

992

From:
To: <constitutionalreview@justice.govt.nz>
Date: 30/05/2013 2:45 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Brendan Thomas Hogan Organisation Name: N/A Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Wellington Postal Post
Code: Postal Country: New Zealand Submission: All New Zealand citizens have equal
rights, and are equal, before the law.

All New Zealand citizens have equal standing under the terms of any Constitution.

No ethnicity has any standing different from any other ethnicity in terms of the Constitution.

No ethnicity has preferential standing or special provisions different to any other ethnicity under the Constitution.

New Zealand in the 21st Century, and presumably in following centuries, is a multi-cultural society. Any constitution must therefore treat all citizens equally.

All Treaty of Waitangi claims should be settled and redressed before any Constitution is adopted.

The Treaty of Waitangi should not be part of any Constitution.

The matter of whether New Zealand should or should not be a republic, or future transition to becoming a republic, and the consitutional framework between citizens and government in any constitutional arrangment, should be added to the Constitutional Review.

New Zealand is currently a constitutional monarchy and it is a glaring ommision of the Constitutional Framework that the merits or otherwise of New Zealands constitutional governance - constitutional monarchy versus a republican model - are not addressed in any consitutional review. This should be included in any consitutional review.

Any draft, and alternative versions, of a Constitution to be subject to consultation and voting on by the voting population.

Adoption of any Constitution to be subject to the majority approval of the voting population by binding Referendum to which parliamernt must defer.

Any change to the governance structure of New Zealand (including change to the structure of parliament, or creation of a second house of parliament, or change from constitutional monarchy to republic) to be subject to the majority approval of the voting population by binding Referendum to which parliament must defer.

That there be no name change to the country without majority approval of the voting population by binding Referendum to which parliament must defer.

Sent on the 30 May 2013 at 14:45

4323'

From: kane hogan
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:22 a.m.
Subject: CAP Submission

This opportunity is ill publicised or pushed into proper accessibility for all, GIVEN ITS IMPORTANCE.

The process of gathering peoples aspirations from all of New Zealand should be pushed as comprehensively insistent, as CONSENSUS.

Without that harder work put in to publicise and assist everyone to participate by a door to door approach backed by an empowering crew and administrative enthusiasm, it still appears to be... and is, a weak attempt to REALLY WANT TO KNOW.

"More for all.
Less for none.
What I want for myself,
I want for everyone".

Sincerely

Kane Hogan

4501

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:46 p.m.

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

Full Names: Mr Reon HOGG Organisation Name: The CitizeNZ Party Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Tauranga Postal Region: BOP Postal Post Code: Postal
Country: New Zealand Submission: A New Zealand constitution needs to include the following.

Total equal rights for gender, race, religion, ethnicity.

So to remove gender pay inequality, race / ethnicity based political parties, religious bias in parliament (as we currently have) making it secular, as with removing religion from schools.

Removal of all UN-elected political positions, thus paving the way for an elected head of state freeing us of the tyranny of monarchy.

The right for citizens to not be spied upon.

The right for citizens to bare arms.

Binding referendums,

freedom of speech.

The Right to a Lawyer,

The right to remain silent.

The right to practice ones own choise of religion,

Submitted on the 31 July 2013 at 21:45

1371

From: "The Hoggards"
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:35 a.m.
Subject: A NZ Constitution

I firmly believe 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.

Robert Hoggard

Katikati

1160

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

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

Full Name: Rangi Virginia Erimu Hohaia Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Panmure Postal City: Auckland Postal Region: Auckland Postal Post Code: Postal
Country: New Zealand Submission: My aspirations for NZ is to be a country that leads the world
in equity, justice, freedom & fairness.

Around the world indigenous peoples have drawn the short straw - let's not be a country that forgets our embarrassing past along with all the injustice committed. I think we should entrench Te Tiriti o Waitangi into a written constitution. I think we should incorporate it in a way where Maori are finally given the rights they were promised in 1840, but also in a way that benefits and protects all New Zealanders.

I think Parliamentary supremacy should be further limited through a written constitution so legislation birthed out of ignorant public panic can't be made, (hello 2003 Foreshore & Seabed case).

Lets be one of the only countries that respects the first law of the land and demonstrates the capacity & skill to right our past wrongs while benefiting everyone.

Kia ora,

Rangi Hohaia

Sent on the 8 June 2013 at 10:45

845

From: Te Aroha Hohaia
To: <constitutionalreview@justice.govt.nz>
Date: 14/05/2013 9:57 p.m.
Subject: Submission: Constitutional Conversation
Attachments: 2013-05-15 Constitutional Conversation - Submission Te Aroha Hohaia.pdf

Kia ora rā

See attached.

Ngā mihi

Te Aroha Hohaia

associate *☐* trustee *☐* councillor *☐* tramper *☐* student *☐** *nan

.....

*
|

*[image: Facebook icon]
Twitter icon]

This email is just for you.

Te Aroha Hohaia

associate ☐ trustee ☐ councillor ☐ tramper ☐ student ☐ nan

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

Submission: The Constitution Conversation

Tēnā rā tātou katoa

First of all, thank you for having this conversation.

It makes a lot of sense to think first about our aspirations. So with my mokopuna in mind, I want Aotearoa New Zealand to be a country where people really are the most important thing in the world: He aha te mea nui o te ao? Māku e kī atu, he tangata, he tangata, he tangata.

And here's what that looks like.

On a day-to-day basis, we can put nutritious food and clean water on our table not only for our families and whānau but also for our guests. We all live in warm dry homes powered by renewable energy, networked to affordable telecommunications and serviced by sound infrastructure. We all have access to good basic health services, education, protection and justice. We all know our neighbours so if ever we need help whether the emergency is a personal one or a state of emergency, we know who we can turn to. No matter who we are, we live and die with respect and dignity.

We enjoy freedoms to pursue interests and express ourselves in meaningful ways so long as we hurt no one (and that includes property). We all have purposeful work and what we do is valued whether it's paid or unpaid. We're all involved in policy decisions that affect us. We are active in the way we look after our environment and take our roles as kaitiaki very seriously. Our elected members know that they represent those who voted for them as well as those who didn't.

We take a long view to planning ahead. Instead of thinking in three-year blocks, we think in generations. Aotearoa New Zealand is a great place to raise our children to be good people who know what's important, what they're good at and who they are in the world. What's more we're good at it because parents are valued and supported to be the best parents they can be. Children are a local, a regional and a national priority.

Here in Aotearoa New Zealand, not only do we know our rights but we also know our responsibilities and duties. Our expectations of each other are well understood. We take a long view, look after the environment, give credit where it's due, invite people to have a say on decisions that affect them, treat others as we expect to be treated, give people a fair go, celebrate successes and take responsibility for our actions.

These few paragraphs outline my aspirations for Aotearoa New Zealand and are the basis for the slightly more detailed responses below to the questions for the Constitution Conversation.

Treaty of Waitangi

Thinking of the future always requires a reminder of the past. We need to know where we have come from to make a really good go of where we are going. The Treaty of Waitangi / Te Tiriti of Waitangi is well regarded as Aotearoa New Zealand's founding document and has been a major influence on the way the country has evolved and matured. Treaty of Waitangi / Te Tiriti of Waitangi established the foundation for the distribution of public power in Aotearoa New Zealand. It must, therefore, be a key feature of the Constitution.

If the Treaty of Waitangi / Te Tiriti of Waitangi is part of the Constitution, our children will learn about it because the Constitution will be on the school curriculum. Immigrants will need to learn about it because as part of their preparations for entry, they will be expected to learn about the Constitution and by extension, the Treaty of Waitangi / Te Tiriti of Waitangi. Policy analysts and lawmakers will also have a framework that will help them design policy and laws that are 'in accordance' with the Constitution and therefore the Treaty of Waitangi / Te Tiriti of Waitangi.

Māori Representation

Māori Seats

In my view, Māori as tangata whenua of Aotearoa New Zealand are a constitutional partner as established by the Treaty of Waitangi / Te Tiriti of Waitangi. This partnership must be properly recognised in the Constitution.

However, whether that means retaining Māori seats as we move forward will depend on a number of inter-related factors. One is to do with Māori achievement and until Māori are no longer distinguishable in the socio-economic statistics, Māori representation needs to stay in place to remind us all that there are inequalities that have yet to be addressed in the founding constitutional partnership of this country.

Achieving the first factor will depend on how effectively national and local government can respond to Māori worldviews to issues and incorporate Mātauranga Māori into the way it does things. These first two factors depend on how our country's mix of representative democracy and participative democracy evolves. A more participative democracy will provide considerable opportunity for Māori views to be put forward but a representative democracy that expects those elected to represent groups, organisations, wards, electorates or peoples to forgo those interests in favour of the interests of organisation, district or country that they govern may not.

All of these factors then depend on how the lack of knowledge about the constitutional partnership between Māori and the Government amongst voters is addressed. While this partnership continues to be poorly understood, Māori seats in their current form should remain.

Māori Wards in Local Government

As to whether Local Government should have Māori seats also depends on the same factors outlined above as well as a couple more. In my opinion, the primary factor is the constitutional status of local government. While local government features strongly in the way public power is distributed, any delegated authority is subject to political whim and taskforce recommendations. Constitutional status will provide security against interest-specific reforms, and provide some certainty to support enduring local and regional partnerships with iwi and hapū.

