

5317

The Secretariat,
Constitutional Advisory Panel,
C/- Ministry of Justice
DX SX 10088
Wellington

Or email to:-
constitutionalreview@justice.govt.nz

My Submission to the Constitutional Advisory Panel regarding the Constitutional Review

1...We should retain our current constitutional arrangements as they have served us well, therefore I oppose a written constitution for New Zealand

2...I definitely do not want and strongly object to any reference to the Treaty of Waitangi in any new written constitution should one be created now or in the future.

3....The NZCPR "Declaration of Equality" should be legislated by Parliament to unite New Zealanders of every race

Judith Horncastle

Tauranga
Telephone

5318

The Secretariat,
Constitutional Advisory Panel,
C/- Ministry of Justice
DX SX 10088
Wellington

My submission regarding the New Zealand Constitutional Review is that the arrangements we have had in place for over 100 years have served us well and therefore I wish that we have no written constitution for New Zealand

I am very much against any race-based legislation and strongly oppose any reference to the Treaty of Waitangi being included in any written constitution should one be drafted in the future

I wish the NZCPR "Declaration of Equality" to be drafted into legislation to unite all New Zealanders under one law. That would be democratic.

James Horncastle

Tauranga
Telephone

713

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/05/2013 11:09 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Maria Brenda Horne Organisation Name:
Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: 1. No. What would be the benefits to
have a single document? Does this mean the founding document 'Treaty of Waitangi' will no longer
exist? How are other countries benefitting from having a single constitution document? Is it saving
them money? Are there
less people going to court? Are our democratic rights compromised in any way?

2. If your going to write a constitution then it would have to be higher in legal status. However then
every other Act would be a waste of time.

3. The Courts, because they are trained in Law, it is a legal, members of Parliament most are not
lawyers. A social aspect of a constitution should be considered and that may require a committee
made up of members of Parliament to participate.

Sent on the 1 May 2013 at 11:07

713a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/05/2013 11:19 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Maria Brenda Horne Organisation Name:
Email: one: Postal AddressA:
Postal AddressB: 1 Postal City: Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: 1. If and when the historical grievances
that Māori and the Crown are working through has been satisfied then the 'Treaty of Waitangi' should
be a form part of the constitution. It should have pride of place in the constitution.

2. If it were not for the intelligence of our people to sign a legal document then the Crown could well
have gotten away with all the land confiscations it carried out against Māori. The Treaty document
should be part of the Constitution but the TRANSLATION
has to be amended so that the WORDS within the document has the same meaning when they are
translated into Māori and Pākehā.

Sent on the 1 May 2013 at 11:17

7136

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/05/2013 11:29 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Maria Brenda Horne Organisation Name:
Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: 1. Māori Seats is our preferred option,
we are only interested in Māori politics because that is what gives us our voice better than
mainstream politics. Culturally we are interested in matters that other mainstream politicians may view
as inconsequential.
E.g. Environment, Māori businesses, kura kaupapa, AFFCO freezing work strike.

2. The electoral process, has to begin in the primary schools and kura kaupapa. Teaching kids how
they can make a difference. Currently Māori thoughts are they are not listened to so why bother. Or
you can have a van available to pickup people and take them
to the polling booths.

3. Local District Councils should have Māori representative seats that are elected just the same as
any other councillor. Māori add value to a council, its just the attitudes that need to be changed by
both Pākehā and Māori.

Sent on the 1 May 2013 at 11:27

713c

From:
To: <constitutionareview@justice.govt.nz>
Date: 1/05/2013 11:44 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Maria Brenda Horne Organisation Name:
Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: 1. As an Iwi Organisation 'No.' We
experience our rights being overlooked especially where it comes to consultation and being
overlooked for work contracts.

2. Education at a primary school level what exactly the Bill of Rights covers. Also education of the Act
provided for the public through local libraries.

3. Unsure, we have always thought what we have we have had to fight for as a Māori organisation, so
we think it is ours as of right.

4. For Māori it is Māori. A cross section of cultural representatives should deal with this, not
necessarily the courts of parliament.

5. Indigenous Rights - The protection of the Indigenous (Māori) language. Ensuring the Māori
language lives. Compulsory Māori language lessons being implemented into all primary sector
schools.

Sent on the 1 May 2013 at 11:42

713a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/05/2013 11:58 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Maria Brenda Horne Organisation Name:
Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Bay of Plenty Postal Post
Code: Postal Country: New Zealand Submission: 1. 101. 63 general, 12 Māori, 26 List.
Less seats, better representation, do away with the Independents and dead wood politicians.

2. Three years, with a right of one year extension if the current Government is fulfilling half of its election promises.

