is our country and we collectively should set the rules.

1) New Zealand is still a very desirable place in our troubled world and it should be seen as a privilege to live here.

2) Accordingly we need to protect our heritage and good fortune , ruthlessly.

3) My aspirations for New Zealand is that I want New Zealand to regain its first world country status that has been gradually eroding ,in my opinion, due to lack of self discipline and responsibility of its citizens plus weak governments who are more intent on getting re-elected than doing what is best for the country. To assist this position I would like to see Governments made to fulfil the promises made in their manifesto that they present to voters and who placed them in office based on those promises. I want New Zealand to strive to regain its former position and standard of living in the world pecking order. Especially in;

a. Education - Education for all, professional and trade apprenticeships encouraging all to participate to the best of their ability and thereby set them on a goal to contribute to New Zealand and its well being thereby increasing their personal betterment as well as that of the Nations as a whole.

b. Law and Order - Zero tolerance for law breakers and those who commit serious crimes on fellow citizens.

c. Health - A health system that is up with the best and available to all citizens.

4) A Country with one law for all, no exceptions.

5) A Country of equal opportunity for all, no exceptions.

6) A Country with an established and accepted code of conduct for all with no exceptions.

7) A Country that cares for those truly unable to care for themselves.

8) A Country with Law and a Code of Conduct aimed at the lowest denominator being the individual for each and all to aspire to and demonstrate;

a. Individual discipline and personal responsibility for self.

b. Be truly accountable for own actions.

c. Freedoms of speech and actions exercised without infringing on the same freedoms and expectations of other citizens.

d. Stop the underline assumptions of many New Zealanders that the "world owes them a living" and that the State is there for their benefit as of a right.

e. Appreciate individual rights are earned not given and if an individual offends the Code of Conduct in a serious manner all associated rights are immediately deferred.

Accepting and knowing that self responsibility and discipline pre- empts any rights that individuals may have

9) Re introduce basis family discipline where a smack is understood and differentiated from a bashing.

10) Similarly teachers are given, and the law supports, the right to reasonably discipline children that portray bad behaviour and lack of respect.

11) Parents sign to accept that if the State pays for schooling then they are responsible for their children's behaviour.

12) Zero tolerance for law breakers.

Immigration , an ongoing requirement as New Zealand grows

13) Cherry pick as we did in the 50s and 60s to get the calibre of emigrate we need both skill wise and with the full ability and compatibility to immerse into the New Zealand society code of conduct.

14) All immigrants accept New Zealand as a basic Christian country. Immigrants who integrate and wish to contribute to New Zealander and support the very way of life that attracts them to New Zealand, for other like minded folk.

15) If immigrants cannot show that they can pay their way and contribute to the ongoing benefit of New Zealand they are not given approval to settle here.

16) We cannot afford to keep allowing those seeking handouts from the day of arrival to settle in New Zealand. If we decree that aid is required we should make that aid available to the home land of those peoples, starting with Polynesia. To try and bring their standard of living up to ours not allow them to bring ours down and make our health, education and other social services less effective for New Zealanders and thus make it more difficult to reach our goals for New Zealand and New Zealanders.

17) If immigrants seriously breach our code of conduct or our laws within 10 years of arrival they are made aware at the time of entry they will be immediately deported. No appeals.

18) Seek immigrants who integrate and wish to contribute to New Zealander and support and better the very way of life that attracts them to New Zealand in the first place.

New Zealand's Constitution

19) No I do not think our constitution should be in a single document as the way it is now has stood the test of time and complements the Westminster system that our legal system is based upon. It is my believe there are much more challenging matters, as noted above, that need addressing before we tamper with the current workable legislation.

20) I am firmly opposed to the inclusion of the Treaty of Waitangi or its unstated principles into any current or future laws or undertakings made by Government.

21) Equally I am very suspicious of the promotion of the constitution review managed by the Maori Party and cannot help but think that the ulterior motive is a ploy to try and protect the TOW gravy train industry if and when New Zealand becomes a republic. If that happens the claims against the Crown will have nowhere to go. However if the TOW is embedded in the constitution and laws the grievance industry is protected forever.

22) I do not consider that our constitution should have any higher legal status than other laws.

23) It is Parliament's role to decide whether legislation is consistent with the constitution, or the other way around. The Courts and the Judiciary are there to support and implement the law not make law. Reason being the Judiciary are not responsible or accountable to the people and are not voted into office as their representatives.

24) To see the damage that independent unelected Judiciary can do you only have to look at the TOW and WT debacle and who the prime movers seem to have been without any mandate or authority to act for the people.

25) This aspect and the international phenomena, that seems to be the growing desire of Judiciary, to gradually get a creeping hold on the law and particularly the aspiration of many Judges to have an input in making the law should not be tolerated. The judiciary should have no input in law making unless their advice is requested by Parliament as advisors only.

The Bill of Rights

26) Yes I believe the current legislation protects my rights adequately. However I am very concerned that all we hear about these days is "Rights", it is my belief that rights have to be earned. Consequently I would like to see a Bill of Responsibility to be part of any reconsidered Bill of Rights.