Another factor is the way the number of Māori seats is calculated. At most, South Taranaki could have two Māori wards to accommodate political aspirations of four iwi (Ngā Rauru, Ngāti Ruanui, Ngāruahine and Taranaki) as well as taura here. The electoral formula is not responsive to the socio-political reality in our district. It may work differently elsewhere but in South Taranaki, the electoral formula even for elected members in general becomes more complicated as other factors are introduced (voting at large or by wards, changing the number of elected members or changing ward boundaries).

Electoral Matters

Fixed Terms

The term of Parliament should remain at three years with fixed election dates. It provides certainty for the voters, allows elected members and parties to plan ahead and supports good use of staff resources.

Electorate Sizes

In terms of what should be taken into account when the size and number of electorates are decided, one factor that is not at all adequately addressed is geographical coverage. Te Tai Tonga, Te Tai Hau-ā-uru and Taranaki-King Country are examples where MPs must travel extra-ordinary distances to do a proper job at meeting with and listening to the people. If population is the preferred basis for electoral boundaries, then electorates such as these need to be properly and adequately resourced; otherwise make them smaller so that they are manageable.

Māori Roll

As an aside, I also think that anyone should be allowed to enrol on the Māori electoral roll. There are individuals who are Māori in mind, heart and soul who may not be of Māori descent. Find a way for them to enrol if they so choose.

List MPs

In relation to a Member of Parliament who parts ways with the party from which he or she was elected, an Electorate MP should retain his or her seat because the electorate voted for the person not the party. As for a List MP, the next person on the Party List should

replace him or her because List MPs are there on the party vote. There should be no opportunity for List MPs to go 'independent' or change parties. The electorate vote is a vote for the person and the party vote is a vote for the party.

Bill of Rights Act

I do not know enough about the Bill of Rights Act to determine whether it protects my rights enough. To date, I have not needed to test the adequacy or currency of its coverage. I do believe it should be a framework against which all policies and laws are tested whether that by the design stages by policy analysts, in Parliament or through the Judiciary. We cannot have laws that given no regard for our Bill of Rights especially when Aotearoa New Zealand wishes to raise human rights issues at an international level. I also believe it should have a higher legal status than other laws because it explicitly upholds the moral dignity of the person.

New Zealand's Constitution

Written or unwritten

I don't think it's absolutely necessary for our Constitution to be in a single document although it sure would be helpful for easy reference.

National awareness

But regardless of whether it's written in a single document or unwritten across multiple sources, what's really needed is a better awareness of New Zealand's Constitution. People need to understand the way public power is distributed: who can do what when where how and especially why. If they know, people can then hold our civic leaders to account.

Legal status

Our Constitution should have a higher legal status than other laws. It should be a foundation on which all other laws and policies sit. Politicians will then have a framework through which to filter their political platforms and moderate their political messages. Policy analysts and lawmakers will have a rigorous framework against which to design policy and draft bills. The Judiciary, if required, will have a constitutional framework against which to test for inconsistencies.

The role of Judiciary is critical because it provides an opportunity for redress in unjust situations and it acts as a check against authoritarianism in Parliament and Cabinet. What's more, the Judiciary will be full of constitutional experts whereas Parliament is not.

Confirm by referendum

Whatever it's form, it's essential that our Constitution is secure against political whim. Any changes to our Constitution should be confirmed by a binding referendum conducted at the same time as the General Election. Indeed, with good planning, Aotearoa New Zealand could have a rolling review of our Constitution.

Head of State

A question not asked through the Constitution Conversation is about whether we should retain the Queen (of King) of New Zealand as our Head of State. When Queen Elizabeth dies, let's get our own Head of State.

Thank you again for having this conversation.

Ngā mihi

4933

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 5:54 a.m.

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

Full Names: Ngarama Hohepa Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Whangarei Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The Treaty of Waitangi is a
legal binding document and a very very very important document for New Zealand and will and must
always be a part of New Zealand's constitution forever.

I request more education is provided to our people about the Treaty of Waitangi and Maoritanga.
Previously the government ensured my generation, my parents generation, my grandparents
generation were deprived of that information .. we must end that. Our government
need to immediately implement more education is provided to all students and children about the
Treaty of Waitangi and the history of Maoritanga at all schools and childcare providers, instead of
teaching them the history of Hitler and the German history.
This must be implemented in all school and childcare providers curriculum's nationally.

Submitted on the 26 July 2013 at 05:54

2068.

From: "Russell Hohneck" <
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 1:42 a.m.
Subject: CAP Submission

I believe we should abolish the Maori seats for it divides the nation. It teaches our people we are two people groups and therefore are not one nation. We should be one nation of people with equal opportunities for all. Political candidates can be of any ethnic group but should be able to represent all peoples in their electorate. Pretty simple really and as long as we have Maori seats in the house then we will have division in our nation. Abolish them immediately.

Russell Hohneck.

971

Constitutional Advisory Panel.

C/O Ministry of Justice

My submission regarding the C.O.J. constitutional Review is that I want NO change to New Zealand's unwritten constitution it has served us well since the 1852 Constitutional Act was passed our founding document. It may require some alteration in the future, but not a race based constitution.

Equality for all, One People One Nation.

Sincerely

J. G. Holdaway.

P.S

I am violently opposed to any change whatsoever in our constitution & the only reason the maori's want change is to gain control over the country which is a racially based idea & if you people are too dumb to see what the rest of New Zealanders can see God Help us because He's the only one who can or will.

4800

From: betty holden
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 31/07/2013 4:00 p.m.
Subject: CAP submission
Attachments: Constitution.docx

Kia ora,

Attached is my submission for consideration.

Betty Holden

Tena koutou,

I Betty Holden would like to have this submission included into this current process for consideration.

1. This submission seeks to establish the following understanding as the Central Pillar of the Constitution for the House of Government for the Future New Zealand.

- That the constitution of Aotearoa/New Zealand places the Tiriti o Waitangi/Treaty of Waitangi as the foundation document upon which the modern state of New Zealand was established between Māori and the British Crown of 1840.

-The Central ethos of this foundation document was to recognise by the treaty the inherent rights of Māori as the founders of this land, and guarantee to Māori ownership of their lands and taonga, and to share in the future governance of Aotearoa/New Zealand with the British Crown and her Descendants.

2. All other subsequent developments - including the Bill of Rights, democratic rights introduced through time for justification for the usurpation of Māori rights, laws of parliament passed against those fundamental rights - shall remain subservient to those fundamental rights established by the Treaty.

Noho ora mai,

Betty Holden

Ngati Maniapoto

Wellington

2201

From: "Denys Holden" ·
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 12:30 p.m.
Subject: CAP Submission

Where else in the Democratic world are there members of the "house of representatives" whose election is based on RACE.?

The Maori seats should be abolished although from the present Governments point of view that would cause it to lose support by the left leaning Maori voters being spread amongst all the other seats.

This is something we must do for the future of New Zealand.

The Maori seats were created by Victorian European Colonial Society so that they did not have to give a full vote to the Natives.

The Maori have been disadvantaged ever since.

Regards Denys Holden

5126

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:05 p.m.

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

Full Names: Patricia Ballance Holden Email: Phone:
Postal AddressA Postal City: Postal Region: Bay of
Plenty Postal Post Code: Postal Country: New Zealand Submission: I think that our
present constitution serves us very well. I do not want us to adopt a "written constitution".

Submitted on the 15 June 2013 at 12:06

4206

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 3:14 p.m.
Attachments: IN the matter of a submission on the Constitutional Review2.pdf

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

Full Names: Andrew Holgate Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Whangarei Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: IN the matter of a submission on the Constitutional
Review2.pdf

Submitted on the 30 July 2013 at 15:13

IN the matter of a
submission on the
Constitutional
Review

SUBMISSION

Submitted by:
Andrew Holgate



Whangarei

Email:

INTRODUCTION :

- The current Constitutional discussion is the embryonic stage of an important discussion.
- Consequently I haven't submitted a formal legal submission but have chosen a personal perspective to motivate what I am saying.

A PERSONAL PERSPECTIVE :

- I am a barrister by profession.
- I grew up in South Africa and spent the formative years in my profession practising in its Courts. The experience lends an invaluable perspective of another nation's painful transition to an open and democratic society.
- The first thing that I would take aim at is the concept of parliamentary sovereignty. The concept may have been appropriate at the time of the Glorious Revolution, but has caused considerable grief since then. Even the United Kingdom where it had its genesis is troubled by its continued existence.
- Not to put too fine a point on it, parliamentary sovereignty was exported to South Africa as a "Best of British" concept and caused 40 years of apartheid – to start with.
- I was a university student in the late 1980s, in the period of draconian security legislation and successive states of emergency and can remember some unhappy aspects of untrammelled government powers such as:
 - Banning freedom of assembly;
 - Banning freedom of speech;
 - Detention without trial.
- In the latter instance I can remember how some of the students at the University would just disappear during the night and only reappear some weeks later.
- There has to be a higher measure that a government needs to account to. Governments that answer only to themselves are not answerable at all. The answer that governments answer to the voters is chimera because a government that gets the opportunity can change the parameters of the electorate – for starters. The demise of the Weimar Republic is a striking example.

OTHER OBSERVATIONS :

- The drafters of the United States Constitution were quite clear that good intentions are not enough. There needs to be a point of reference to which all parts of the state are accountable.
- A judicial testing right of legislation is essential. The Courts play a critical role in safeguarding all members of society including the marginalised and the social pariahs. The Courts cannot usurp parliament, but they should enforce accountability to our nation's foundation document.

WHERE TO ?

- A Constitution needs to be formulated in an environment where the partisan party policy of individual parties is excluded.
- The drafting needs to be through an assembly or a commission that has the confidence of the nation as a whole.