3. Should be one set date known by all before the beginning of the 3rd year.

4. Areas to cover should be considered. The number of marae, Iwi, hapu residing in each electorate. We can't all live in Akl so the number of people in each electorate isn't the only consideration.

5. The Party which they represent should have an employment contract agreement drawn up and signed by each member before the elections. If the contract is broken or breeched then that member is terminated.

Sent on the 1 May 2013 at 11:56

2955

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 9/07/2013 10:35 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Submission.docx

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

Full Names: Aaron Horrell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Submission.docx

Sent on the 9 July 2013 at 22:34

Personal information

I am 30-year-old graduate student in Public Policy at Victoria University. I am male, a New Zealand citizen by birth, and have both Maori and European ancestry. I am from a working class background, and have spent over 5 years of my adult life living outside New Zealand, about half of which was in developing countries (Papua New Guinea and Tanzania).

My Submission

There are six issues that interest me in regard to a constitution for New Zealand.

1. I believe that the Bill of Rights Act (BORA) should have higher status than other laws.
2. I believe that the courts, not parliament, should decide whether or not legislation is agreement with our constitution (and the BORA specifically).
3. I believe members of parliament representing electorates should have at least 50.1%, rather than a plurality, of support from that electorate. I believe a limited preferential voting system would bring this about.
4. I believe that there should be a very high threshold for the state to invade the privacy of New Zealand residents (i.e. higher than at present).
5. I believe elections should be held every four years, and that the government should not choose the date.
6. Public participation should be increasingly used for decision-making and policy-making, especially at the local level.

1. The BORA should have higher status than other laws

I believe that the BORA, as an articulation of our basic rights, should be prior to all legislation. I believe this because I consider rights to be fundamental to our lifestyle, not contingent.

2. The judiciary should decide whether legislation agrees with the BORA/constitution

Our executive and legislature are not sufficiently separate to check and balance power. This grants the executive a disproportionate amount of power, relative to other branches. Furthermore, the legislature is not legally trained body. The decision on whether legislation is in agreement with existing (supreme) law should be made by (independent) legal experts of the highest calibre. The Judiciary is the branch best positioned and best able to address these questions.

3. Electorate MPs should have at least 51% support

MPs should have some level of support amongst at least half of the people they represent. Under our FPP electorate voting, a candidate can win with as little as 35% of the total vote. This is how people like Pauline Hanson get elected. An LPV system allows people to effectively vote against candidates, as well as for them. This makes for a more representative legislature, and incentivises inclusive and centrist politics, as well as lessening the potential for majoritarian outcomes.

4. Privacy

The government should have excellent reasons for invading my privacy, particularly in regard to my personal communications (emails, texts). If Police, Defence, or the GCSB want to access these communications, then they should have to meet a high threshold. Any petitions of this kind should need to be verified by an independent body/individual, such as a judge or judges. We definitely need better oversight of our intelligence agencies to be institutionalized.

5. Elections

Basically, the three-year term disincentivises long term planning. A four-year term provides more stability and opportunity for the government to govern. However, the timing of the election should not be a political tool that can only be wielded by the government.

6. Public Participation

The public should have more opportunity for meaningful participation in the democratic process. This is primarily, but not exclusively, for normative reasons. These include greater legitimacy, and being more democratic. It also has practical advantages in lowering litigation and resentment in highly contested policy matters.

Te Tiriti, and a written constitution

I do not consider myself informed enough to discuss the role of the treaty. But, in principle, I am in favour of institutionalising Maori involvement in the decision-making and policy-making process. How this is to be achieved, I don't know. Additionally, I do not consider myself informed enough to discuss whether or not our constitution should be a single document. My concern is that it will entrench contemporary values, and not reflect a changing New Zealand.

1907¹

Kit Horsley

Wellington

Attn: Constitutional Advisory Panel

Note: This essay was originally submitted for assessment at the University of Otago regarding the opportunities the Treaty of Waitangi provides for New Zealand's future constitutional arrangements.

The Treaty of Waitangi, signed by the Crown and Maori chiefs, is regarded by many as the founding document of New Zealand, with the Crown traditionally tracing its legitimacy from the Treaty.¹ However, differences between the texts of the Treaty have caused considerable controversy in terms of what the Treaty actually means and what role it is to play in New Zealand. Regardless of the contention surrounding its interpretation, I contend that it is an appropriate time for the Treaty to take a significant and influential position within New Zealand's constitutional framework. This paper will outline the current role the Treaty of Waitangi plays within New Zealand's constitutional and legal framework, and contend that inclusion of the principles of the Treaty of Waitangi in the New Zealand Bill of Rights 1990 provides an opportunity for such principles to become cemented within New Zealand's constitutional framework.