27) I think the 1990 Bill of Rights is adequate and does not need any refinement.

28) No I do not believe the Act should have any higher status than other laws.

29) Parliament should have the power to decide whether legislation is consistent with the Act for the reasons given in (23, 24 and 25) above. However I am drawn to the recent concerns of the Law Society and the number of bills declared by Ministers that seem to be in breach of the Bill of Rights. The comments of the Law Society reflect and supports my claim and concern at the lack of transparency and accepted direction in the WT legislation and its modus operandi that in my view offend both the Bill of Rights and current Constitution.

30) Although I do not wish to see the Judiciary making law I would like to see them as responsible for ensuring that the rights of the people as in the Bill of Rights are adhered to in every way by Ministers who make the law. Thereby ensuring that the people have the rights to appeal to the Courts, as of right, to uphold their rights under the law. A option that was denied in the WT matter and approval of subsequent claims.

Treaty Of Waitangi

31) As noted the Treaty is an agreement entered into at the request of Maori to enable the installation of British law and order to neutralise tribal infighting and cannibalism. In return for that Maori agreed to certain terms and conditions of conduct. The interpretation of these terms and condition are the fundamental reason why there is so much discord and resentment by both Maori and Non Maori.

32) Until these issues can be resolved the TOW should have no role in any constitutional review. To try and do so would be tantamount to mortgaging future generations expectations to bitter disappointment and disharmony far greater than we have ever seen. To a certain extent it is the lack of a clear understanding of the TOW by all New Zealanders and its 1840 intentions that is causing the growing disharmony amongst New Zealanders. That is why we need an enquiry with full research of the facts to enable a clear unambiguous understanding for all.

33) It is our generations responsibility to resolve this growing standoff.

34) The Treaty of Waitangi should not be made a formal part or any part of the constitution. The agreement was between Maori chiefs and the Crown to bring law and order to New Zealand as well as over all protection. The Crown has done that and the TOW has fulfilled its intentions. It should be assigned to history as such unless we make an issue of getting the current disharmony surrounding the TOW resolved by researched and properly reviewed to establish accepted and agreed principles of the TOW by the majority of all New Zealanders. We should then reconsider the issue.

35) As mentioned I cannot see as to why if the people of New Zealand vote for the country to become a republic, as is likely in the future, then the intension of the Crown back in 1840 should be a legacy that the remaining New Zealanders should be stuck with, particularly as there is so much doubt in the way that some Maori are trying to manipulate the words of the time (1840) for their ultimate benefit and financial gain.

Maori Representation

36) The premise of the Treaty is " that we are one people" with equal rights and opportunities.

37) If we are one people why do we need to differentiate between Maori and Non Maori views. However at the present time Maori have 23/122 or 18.9% of Parliament members compared to 15.2% of the population. On that basis Maori are well represented and some would say over represented if based on ethnicity, which in my view should be irrelevant. If this figure is extrapolated to take into

account the percentage of Maori Role voters who choose not to vote on the General Role but seek separate representation the figure of Maori Role voters to estimated eligible voters is approximately 6.99%. That is 6.99% of the population seek Maori representation and have 18.90% as at today's date.

Even when deducting the obsolete and undemocratic Maori seats there is still around 13.30% (16/120) of Maori members in Parliament. This does not take account of the allocation of ethnicity i.e. 1/16, 1/32, 1/64 or less etc and you are still considered Maori which if allowed for rather than a more realistic 50% blood line cut off promotes Maori representation well in excess of the above percentages. However as mentioned above to me the numbers are irrelevant as long as we get the best representation.

38) Surely this proves the point, regardless of race we need the best people and that Non Maori will accept a greater percentage of Maori if they are seen as the best for the management of New Zealand. Maori do not need quotas if they are good enough they will get elected as the above proves.

39) To impose a number of specific Maori seats or percentage of members whether in Parliament or local government is indeed racist as it implies that Maori are not good enough and need special attention. The facts and numbers speak otherwise.

40) A further fact is the lack of apparent support by Maori of the Maori Role and despite significant investment of taxpayers' money in advertising for Maori support of the Maori Role the support remained basically unchanged between the Maori role and the General Role. This is Maori talking by the ballot box. On this basis only 6.99% of the estimated eligible voting population seek separate Maori representation compared to 18.90% of Maori members in Parliament if the Maori seats are included or 13.30% if not. These figures make a mockery of any claim that Maori are not reasonably represented if that is seen as important. See 39

41) The main advocates of set Maori representation are the same folks that are determined to "divide and conquer" and really do not share the view that we are one people. This attitude appears to emanate from the pre Treaty Maori way of absolute power in a feudal sense that is at direct odds with democracy in modern New Zealand. The so called Maori elite are the ones who have lost power due to the spread of democracy and individual rights which are at odds with the old Maori way. Prior to the intervention of the British Maori appeared to lead an almost Talibanistic type of existence where individual equality and rights just did not exist, particularly for women. Is this the Maori way that the elite wish to try and protect?. At the expense of all New Zealanders including Maori that are at the bottom of the feudal structure.