CONCLUSION :

- New Zealand has come of age as a nation and paired with that comes the responsibility of crystallising the nation's goals and aspirations in a map that points to the way ahead.
- New Zealand as a nation has outgrown the casual arrangements in place, and which are open to abuse by parochially minded, transient politicians.
- A Constitution that is Supreme Law is something bigger than one government and one generation and this bigger picture needs to come to the fore.

Andrew Holgate

761

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 3:51 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Frederick Holland Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland, Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: The constitution should ensure that all New Zealanders are equal citizens of one
country. To achieve this the Treaty of waitangi should not be incorporated into this document as any
mention will lead to a divided nation with excuses for continual litigation.
All citizens must have equal rights and responsibilities under the law . X

Sent on the 6 May 2013 at 15:50

761a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 4:04 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Frederick Holland Organisation Name: Email: Phone:
Postal AddressA Postal AddressR: Postal City: Auckland
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
The treaty of Waitangi should not be incorporated in the constitution because it leads to a divided
people and shifts law making to the courts.

Sent on the 6 May 2013 at 16:02

7616

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 4:09 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Frederick Holland Organisation Name: Email: Phone:
Postal AddressA Postal AddressB: Postal
City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: We do not need a written constitution as it would shift law making away from
the Parliament and put it to the unelected legal institutions

Sent on the 6 May 2013 at 16:08

761c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/05/2013 4:21 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: Frederick Holland Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: Members of Parliament should not exceed 100 to control cost and to ensure
that they are all gainfully employed. Term should be extended to 4 years to give time for policies to be
put in place in a careful and considered way. The exact date is probably
best left for the PM to make to fit in with the sitting government's timetable. Electorates should be
based on population equity. Ideally Maori seats should no longer be required as all New Zealanders
have the same opportunities for representation.

Sent on the 6 May 2013 at 16:20

7 March 2013

Constitutional Review Panel
Parliament Buildings
Wellington

Gentlemen,

I want to register my strong opposition to the suggestion of a written constitution for New Zealand. I lived most of the past few decades overseas in several countries that had written constitutions. I was politically-active there, and once in New Zealand too (rising to electorate chairman status.)

I'm sure you're well-aware of the political and legislative nightmares that written constitutions cause, not to mention the expense, time-wasting and endless arguing by erudite and talented people whose skills would be far-better used elsewhere, so I won't duplicate what I'm sure you'll read in the submissions of others. I'll just say that I believe our system works far better than, say, Australia, America, Russia or Germany, for a start.

Legislatures become more tangled in their own webs each year and a country's legislation becomes more-complex and harder for the citizenry to understand and comply with, each year. It used to be that "ignorance of the law" was no excuse. Good luck trying to avoid ignorance today, when even lawyers no longer know it all. To me, it makes no sense to add an extra burden by adding a written constitution. The fact that we are in the very small minority lacking a written constitution, is to our benefit, not something we should see as a shortcoming.

While I have your attention, let me please add some extraneous corollaries. Even though I know you're not tasked to take notice of same, I will feel better putting some other views in a forum that is at least vaguely connected.

I support the abolition of the monarchy. I would prefer us to be a republic but not with a president *and* a prime minister. The US manages without both, why couldn't we?

And I would not support a second chamber. Australia's is a joke, with some cabinet members selected from what is supposed to be an independent house of review. However, I would support a merger with Australia subject to conditions.

Closer to likelihood, perhaps, I would support a greater — *much* greater — harmonization of our affairs with Australia's. Same currency, same flag, same national anthem, no passports needed for trans-Tasman travel. (After all, it worked fine in...the sixties and seventies was it? Who took that freedom away and why? We need a closer alliance with Australia and we need it *now*, before some looming disasters arrive.

Global warming, population explosion, depletion of resources, are all threats that mankind has never faced before so, perhaps, it's understandable that our leaders are asleep at the wheel, blind to the coming

catastrophes. Everyone agrees we should all do something about global warming but *no one* is doing anything meaningful because no one wants to be first. This is beyond dangerous.

What would we do if ten million Indonesians were to arrive in bulk, with the support of their government, because their country is being flooded by the rising sea? Or because there simply is no more room in their country? (And by the way, stop calling our new “boat people” refugees. They are not, by and large. They have just seen how we live and they decide they want a bit of it. Economic refugees, maybe. Send them all back home peremptorily.

Even more-controversially, I strongly support a “colourblind” philosophy. Equal rights and responsibilities for *every* Kiwi regardless of race, origin or culture. I’m damned sick of the almost-apartheid trending we have now. The growing use of Maori language, for example, is *not* helpful to the growth of a harmonious society.

Yes, Maoris were sinned against a long time ago, but it sure seems as though those grievances have been settled by now. Enough already, with the damned nonsense about water, wind, air, sunshine and radio spectrum rights, seabed and foreshore hegemony, on and on and on. Even a separate Maori electoral roll is anathema. I well remember Rob Muldoon being asked by a journalist when we should get rid of the Maori seats. “As soon as a Maori is elected to a general seat!” Well? That happened a long time ago now.

Multiculturalism in general sounds all warm and fuzzy, but I think it’s dangerous and should be driven out of our society. Otherwise, we would find ourselves supporting all manner of weird (and unacceptable) practices just because some group claims them as part of their cultural identity. How many milliseconds would the claim of “multicultural rights” continue to exist if, say, pedophilia, incest, cocaine use, honour killings or pre-teen marriage were asserted as a cultural right? Yet, in some countries that give us immigrants, such practices are present.

Think I’m exaggerating? I am reminded of the recent case of a New Zealand resident who recently took her preteen daughter to Somalia where (“on a whim” so she claims, in order to avoid the crucial allegation of premeditation) she asked the local butcher to excise the poor girl’s clitoris. This is a despicable deed with lifetime consequences but no New Zealand law (nor, of course, Somalia law) was broken. Multicultural right? Hell no!

We pat ourselves on the back for our “tolerance” when we see a muslim woman walking on our streets covered head-to-toe and accept it benignly. Yet, if a Kiwi woman goes to one of their countries, she politely complies with their dress code to avoid giving offence. Why can’t they do the same in our country?

While I’m causing offence, I may as well close with my most controversial opinion — scrap the Treaty of Waitangi. It’s outlived its usefulness by a long way. Yes, continue to address any genuine grievance but hell, close this damned loophole that gives a subset of Kiwis the imagined and obscene “right” to keep claiming this, that and the other insanity until the whole country is in Maori hands.

Regards,

Glenn Holland

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.

Rochelle Holland
Auckland
New Zealand

2249

From: Jim Holley
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 3/07/2013 3:05 p.m.
Subject: CAP Submission

Good afternoon

I am alarmed at the ever increasing emphasis on Maori influence on New Zealands' social structure.

I have always believed in an egalitarian state when "all men are equal" (also in the feminine sense).

Exclusive Maori seats in parliament should be regarded as racist and offer preference for Maori over any other race in New Zealand. This does not represent the egalitarian society I would like to see for our country. If we are ever to be a nation of one people, then all segments of society need to be equally represented through a belief in one parliamentary system for all people.

My view is that exclusive Maori seats in New Zealand parliament should be abolished and Maori should seek their representation through their representatives who challenge for votes and seats as per all other New Zealand people and their parties.

Jim Holley

Tues 30/6/13

4897

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

We;

- Oppose a new written Constitution (we already have one).
- Accept reasonable modest changes (by suitable Parliamentary majority) to our existing written Constitution
- Require that if NZ is to move to a significantly new form of written Constitution that it must do so by a fair majority of New Zealanders (not just by a narrow majority of MPs), such as through a binding referendum.
- Oppose any proposal to place the "principles of the Treaty (of Waitangi)" in a written constitution.
- Oppose "biculturalism" and any moves such as via Constitutional arrangements to recognise any form of it.
- Support the fullest reasonable expression of democracy including by One person One vote.
- Encourage the repeal of the Maori seats, and which have disproportionately (unfairly) low voting and also can facilitate disproportionate outcomes if voters split Party votes from Electorate votes.
- Support NZ law being "colour-blind" although welcome the targeting of Governmental/societal benefits on the basis of need (but not by colour).

Yours sincerely

Auckland

2475

From: Jim Hollingworth
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:38 a.m.
Subject: CAP Submission

I think the Maori seats need to be abolished, they are an anachronism in the MMP system

Yours

J M Hollingworth

Motueka

Sent from my iPad

72

From:
To: <constitutionalreview@justice.govt.nz>
Date: 30/03/2013 9:49 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: James Michael Hollingworth Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Nelson Postal Post Code:
Postal Country: New Zealand Submission: I see no need for a constitution for New
Zealand!

The treaty of Waitangi is not our founding document and should not be the basis for a Constitution for
NZ

Sent on the 30 March 2013 at 09:48

2134.

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:21 a.m.
Subject: CAP Submission

maori seats should be abolished

B Hollis

Totally Racist

5043

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:04 p.m.

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

Full Names: Claire Hollis Email: Phone: Postal
AddressA: Postal City: Postal Region: Central Hawkes Bay Postal
Post Code: Postal Country: New Zealand Submission: The fact this country is being
divided and there is already apparteid here and now we need one law one nation not a race
orientated constitution based on the treaty, this is racist.

Submitted on the 21 June 2013 at 14:28

5043a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:50 p.m.
Attachments: Constitution Document forSubmission.odt

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

Full Names: Paul and Claire Hollis Email: ... Phone: ...
Postal AddressA: Postal Cit Postal Region: Central Hawkes Bay
Postal Post Code: Postal Country: New Zealand Submission:

Submission Upload: Constitution Document for Submission.odt

Submitted on the 11 June 2013 at 16:02

1/ Yes A single document for all New Zealanders. Superceeding all other documents ie The Treaty of Waitangi, that have been used to bring this country to where it is today. No exceptions based on Race or Ethnicity. One set of rules for all New Zealanders.

2/ Yes. Because the constitution is a set of rules that needs to be in place, where every person has to adhere to them if we are going to proceed as ONE NATION and NOT a DIVIDED ONE.

3/The Courts because we do not want parliamentarians to manipulate legislation to push their own agendas.

Comment

The Treaty of Waitangi is being used to benefit Maori only and therefore should not be a part of the Nations constitution. New Zealand should be one nation and we should unite for a common cause.

ONE RULE ONE NATION

5182

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:50 p.m.
Attachments: Constitution Document forSubmission.odt

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

Full Names:	Paul and Claire Hollis	Email:		Phone:	
Postal AddressA:		Postal City:		Postal Region:	Central Hawkes Bay
Postal Post Code:		Postal Country:	New Zealand	Submission:	

Submission Upload: Constitution Document for Submission.odt

Submitted on the 11 June 2013 at 16:02

1/ Yes A single document for all New Zealanders. Superceeding all other documents ie The Treaty of Waitangi, that have been used to bring this country to where it is today. No exceptions based on Race or Ethnicity. One set of rules for all New Zealanders.

2/ Yes. Because the constitution is a set of rules that needs to be in place,where every person has to adhere to them if we are going to proceed as ONE NATION and NOT a DIVIDED ONE.

3/The Courts because we do not want parliamentarians to manipulate legislation to push their own agendas.

Comment

The Treaty of Waitangi is being used to benefit Maori only and therefore should not be a part of the Nations constitution. New Zealand should be one nation and we should unite for a common cause.

ONE RULE ONE NATION

909

From:
To: <constitutionalreview@justice.govt.nz>
Date: 26/05/2013 11:45 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Doreen Lorna Holm Organisation Name: - Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Tauranga Postal Region: W. Bay of Plenty Postal Post Code:
Postal Country: New Zealand Submission: My submission is that we do not require a new
constitution. Therefore I reject the initiative.

This does not rule out careful, minor amendments to our existing democratic constitution, with the full publicity, knowledge and agreement of the entire voting public. Also with the proviso that all citizens are to be treated with equality, and ALL Maori (as these are no longer pureblooded) are no longer in receipt of various advantages attributed to their "ethnicity", to the cost of the main body of citizens. All services to be supplied on merit and need only, not racial considerations.

The courts or the legal system should not exercise any control whatever on the constitution, at any stage. All proposed changes must be fully open and public scrutiny be invited. When clarification needed. Advice, only, might be invited via the courts, but no control whatever.

The Treaty of Waitangi should not be included in any part, form or manner at all, in a NZ constitution. It is well out of date. Its purpose has been long fulfilled. We no longer want the intrusion of opportunistic interpretations of this defunct historic document in day to day life, which serves only to divide, discriminate, hinder and to upset the balance given by strict equality of the democratic system.

Democracy must be seen to prevail. We are all entitled to its protection.

Sent on the 26 May 2013 at 11:44

2272

From: Doreen"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 3:44 p.m.
Subject: CAP Submission

Under M.M.P.there is no need for separate maori seats.

Lets cut this racial rubbish and all be New Zealanders. With equal rights.

Doreen Holmes.

4388

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

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

Full Names: Kathryn Holmes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Dunedin Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Submission Upload: The
Constitution Conversation.docx

Submitted on the 31 July 2013 at 10:41

1. What are your aspirations for Aotearoa New Zealand?

I would like to see a New Zealand with a secure and viable future with regard to sustainable practices; both environmental and economic.

I would like to see concerted efforts to ameliorate the impact our businesses, industry and individuals are having on the environment and to put in place protective measures to ensure actions follow intentions and eco-friendly and sustainable practices are employed on a nation-wide scale.

I have hopes to for New Zealand to reduce inequality amongst its citizens and the standard of publicly available healthcare and education is both maintained and remains a public service and right. I have aspirations that New Zealand will move forward from a user-pays structure and whilst not necessarily backwards to the welfare state, but forward to a system that provides for its citizens and maintains its integrity and is able to thrive as the world changes around us.

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

I understand the need for economic viability however I believe we should never lose touch of our identity as a society that works together and protects the privacy and rights of the individual.

I would like the country to be run in a way that the high standard of living that we have come to expect can be maintained whilst eliminating the adverse effects. I want the leaders of New Zealand to understand the sacrifices that may need to be made to achieve this in the long term and that people will understand and accept that short term hardship (loss of 24hr access to all amenities and utilities) may be necessary in order to implement new and fully sustainable practices (energy production, transport options).

To the Constitutional Advisory Panel

C/o Ministry of Justice

DX SX10088

Wellington

Submission on Maori Representation in Parliament

I am pleased to take the opportunity to submit in support of the **retention** of the current statutory provisions regarding Maori seats in Parliament.

It will be submitted that given the symbolic importance of Maori seats to Maori, and given that a degree of self-governance is promised in the Treaty of Waitangi, only a finding that the Maori seats are against fundamental democratic principles should justify their removal.

I. The History of Maori Seats

The Constitution Act 1852 provided all adult Maori males with the right to vote upon fulfilment of a nominal property requirement, as part of the Crown's commitment to protect and assimilate the Maori under the third article of the Treaty of Waitangi 1940.¹ It soon became evident that the property requirement would disenfranchise many Maori who were "unable - or unwilling - to individualise their communally-tenured land holdings into a manner recognisable by English law for electoral purposes",² and it was this realisation by Maori that led, in part, to the Land Wars of the 1860s. Appreciating the dangers of continuing to deny Maori political involvement, the Crown created the Maori Representation Act 1867, which created a dual system of representation and "superimposed it upon the existing arrangements of the House of Representatives."³ The Act "divided New Zealand into four electoral districts and entitled Maori males to elect one representative from each constituency to parliament."⁴ Adult Maori males could vote without passing a property means test. Those with over 50% Maori blood voted on the Maori rolls, those with under 50% of Maori blood voted on the general roll, and half-castes could elect the roll on which they would vote. Though certainly affording Maori more political exposure than they had previously enjoyed, the Maori Representation Act 1867 was not entirely altruistic. It arose partially from concerns that if Maori were entitled to vote on the general rolls en masse, certain North Island electorates would be overwhelmed by Maori interests.⁵ Initially a political expedient, designed to last only 5 years, the Maori seats were nevertheless extended indefinitely in 1876. The number of seats remained fixed at four "irrespective of the actual Maori population

¹ Augie Fleras "From Social Control Towards Political Self-Determination? Maori Seats and the Politics of Separate Maori Representation in New Zealand" (1985) 18 Canadian Journal of Political Science 551 at 554.

² Ibid, at 555.

³ Ibid.

⁴ Ibid.

⁵ Andrew Geddis "A Dual Track Democracy? The Symbolic Role of the Maori Seats in New Zealand's Electoral System" (2006) 5 Election Law Journal 347 at 353.

represented by those seats.”⁶ Geddis concludes that “for the greater part of the history of New Zealand’s electoral democracy, Maori parliamentary representation was stained with the distinctive patina of second-class citizenship.”⁷

The Electoral Act of 1993 significantly ameliorated the political disenfranchisement of Maori voters in several ways. The Act removes references to a blood quantum under the definition of “Maori”, meaning a person that claims Maori ancestry may choose to vote either on the general roll or the Maori roll.⁸ Perhaps more significantly to the issue of Maori representation, the number of Maori seats in Parliament is determined using the same calculation that is performed as regards the General electorates.⁹ Rather than being fixed at four therefore, the number of Maori seats is dependent upon the total number of Maori that have elected to vote in the Maori roll, and is thus clearly more directly proportional.

From the above brief history of the Maori seats it becomes clear that their original justification – that of political expediency to mollify an intimidatingly large section of potential voters – represents an outdated and patronising paternalism that cannot be considered relevant today. An argument to retain Maori seats would therefore be most unsatisfactory if historical continuity is its justification.

If mere continuation of a past practice is insufficient justification therefore, the existence of Maori seats must be re-justified in today’s society. It must be considered what values are given priority in New Zealand’s democratic system, and what weight, if any, should be given to the ‘symbolic importance’ of the Maori seats.

II. Democratic Philosophy of NZ

As an importation of the Westminster system of Parliamentary democracy, the development of which took place in a piecemeal way over several hundred years, it would be unwise to ascribe a unifying democratic philosophy to New Zealand’s system of representation. It is possible however, to ascribe certain philosophies to New Zealand in a broader sense, by considering first the international obligations to which New Zealand has committed as regards minority representation, as well as more general theories of democracy that dominate political discussion.

I. Equality

Perhaps the fundamental principle of democracy is equality. The Treaty of Waitangi confers upon Maori “all the Rights and Privileges of British Subjects.”¹⁰ The Universal Declaration of Human Rights guarantees to everyone “the right to take part in the government of his country”,¹¹ as well as “periodic and genuine elections which shall be by universal and equal

⁶ Ibid.

⁷ Ibid.

⁸ Electoral Act 1993, s 76(1).

⁹ Ibid, s 45(3).