42) By having specific representation based on ethnicity is a way that the feudal system can be protected by the "Maori Elite" so they in turn can influence the running of New Zealand without the democratic support of the people. It is wrong and short sighted.

43) If Maori views and perspective are best for New Zealand and New Zealanders we should all be able to share in them whether in Parliament or local government. By allowing the continuation of Maori seats and their race based views and requests will continue to promote anger and discontent. The best policies should be adopted whether promoted by Maori or Non Maori for all New Zealanders.

44) To have forced ethnic representation is at odds with the most basic TOW agreed Principles (one that is so simple and clear that it cannot be disputed even by the WT) and that is "that we are one people".

45) It is time to tidy up the situation that we have people with less than 50% Maori Blood in their veins to be considered Maori and thus enable this race based system that we have adopted over the last 30 odd years to be fuelled with the ulterior motive in most cases to achieve an unfair share of the pie.

46) How can it be considered democratic that a persons with more Non Maori blood than Maori blood can vote for the benefit of a minority group, that is given unsubstantiated benefits, to which they do not belong and by a whim can join that group to claim their share of the spoils.

47) What you are is what you are and as they say " you can fool some of the people some of the time but not all of the people all of the time." I am concerned we are starting to run out of time and that this country will rip itself apart if common sense and fairness are not given an opportunity. Fairness and firmness for both Maori and Non Maori to share the same goal for all New Zealanders.

48) There should be no reserved representation for Maori , however we should encourage the best people Maori or Non Maori to stand for office in Parliament and/or local body politics, regardless of ethnicity, real or imaginary. The likes of Shane Jones or Simon Bridges although of Maori decent are but a few of the examples of individuals that have made their way and supported by all New Zealanders. They do not need any special artificial assistance and should prove that specific Maori representation is not needed.

Electoral Matters

49) I believe there should be 63 members in Parliament, one for each electorate that represents the will of the people in that electorate. The list vote should be then be added to the voting power of those elected members on party lines. It is nonsensical to have members, with associated overhead and clutter, who are not voted in by the people to be able to influence decisions that affect us all just because they are on the party list and will follow the party line. The Greens for example are responsible to nobody other than their own party. All care (maybe) no responsibility or accountability. This is where I started at page one requiring responsibility and accountability

The 1999 referendum saw the people vote (81.5%) for the number of seats be reduced to 99. This was ignored so what has changed to think that members will take heed of any new request made by the people. Can you really envisage the smaller parties voting for any reduction in the member seats?. We hear particularly around election time about the people's rights and that politicians are there to follow through the people's democratic wishes. It is about time this was so.

The length of time should stay the same for if the party in power proves good enough it will be re

elected. If they are not or are not acting within the peoples wishes they will be replaced.

The election date should be fixed so that all aspirants are playing on a level playing field. Why should the current party in power have preference to an opposition party seeking power. It is for the people to decide and all aspirant should share the same opportunities and no advantage given.

Party hopping should not be available as it is totally against the wishes of the people that put the member in power at the time the vote was taken.

50) I also consider that the elected government should be made to stick to its manifesto that it promotes during the run up to an election and if it wishes to deviate from its manifesto it is to require a 75% support of parliament vote or have a binding referendum. Two examples of the way the public vote has been abused is in the Clark Labour government, deciding unilaterally that New Zealand should cut ties with the Privy Council and to cynically offer student loans that put a significant burden on future generations solely to win an election. Labour should not have been allowed to mortgage our future without consultation.

51) Similarly the Key National Government undertook to its voters to discontinue the Maori seats in the 2008 election, if it became Government. Many voted for this, however Key never honoured his commitment and abused the voters trust accordingly. Instead he turned 180 degrees and went into coalition with the Maori party. He should not of been allowed to do this unless he went to the people to get a new mandate for this change in direction.

52) I would like to see a major effort to establish a web based electoral system that would enable prompt, binding referendums. With the smart technology folk we have in New Zealand this should be a relatively easy task. Perhaps the Electoral Role could be utilised with thumb print recognition to record votes. This technology is available. The Politicians would not like it but it could be a very stabilising factor for the people and it would once again put New Zealand at the forefront of democracy and break new ground as we have been known for in the past.

In summary I cannot help but arrive at the conclusion that the elements other than the Treaty are but sideshows to the main issue that this "Conversation" is about and promoted by the Maori Party. I am very sceptical and wary of their true intention, however all I want is what is best for New Zealand and that to be decided by the true democratic input of all its people. Similarly I want the growing divide between some Maori and Non Maori to stop before we rip ourselves apart and for the interpretation of the TOW, as intended in 1840, to be researched in an open and transparent way so that the findings can be decided on by the people and then set in stone for all to abide by.

In wishing for the above the words of my late mother come back to haunt me. " There are always two sided to every story and then there is the truth". It is time to get to the truth, accept it and move on for the benefit of all New Zealanders.

Thank you

Terry Haydon
31/07/2013