¹⁰ Treaty of Waitangi, 1840 <<http://www.nzhistory.net.nz/politics/treaty/read-the-treaty/english-text>>

¹¹ Universal Declaration of Human Rights (adopted 10 December 1948), art 21(1)

<<http://www.un.org/en/documents/udhr/history.shtml>>.

suffrage”.¹² The United Nations Declaration on the Rights of Indigenous Peoples affords minorities rights to self-determination;¹³ autonomy and self-government in matters relating to internal and local affairs;¹⁴ and to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.¹⁵

That “equality is the essence of democracy”¹⁶ has also been contended by thinkers from Montesquieu¹⁷ to Fichte.¹⁸ To J. Arthur Partridge, “without equality there must be an inequality, and inequality is oligarchy, and oligarchy without the warrant of necessity, is tyranny and confusion. Equality alone can protect a nation from a return to this barbarism.”¹⁹

It could therefore be contended that if equality is “the essence of democracy”, and is an ideal to which the state must aspire, it seems unjust to exclude all New Zealanders but those who identify with Maori culture from certain electorates. Further, if “the very essence of Democratic Government consists in the absolute sovereignty of the majority”,²⁰ how can it be conscionable to exclude a majority of New Zealanders from an aspect of the democratic process?

Though *prima facie* this objection appears to have merit, closer analysis reveals it to be specious. Beitz observed that the traditional conception of democratic equality is “the requirement that democratic institutions should provide citizens with equal procedural opportunities to influence political decisions (or, more briefly, with *equal power over outcomes*)” (emphasis in original).²¹ Beitz contended that equal procedural opportunities do not always yield equal power over outcomes. In other words, in some situations, citizens must be given different procedural opportunities in order to equalise power over outcomes.²² In this context it becomes clear therefore that while Maori enjoy different procedural opportunities to non-Maori, their power over outcomes remains the same as that of non-Maori. Both parties may place a constituency vote and a party vote, and the relative power of those votes is equal as between Maori and General rolls. Furthermore, Geddis has observed that the exclusion of members of society from aspects of the democratic process is by no means restricted to the exclusion of non-Maori from the Maori roll. Indeed, “for *any* given voter at the 2005 election, there were 68 electorate MPs – elected from both Maori and General electorates – chosen through a procedure that the law prevented him or her from

¹² Ibid, art 21(3).

¹³ United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007), art 3 <http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf>.

¹⁴ Ibid, art 4.

¹⁵ Ibid, art 5.

¹⁶ J. Arthur Partridge *On Democracy* (1866), at 159-160.

¹⁷ Partridge, above n 16, at 150, quotes Montesquieu: “real equality is the very soul of a democracy”. Montesquieu however believes it is not always practicable to achieve this equality to a degree of “extreme exactness”.

¹⁸ Partridge, above n 16, at 159, quotes Fichte: “They will no longer endure any among them who cannot be satisfied to be on an equality with others.”

¹⁹ Partridge, above n 16, at 162.

²⁰ Partridge, above n 16, at 159, quoting De Toqueville.

²¹ Charles R. Beitz *Political Equality* (Princeton, Princeton University Press, 1989) at 4.

²² Adam Przeworski “Democracy, Equality, and Redistribution” in Richard Bourke and Raymond Geuss (ed) *Political Judgment* (Cambridge University Press, New York, 2009) 281, at 289.

having a direct say in.”²³ Seen in this way, it becomes far more difficult to contend that Maori enjoy an unequal democratic privilege. The fundamental ideal of equality is therefore not offended.

Summary of Principle of Equality

The principle of equality has been noted as being fundamental to democracy. This equality however speaks to ‘power over outcomes’ rather than procedural opportunities. The Maori seats do not afford Maori greater power over outcomes, and therefore do not offend the principle of equality.

II. Unity

Even if Maori seats merely affect procedural equality however, it has been argued that they are superfluous, because the representation of Maori in Parliament is virtually guaranteed by the MMP system, which requires larger parties to cooperate and compromise with smaller parties for the purpose of securing a coalition. Henare has noted that “separate Maori representation applies only to electoral district votes; for party votes the rolls are effectively combined.”²⁴ As it is the party vote that determines distribution of seats in the house, “whether a voter is enrolled on the Maori or general roll has no effect on a party’s share of the party vote.”²⁵ If it is the case that the Maori seats are unnecessary to the effective representation of Maori in Parliament, then is there a justification for the continued existence of a system that has been suggested by some to be divisive?²⁶

It is to the issue of divisiveness that this submission now turns. Charles Taylor has argued that democracies demand a high degree of cohesion and unified purpose.²⁷ Because a society is comprised of people with fundamentally different social, political, and economic views, the population will never be satisfied en masse with the substantive result of a democratic election. The populous can, however, be satisfied with the procedure by which such a result was produced, but only if there is sufficient social cohesion to “engage in joint deliberation.”²⁸ If a group of members of the nation consider that others are not listening to it, “it will consider itself excluded from the decision-making process.”²⁹ Taylor argues that “a modern democratic state demands a “people” with a strong collective identity.”³⁰ Is it not possible therefore that Pauline Gardiner is correct in claiming that Maori seats are divisive, in so far as they stand as signifiers of ‘otherness’ and racial and cultural difference in the procedure of democracy?

²³ Geddis, above n 5, at 362.

²⁴ Denese L. Henare “Commentary” in Alan Simpson (ed) *The Constitutional Implications of MMP* (Victoria University of Wellington, Wellington, 1998) at 50.

²⁵ Parliamentary Library Research Paper *The Origins of the Maori Seats* (November 2009).

²⁶ Pauline Gardiner “Maori Political Participation” (May 1996) 5 *Te Maori News Magazine* at 5.

²⁷ Charles Taylor “The Dynamics of Democratic Exclusion” (1998) 9 *Journal of Democracy* 143 at 143.

²⁸ *Ibid.*, at 144.

²⁹ *Ibid.*

³⁰ *Ibid.*

It is submitted that the existence of Maori seats does not preclude social cohesion vis-a-vis the procedure of an election. The process of “joint deliberation” discussed by Taylor is not impeded by the option for Maori to vote on a separate roll. The thrust of Taylor’s argument is that an uninterrupted dialogue between members of a society is required to legitimate democracy. A separate Maori roll does not hamper such dialogue.

That Maori seats are not divisive to the extent that they negatively impact upon the function or form of democracy is not to say that they are not a dis-unifying force at all. It is self-evident that the act of definition is exclusive, in that by defining a group, one necessarily excludes all those that do not fall within the ambit of the definition. Maori seats certainly accentuate the political, and by extension the racial and cultural difference of Maori. This submission however respectfully disagrees with Ms Pauline Gardiner’s contention that this is a problem. To contend that diversity is problematic without identifying any demonstrable adverse effects of that diversity is merely a nationalistic attempt to subsume the culture and ideals of the minority into those of the majority.

Summary of Principle of Unity

Maori seats are of little practical value to the facilitation of effective representation of Maori in Parliament, because the MMP system achieves such representation more effectively at the party level. Claims that the seats are divisive however can be rejected on the grounds that such divisiveness does not affect the procedure of democracy, and therefore the confidence of society in its outcomes, and that absent any identifiable harm, cultural difference should not be subsumed into the culture of the majority purely for the sake of sameness.

III. Possible Advantages of Maori Seats

To this point, it has been the intent of this submission to portray Maori seats as a relatively neutral element in the electoral system, neither truly benefitting Maori in representational terms, nor negatively encroaching on fundamental principles of democracy. There have however been arguments that the Maori seats should be retained notwithstanding their benign practical effect.

First, Susan Banducci et al suggest that “Maori electorates succeed in fostering a greater sense of efficacy among those Maori who choose to take advantage of the Maori option.”³¹ This conclusion was drawn from a bivariate study of Maori that asked, inter alia, whether the subject felt he or she had much input into political affairs through their electorate MP. The study found that “Maori who choose to be represented by Maori electorate MPs are more likely to believe that they have a say than those represented by electorate MPs who are not Maori.”³² The study also found that Maori on the Maori roll have a probability of voting of .81 as compared to .73 for those Maori on the general roll.³³

³¹ Susan Banducci, Todd Donovan, Jeffrey Karp “Minority Representation, Empowerment, and Participation” (2004) 66 The Journal of Politics 534 at 550.

³² Ibid.

³³ Ibid, at 551.

It is possible however that these results are skewed by the fact that Maori must ‘opt-in’ to the Maori roll. Maori that choose to be placed on the Maori roll may do so because they are already predisposed to political activism, and so wish to further Maori representation in Parliament by swelling the ranks of those on the Maori roll, from which the number of Maori seats are determined. This would mean that rather than Maori seats encouraging voting and a sense of participation, they merely attract those Maori that are already most likely to vote, and feel connected to the political process.³⁴

The Maori seats also arguably play a role of symbolic importance in New Zealand’s democracy. Geddis notes that prior to the passing of the Electoral Act 1993 “there was widespread, deeply rooted opposition among Maori to the idea of abolishing the dedicated Maori seats.”³⁵ It was for this reason that the Select Committee’s recommendation that Maori seats be retained was accepted by Parliament. To Geddis, this means that the Maori seats are therefore “justified as one particular way of recognising and affirming the rights of one of the Treaty partners – Maori, choosing to enrol as Maori, voting to elect Maori MPs – to enter into and take part in the lawmaking process of the New Zealand state.”³⁶

Summary of Advantages of Maori Seats

The Maori seats have been argued to increase the sense of political efficacy in Maori, as well as encouraging voting. Such effects may be overstated however when one considers the predisposition of Maori on the Maori roll to political activism or involvement.

More fundamentally however, Maori seats have a symbolic significance to Maori because they are a manifestation of the mutuality of the joint venture embarked upon by Maori and the Crown in 1840.

IV. Conclusion

In terms of practical effect on Maori representation in Parliament, it could be argued that the Maori seats have become less significant since the advent of the MMP system. However, given the symbolic significance of the seats to Maori, and the tentative suggestion that the seats enhance the sense of political efficacy among Maori, this submission contends that to justify the removal of the Maori seats would require evidence that they offend some principle of democracy. Arguments to that effect being specious, this submission respectfully recommends that the Maori seats be retained in their current form.

³⁴ Ibid.

³⁵ Geddis, above n 5, at 358.

³⁶ Ibid, at 365.

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.

Yvonne Holmes
Christchurch
New Zealand

295

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 11:28 p.m.
Subject: <http://www.ourconstitution.org.nz/ form submission>

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

Full Names: Kane Holmes-Haweturi Organisation Name: Email:
Phone Postal AddressA Postal
AddressB: Postal City: Postal Region: Otago Postal Post Code
Postal Country: New Zealand Submission: We as unregistered members of Te Runanga o Ngai
Tahu would like to see written within the Constitution of newzealand that consultation in terms of
Maori affairs include Hapu.

Sent on the 13 April 2013 at 23:27

2240

From: terryholt
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 2:52 p.m.
Subject: CAP Submission

abolish

1132

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 2:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ian Holyoake Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Napier Postal Region: Hawkes Bay Postal Post Code: Postal Country: New Zealand
Submission: The Bill of Rights should have higher legal status than other laws and should be subject to review only by the Courts.

Sent on the 6 June 2013 at 14:06

1132a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 2:12 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ian Neil Holyoake Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Napier Postal Region: Hawkes Bay Postal Post Code: Postal Country: New
Zealand Submission: The Treaty should be recognised but only as part of our foundation. It should
not be used to separate the community. It should be a formal part of our Constitution for that reason.

Sent on the 6 June 2013 at 14:11

11326

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 2:15 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ian Neil Holyoake Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Maori should be
represented in Parliament in the same way as any other race. It is long past the time for separate
representation - of any race.

Sent on the 6 June 2013 at 14:15

1132c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 2:22 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ian Neil Holyoake Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Napier Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: 120 MPs is quite sufficient.
More than this is too large for our population and unrealistic. The term should be four years - three is
not enough to be efficient. The election date should continue to be decided as now. Population and
geography should be
the determinates on the number of electorates. If a member parts with his party he/she should depart
from Parliament.

Sent on the 6 June 2013 at 14:22

1601

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 10:51 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter Mervyn Holmes Organisation Name: P M & S M Holmes Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Te Awamutu Postal Region: Waikato Postal Post Code: Postal
Country: New Zealand Submission: Do Not include the Treaty of Waitangi in our constitution

Sent on the 26 June 2013 at 10:49

71

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/03/2013 6:19 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Anne Hone Organisation Name: Email: Phone:
Postal AddressA Postal AddressB: Postal City:
Auckland Postal Region: New Zealand Postal Post Code. Postal Country: New
Zealand Submission: "I want to live in a country that is one nation, one people; not
differentiated by ethnicity: A nation that acknowledges that while there are different ethnic groups,
different faiths that make up the fabric of our blended society, we are governed under
a single set of rules and values without special treatment of one ethnic group over another."

Anne Hone

Sent on the 28 March 2013 at 18:18

71a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/06/2013 12:56 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: a Hone Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: aucklandf Postal Post Code: Postal Country: New Zealand Submission: Dont
need a constitution,especially not one that does not haver equal rights for all NZ pEOPLE

Sent on the 1 June 2013 at 12:55

1101

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/06/2013 3:35 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Rex Honeyfield Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Inglewood Postal Region: Taranaki Postal Post Code: Postal Country: New Zealand
Submission: I would like to see a unified New Zealand where all new Zealanders are one people not
separate several races as seems to have been happening over the last few years.

After all treaty settlements have been completed we should not include the Treaty as a special document in any Constitution. Only as a Historical Document. We should have a unified document to cover all parties. No more special payments for separate races only as one people New Zealanders.

Scrape the MMP & have similar Governing system like Australia. We have too many people in Parliament costing the Country too much in salaries. After all we are only 4.5 million people Sidney has 6.5 million people so trim the parliament & more will get done in a shorter time.

Just a few ideas I would like to be talked about.

Sent on the 5 June 2013 at 15:28

1187

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 9:15 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: constitution.docx

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

Full Names: Tristan Hook Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: see attachment please. Submission Upload: constitution.docx

Sent on the 8 June 2013 at 21:14

Tristan Hook,

Christchurch. - 7/6/13

Maori representation.

I think it is still worth having a Maori representation in Parliament. For many years I thought otherwise but recently I have come to appreciate some of the ideas they raise. The numbers currently provided and the means is worth retaining.

That being said maybe there should be some seats based towards grouping other ethnic minorities, say 1/3 of the number of Maori seats.

A Constitution

It does make sense to have a constitution, a basic law that requires a high proportion of New Zealanders to have it passed.

I also think it needs to be New Zealanders, not residents or visitors wanting to move to NZ.

I have thought for a while that New Zealand is being bought by international groups and individuals for the benefit of personal wealth and those funds are transferred off shore. It also increases the costs to New Zealanders beyond realistic levels. I recall my father telling me that his first home, in the 70's, was worth double his annual salary. With that income he could afford to feed a family of four and buy the house. Today, my salary could not cover the house let alone feed a family of four.

There needs to be a dividing line between those who have been born in NZ and with a NZ family history of at least one generation living here. As Judge Jo indicated, the people need to become part of NZ, not just live here. Peoples perceptions and beliefs need to be formed by our culture and heritage.

This division can then be used to restrict benefits of social welfare, medical and taxes. Benefits to New Zealanders and not just anyone who chooses to arrive.

The reason I hold this view is that at the age of 40 I can not move to another part of the world, my medical costs are increasing, my future idea of retirement is reducing and I can not afford to purchase property if I were to lose everything here today. If I were to go overseas to live, I am now restricted in Australia, can not go to England and unsafe in South Africa. In Asian countries I would not be provided any free help and would be restricted from purchasing property. As for America, good luck getting a green card and Canada would not even accept the application. So with this concept WHY should I accept my home country to be sold off and foreign people to receive the same benefits I have.

The constitution and the courts should work out well. It will give a final barrier for the courts to rest upon and provide some of the more strict legislation that will stop parliament from making quick decisions on some of the core values New Zealanders hold.

I have thought about how some of this could be managed. I think that if you are immigrating to NZ you should need to provide health insurance for the rest of your life and not have access to any welfare benefits.

For the property, it is formally purchased by the family that is actually living in NZ, not off shore and used as a rental property. When sold the capital gain is paid to the government as a sales tax to foreign nationals. Of course the property needs to be sold at current rates for real values and not at the initial purchase price etc.

Treaty of Waitangi

Again, for years I had ignored this document and have recently found it worth knowing. I think it should be kept once the treaty settlements are sorted out, partly as a reminder of how new Zealand began but it does sort of protect the property of new Zealanders.

It is also the concept that too many foreigners are starting to arrive in NZ. As such we need to protect the land and values before they are all lost.

Bill of Rights.

Freedoms are constantly changing. Religion and expression have been associated to crimes and even war. I can accept each individuals freedom for religion to a point, having a knock on the door on Sunday morning from a religious group is not respecting my own beliefs. There is a right place and time and the numbers are changing all the time.

Freedom of expression is becoming wider by the year. I recall that it was the movie 'Once were warriors' that made a lot of the bad language more acceptable for TV and over the years it is getting more common. It is finding the way into the workplace where employers seem to have different standards. It would be good to have a structure of what is considered acceptable in the different environments.

Electoral Matters

I do like MMP. It took some time to understand how it plays out in the operation of NZ and I finally found a reason for the split vote system.

I think list MP's should not remain in parliament if they are not performing and the party should not be allowed to replace them if they are required to leave the party or asked to resign.

Elected members need a party to stand for. If their party dissolves then they should be out until the next election.

Other issues.

At the rate of housing costs I think there needs to be a tax on additional homes. The primary family home should not be taxed but others should be considered for taxes and perhaps even beyond the capital gains.

The government needs to get behind the Green Image of NZ and really live the terms and not just use them as advertising. Set a date when private motorcars will only be allowed to be electric or clean air approved. Tell people that come 2030 you can only buy new dual fuel and by 2050 only electric or clean air. Make a point of it and make the suppliers provide them.

Efficiency can also come by making every new house install solar panels to counteract the cost of electric heating and hot water. Perhaps have a strategy of the government buying panels into the country and sell them with the installation at government fixed install rates. Everyone is pushing to power but no one wants to have dams to generate it.

Keep enforcing the equality of working on foreign vessels in NZ waters and stop wale ships from being allowed to pass through our waters. We need to protect our fisheries and our values. Those who break our quarters or laws should not be welcome to even pass by us.

Provide greater funding for arts. There are some very talented people out there and they will need help to survive.

For beneficiaries they should automatically have their rent, power and phone paid before any remaining funds are paid to them. For shopping they should have the WINZ card so that cigarettes and alcohol can not be purchased. I do believe some people are struggling and are unfairly within that comment but there are many that fail to be responsible with it.

Perhaps the schools in the low economic areas can provide the breakfast and lunches to the children and a portion of the benefit is reduced to account for those meals when applied.

Medical and education should be free to New Zealanders (those who are born in NZ with a parent born in NZ). Immigrants should need to cover their costs in full.

NZ Land needs to remain in the hands of NZ government or New Zealanders. Large companies should not be able to buy farms and send the products back to their home countries. Send the product but protect the land, it is the one thing that can not be replaced.

I have often thought about why each person has so many numbers for government systems. I believe I have a passport, drivers licence, firearms licence, tax, WINZ and probably a medical reference. Why can these numbers not be combined into a single database and then just utilise one for connecting to all these systems. I can see how a passport number needs to change but I can also see benefit in having one other government number associated to it. This would then become the connection to all of my government dealings. Yes many see it as big brother watching us, but that is only an issue if you want to hide something.

I also think NZ needs a better defence force. We are mainly a resource for supply and support rather than the attack but ultimately in the Christchurch quakes, the army did a good job and the armed forces were good to have. I do support new

equipment and larger numbers. I can see that keeping people in the forces is providing benefit to the country otherwise someone else is likely to be unemployed and providing no benefit to the country.

All the recent government restructuring being undertaken is rubbish. People who were providing some benefit are now unemployed and may be depressed and costing the government in other ways. A slightly inefficient worker is better than a depressed unemployed worker. Jobs are harder to get these days, the new 3 month trial period puts a lot of strain on people. I want to change jobs, there are few opportunities in my line of work and the concept of changing from a secure position to one with a trial period is still a concern, even though I believe I am capable and willing to do the job properly.

To conclude, I know that some of the issues I have raised will impact on international trade, relations and agreements. You want my views then this is a quick summary of them.

I think we can do better and protect this country for those who are raised on these lands and would protect them to the fullest, just as much as our ancestors.

2516.

From: Harry Hooker
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:48 a.m.
Subject: CAP Submission

ABOLISH THE MAORI SEATS

4239¹

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:00 p.m.

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

Full Names: Morgan Hooper Organisation Name: Email: _____
Phone: _____ Postal AddressA: _____ Postal AddressB: _____ Postal City: Tauranga Postal Region: _____
Postal Post Code: _____ Postal Country: New Zealand Submission: Do you think our constitution should be written in a single document? Why?

No. Because our system has been working fine since 1840. Also not having a constitutional document puts us in a unique position in the world.

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

No, because we already have systems in place to balance the level of power in our nation.

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

Both, because we currently have this and the system is not broken so it does not need fixing.

Submitted on the 30 July 2013 at 18:59

4239a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:08 p.m.

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

Full Names: Morgan Hooper Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Does the Bill of Rights Act
protect your rights enough? Why?

Yes, because it is written as such.

What other things could be done to protect rights?

Not sure.

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

No, because no law should have a higher status than another, if a law is to be surpassed by another, then the previous law needs to be amended to work with the current Zeitgeist.

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

Both because both have equal powers to determine the future of the nation.

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

Unsure.

Submitted on the 30 July 2013 at 19:07

4239b.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:21 p.m.

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

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

A day off work in February is all that it should be as it has served its purpose, it has liberated lower class Maori from a peasant economy ruled by warmongering chiefs and equalised New Zealand society. Legally the treaty has no weight.

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

No, it has served its purpose and does not need to be sanctified as a sacred text. Certain groups have used it to extort money from the public coffers and if anything those are the redresses to be redressed.

Submitted on the 30 July 2013 at 19:20

4239c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:33 p.m.

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

Full Names: Morgan Hooper Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: How should Māori views be
represented in Parliament?

Like any other New Zealanders views.

How could Māori electoral participation be improved?

Through education and active participation of their representatives in their affairs, via community
projects and active positive input.

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

Dependent on the percentage of Maori population present in certain areas, in areas of higher
proportional Maori populations then their input should be high, but in areas of lower Maori population
density then the input should only be at a historic educational
level to preserve the heritage of the local area.

Submitted on the 30 July 2013 at 19:32

4239d.

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 7:51 p.m.

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

Full Names: Morgan Hooper Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: How many members of
Parliament should we have? Why?

22, so that the money from the people can be spent on the people and not on an oversized parliament. One Prime Minister and 21 members, three from seven provinces; Auckland/Northland, Waikato, BOP/East North Island, Taranaki/Wellington, Nelson/Westland, Canterbury, Southland.

How long should the term of Parliament be? Why?

The same so the people can choose the direction of the nation on a regular basis.

How should the election date be decided? Why?

August the first every three years, it is the start of physiological spring.

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

Should be fixed to an area and not population. To minimise the quantity of politicians.

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

If an electorate seat is held, they should stay, but if they are a list MP they should go. An electoral seat is held on the merit of a person and a list MP is a number and must follow their party as that is how they entered parliament.

Submitted on the 30 July 2013 at 19:49

4239 e

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 6:45 p.m.

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

Full Name: Morgan Hooper Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Tauranga Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: What are your
aspirations for Aotearoa New Zealand?

I would like to see NZ 100% organic or limited spray use under special circumstances, I would like to see only native animals in our wild areas and only have foreign animals of economic value. We need to justify the 'Clean Green' motto sold to the world with clean rivers.

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

I believe NZ should remain part of the British Monarchy as we are privileged to have the queen as head of state as we do not have to pay for her upkeep. NZ should concentrate on Conservation of our natural heritage, the education of our people and economic success in the primary industries.

Submitted on the 30 July 2013 at 18:43

1656

From:
To: <constitutionalreview@justice.govt.nz>
CC: Margaret Hooton <
Date: 27/06/2013 9:10 a.m.
Subject: Treaty of Waitangi

The Secretariat,
Constitutional Advisory Panel,

Dear Sirs,

If New Zealand does get a written constitution, I strongly oppose any legislation or reference to the Treaty of Waitangi should one be drafted now or in the future.

Yours sincerely,

Margaret Hooton

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 10:57 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

2009

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

Full Names: Peter Andrew Elliot Hope Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: In the body of law and the system of parliamentary democracy new Zealand
has inherited this country has possibly the best and fairest means of government devised - albeit not
perfect. I do not believe it particularly needs fixing.

I am very concerned that there are interests within New Zealand that wish the Treaty to be positioned
within a new constitution in a way that subordinates the existing democratic principle. I do not want
my family to live in a state that institutes the rights
of New Zealanders who call themselves Maori over the rights of all other New Zealanders.

An example of this is the 'by right' seats for Maori on some TDAs - why not then seats for Chinese
New Zealanders 'by right'. That is an erosion of basic democracy. This may seem a solution to
including the Maori voice in local decision making - it is not.

The only solution for any group of people is through better education, more personal success,
increasing contribution to society, increased wealth and wellbeing, increased awareness eventually
leading to informed choice and positive political action.

I am very reluctant to change, what I consider, a very fine political system and I am concerned at the
potential erosion of democracy for all.

Sent on the 1 July 2013 at 10:55

2300

From:
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.g...
Date: 3/07/2013 4:49 p.m.
Subject: CAP Submission

I believe the Maori seats should be abolished. There is no need for them and it is a great shame that Maori

pursues apartheid while the rest of the world has been abolishing it.

NZ's character is being damaged. I am seriously considering my return to my homeland due only to the increasing greed and hostility of the Maori 'elite' and particularly the possible name changes to the North and South Islands.

When I was growing up I sat next to Maori children and when I had my children, Maori mothers shared the same ward and we considered ourselves equal.

Margaret Hopkins
Sydney

1475

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 9:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: ConstitutionalConversation-Constitution.txt

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

Full Names: Michael Hopkirk Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: New
Plymouth Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: ConstitutionalConversation-Constitution.txt

Sent on the 19 June 2013 at 21:52

Constitution:

These are the questions we would like your feedback on:

= Do you think our constitution should be written in a single document?
Yes, simple, short and clear.

=Why?
Simplicity and clarity.

The current situation where "Our constitutional rules include legislation such as the Bill of Rights Act 1990 and the Constitution Act 1986, foundational documents such as the Treaty of Waitangi signed in 1840 and constitutional principles."

ensures that widespread public knowledge of the exact current NZ "constitution" - structure, rights and obligations - is not common, accurate or widespread, is not known and internalised by all residents/citizens and is subject to creeping dismemberment by silent incremental law changes.

"Unknown rights are non-existent rights"

"A constitution whose principles are not enumerated and supreme is NOT a constitution"

I would suggest that if you asked a wide spectrum of normal NZ citizens/residents to enumerate their constitutional rights you would get a better precis of the US constitution and amendments than anything else (from US TV crime series).

= Do you think our constitution should have a higher legal status than other laws (supreme law)?
Of course, What is the point otherwise?

=Why?
As merely a set or series of Bills or Acts like any other it is subject to parliamentary amendment/replacement/suppression at the whim of the parliamentary majority holding party (probably under urgency to be done rapidly to suppress any knowledge of change, discussion or dissent as has already been done).

As such it is not a right but merely a privilege, subject to revocation at any time.

The point of a Constitution is that it is a foundation cornerstone of a citizens relationship to the state and supersedes/is superior to any and all other laws current or future (it should be however subject to amendment)

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

Of the two choices given it should be the Courts, regardless it should NOT be parliament

= Why?
Separation of powers. (You don't put a fox to guard the henhouse, A turkey won't vote for Thanksgiving)

Parliament makes the laws, The courts interpret them as to detail.
Someone distinct from those making the law should be responsible for the fine interpretation of whether such a law conflicts with a constitution.

It should be noted that the Govt/parliament should be absolutely barred from making/passing laws that conflict or can conflict with the rights articulated in a constitution. (Such "laws" are unlawful/illegal/have no standing)

The current situation where the Attorney-General has to rule whether a law made conflicts with the BOR and pass judgement back to parliament is as it should be, but needs to be extended such that, then the Government+Parliament *must* reconsider/adjust/remove the law made to remove such conflict.

Other:

Your precis of the current NZ constitution mentions that the courts cannot review or strike down legislation - for a constitution to have any meaning the Courts need to have that power/responsibility.

I would like more of a role for the public than voting for parliament and *sometimes* being allowed an opportunity to 'make submissions'. Something like Citizens Initiated Referendum that have some binding power.

1475a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 11:51 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Treaty-of-Waitangi.txt

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

Full Names: Michael Hopkirk Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: New Plymouth Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: Submission Upload:
Treaty-of-Waitangi.txt

Sent on the 19 June 2013 at 23:51

= Treaty of Waitangi =

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

The same as all the other 'founding documents' - Magna Carta, etc,
Inform and direct as to the Constitutions principles/points

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

No,

=Why?

Heres 5 reasons for a start

"Treaty principles have developed because of the difference between the English and Maori texts"

"and the need to apply the Treaty to circumstances as they arise."

"The Waitangi Tribunal and Courts have played key roles in defining the Treaty, using *principles* to express the mutual responsibilities of the Crown and Maori."

"The list of Treaty principles is not definitive"

"and continues to evolve as the understanding of what it means to be a Treaty partner evolves."

The treaty principles still require both definition, clarification and interpretation, dont muddy constitutional points till these are all clarified, defined and agreed on.

Also to some extent the Treaty (like many of the other founding documents) pertain and inform to a situation that no longer exists and is

not directly and specifically applicable (though the intent and precedent is).

Unless the intent is to make all the other existing founding documents a formal part of the constitution (which is then no improvement or change on the existing situation) the Treaty of Waitangi should be applied to the constitution in the same way....

1475b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 12:00 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Michael Hopkirk Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: New Plymouth Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: =How should Māori views be
represented in Parliament?

No differently than everyone elses.

=How could Māori electoral participation be improved?

The same as everyone elses could be.

What are the reasons for the current (presumed low) Maori electoral participation ?

How is that different from any all other ethnic, cultural, interests, age or gender demographics
participation desire for improvement and why should it be emphasized any differently?

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

Same as everyone elses. I think the current local body encouragement (mandate) to consult with local
maori group representatives is at least sufficient....

Sent on the 19 June 2013 at 23:59

1475c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 12:28 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: ElectoralQ.txt

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

Full Names: mike Hopkirk Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: New Plymouth Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: Submission Upload: ElectoralQ.txt

Sent on the 20 June 2013 at 00:27

= Electoral Matters =

=How many members of Parliament should we have?

Less than 100

=Why?

Currently we have a large (and fluctating) number of MP's per head of population way out of whack with similar sized countries with similar background, geography, GDP and international influence.

There is no evidence that this larger number is more effective than a more common ratio of representatives to voters.

This was one of the questions/issues in the recent electoral referendum the results of which were ignored by the govt.

=How long should the term of Parliament be?

As it is now

=Why?

What would be the benefit of changing?

Elected govts seem to be able to do sufficient damage with their current terns but they do need time to try and show some beneficial effect

=How should the election date be decided?

By statute - 3 year term (as now), election on fixed month/date at the end of that term.

=Why?

Provides certainty of term length, exact knowledge of electioneering duration start and end, and possible change of Govt and removes possibility of system gaming/rorting by fiddling/announcement of election date, snap elections, etc

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

Number of MPs desired.

Number of voters in areas fpr approx equal number of possible voters per head of MP

Spread of population.

=Why?

Equality and fairness.

one person one vote, all votes count equally

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

List MP's get released from service.

Electorate MPs get to stay in parliament as independents

=Why?

List MP's get released from service.

- they exist at the behest of the party (were selected by the party, not voters to run for election) and are elected as party representatives.

- If they part from the party they lose the major portion of their mandate to be or remain as MP's.

Electorate MPs get to stay in parliament as independent as they were elected as representative of an area/electorate (not solely as party reps).

This q too was addressed in the electoral referendum.

A bigger question is the party "drag effect" (1 electoral MP dragging additional List MP's into parliament) but this too was on the electoral referendum...

What about binding referendums - Citizen Initiated referenda... ??

1475d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 12:32 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Bill-Of-Rights.txt

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

Full Names: Mike Hopkirk Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: New Plymouth Postal Region: Postal
Post Code: Postal Country: New Zealand Submission: Submission Upload:
Bill-Of-Rights.txt

Sent on the 20 June 2013 at 00:31

= Bill Of Rights ==

These are the questions we would like your feedback on: (BOR)

=1) Does the Bill of Rights Act protect your rights enough?

No

=Why?

It is only law (not supreme) and subject to change/revocation/encroachment as laws are added or amended.

some omissions in coverage:

- Security in property and effects
- liberty
- privacy
- petition government for redress
- protection of rights not enumerated

=2) What other things could be done to protect rights?

Clear simple articulation of constitutional rights/Bill of Rights and responsibilities (cf US constitution+amendments).

Education (schooling and other) of public constitutional rights.

Attorney-Generals opinion/feedback to parliament on a laws conflict with Bill of Rights should trigger reexamination/adjustment/removal of the law to remove the conflict.

Probably would not hurt to obtain Judges/Courts opinion and opinions of public rights organisations as well where the AG opinion is a negative one.

The BOR should provide for remedy provisions available for the denial of Rights (BOR violations)

=3) Do you think the Act should have a higher legal status than other laws (supreme law)?

Of course. Pointless otherwise

=Why?

As merely a Bill or Act like any other it is subject to parliamentary amendment/replacement/suppression at the whim of the majority party

(probably under urgency to be done rapidly to suppress any knowledge of change, discussion or dissent as has already been done).

As such it is not a right but merely a privilege subject to revocation at any time.

The point of a Constitution is that it is a foundation cornerstone of a citizens relationship to the state and supersedes/is superior to any and all other laws current or future

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

Of the two choices given it should be the Courts, regardless it should NOT be parliament

= Why?

Separation of powers. (You dont put a fox to guard the henhouse, A turkey won't vote for Thanksgiving)

Parliament makes the laws, The courts interpret them in detail.

Someone distinct from those making the law should be responsible for the fine interpretation of whether such a law conflicts with a constitution in detail.

It should be noted that parliament should be absolutely barred from making/passing laws that

conflict or can conflict with the rights of a BOR/constitution. (Such "laws" are unlawful/illegal/have no standing)

The current situation where the Attorney-General has to rule whether a law made conflicts with the BOR and pass judgement back to parliament needs to be extended such that then parliament *must* reconsider/adjust/remove the law made to remove such conflict.

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

Literally thousands could - ones that *should* for a comprehensive set include:

Glaring omissions head that werent listed in the website summary

- right to (life,) liberty and the pursuit of happiness (as famously stated)
- right to privacy/(- freedom from unreasonable search and seizure), searches by warrant based on probable cause
- protection and reservation of rights not enumerated
- rights to use/enjoyment of physical property.

=Why?

Enumerated Comprehensive NZ Bill of rights not 'Bill of some rights that we think we can let u have'

2483

From: "Dick Hopper"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:52 a.m.
Subject: CAP Submission

we are one people, one nation, abolish racial seats. If not, how about Chinese, Taiwanese, Korean, etc. and their dogs?

rjs hopper

1725

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/06/2013 2:58 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Christopher Horan Organisation Name: Nil Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wanaka Postal Region: Otago Postal Post Code: Postal Country: New Zealand
Submission: Constitution: Every New Zealander (including disabled) has a right to work (in industry or job creation) and be paid a 'living wage.'

Sent on the 29 June 2013 at 14:57

453

From: ...
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 3:29 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

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

- There should be no more than 100 MPs. That is sufficient for the population of New Zealand. That is close to the number that a democratic poll of NZ citizens voted in favour of (CIR). The inadequacy of our Democracy is clearly shown in the way that this poll was ignored by Parliament. I would like to see a system similar to that in Switzerland where a binding CIR can occur within 100 days of any law being passed. That would strengthen our democracy.

- It is a misconception to believe that MMP requires additional members of Parliament. All that needs to occur is for the leader of a Party to cast his/her own vote and then the additional number of votes allocated to his/her party as a result of the MMP formula.

- If the above voting system occurred there would be no issue arising over non-elected MMP parliamentarians changing Party allegiances.

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

The term should remain at three.

- Until our democracy is strengthened, the general election is the only means available for the citizens to clearly show support or otherwise to a Government. It is a myth/naive to suggest, as some current MPs are saying, that when you vote for a Party you are supporting ALL their policies. Voting is complex, identifying the best fit for a voter's wishes. A list of key Party policies on the voting paper would provide a better democratic system of showing what electors are voting for.

- In our recent history there have been instances where Parties have electioneered on some very key Policies and then changed tack completely. This to me is a breach of contract and there should be a new referendum if Parties choose to deviate from stated policy.
 A three year term is currently the only key means of showing disapproval.

- History shows that if a Government has the support of the electorate it will usually stay in office for 6 to 9 years. The three year period ensures that they have to re-affirm they have the support of the electorate.

- I also believe that it is time to consider limiting the period of time any MP can remain in office. Governments get voted out because they cease to be in tune with the wishes of the people. Governments are comprised of people, so it goes without saying that the MPs have grown out of touch with the needs of the electorate. USA is one example of this thinking where the President can only be in office for two terms.