Currently New Zealand is one of just a handful of countries that operates without a written or codified constitution, with its constitutional framework found in several different legal documents, decisions of the courts, and in practices and conventions. The Constitution Act 1986 is the principal formal statute, but the constitution also includes relevant English and United Kingdom statutes, such as Magna Carta, the Bill of Rights 1688, and the Habeas Corpus Acts, which were all confirmed as part of the law of New Zealand by the Imperial Laws Act 1988.²

These documents are all provided for in the Cabinet Office Manual, which also

¹ Butler, Andrew. & Butler, Petra. (2005) *The New Zealand Bill of Rights Act: a commentary*. Wellington, New Zealand. Lexis Nexis, 1.4.4.

² New Zealand Cabinet Office. (2008). *The Cabinet Manual*. Wellington: Cabinet Office, Dept. of the Prime Minister and Cabinet, 2.

indicates that both the Treaty of Waitangi and the New Zealand Bill of Rights Act 1990 are sources of the constitution.³

Despite the Cabinet Office Manual providing that the Treaty of Waitangi is a source of New Zealand's constitutional framework, it has no formal legal status.

That is, it is an unincorporated treaty, and, as such, imposes no legal obligations and creates no legal rights of itself.⁴ Courts have operated on the principle that the Treaty is only enforceable by courts if Parliament has incorporated the Treaty itself, or reference to it, into legislation.⁵ The most common way in which Parliament has incorporated the Treaty of Waitangi into the law is through a means in which the principles of the Treaty are engaged. The language used to express this requirement differs from statute to statute, ranging from a need to 'give effect to' (Conservation Act 1987); 'not act in a manner which is inconsistent with' (Stated Owned Enterprises Act 1986); 'ensure a full and balanced account is taken of' (Environment Act 1986); 'give particular recognition to'; and 'take into account' (Resource Management Act 1991) the Principles of the Treaty.⁶

The legal status of the Treaty, much like the interpretation of the Articles of the Treaty itself, is an issue of contention within New Zealand. Some critics have called for the deletion of statutory reference to it altogether, while others have sought to have the Treaty established as a fundamental constitutional document

³ Ibid, 95.

⁴ Butler, 8.

⁵ Hayward, Janine. (2010) The Treaty and the Constitution, in Raymond Miller (ed.) New Zealand Government and Politics, (5th ed), Oxford University Press, Melbourne, 108.

⁶ Ibid.

that should override all other law that is inconsistent with it.⁷ It is within this debate that I suggest a potential middle ground could be found through the inclusion of the Principles of the Treaty of Waitangi in the New Zealand Bill of Rights Act 1990 (Bill of Rights). That would be, incorporating the Principles of the Treaty into either section 6 of the Act, or a similar provision that would require that where an enactment can be given a meaning consistent with the principles of the Treaty, that meaning shall be preferred to any other meaning. Such interpretation would remain subject to justified limitations provided for in section 5 and section 4 of the Bill of Rights, in that the principles of the Treaty of Waitangi as expressed in the Bill of rights would only be subject to such reasonable limits as prescribed by law and demonstrably justified in a free and democratic society.⁸ At the same time the inclusion of the principles of the Treaty would in no way make a provision in any other Act invalidated or inapplicable purely on the basis of being inconsistent with the Bill of Rights or the Principles of the Treaty contained therein.⁹ Further, the inclusion of the principles of the Treaty would not amount to a substitute for the Treaty of Waitangi. The inclusion of such principles would leave the Treaty itself unimpaired, but recognise its special constitutional status and afford it the legal status that many argue it deserves.

⁷ Butler, 9.

⁸ New Zealand Bill of Rights Act 1990; *Section 5 Justified Limitations*: Subject to section 4 of this Bill of Rights, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society;

⁹ New Zealand Bill of Rights Act 1990; *Section 4 Other enactments not affected*: No court shall, in relation to any enactment (whether passed or made before or after the commencement of this Bill of Rights),—(a) Hold any provision of the enactment to be impliedly repealed or revoked, or to be in any way invalid or ineffective; or (b) Decline to apply any provision of the enactment—by reason only that the provision is inconsistent with any provision of this Bill of Rights.

The suggestion to incorporate the Treaty of Waitangi into the Bill of Rights Act was proposed by Sir Geoffrey Palmer in the 1985 White Paper on a Bill of Rights for New Zealand, but was not incorporated in the Bill of Rights Act that was enacted in 1990.¹⁰ It must be noted that the majority of recommendations were suggested by Palmer in relation to an entrenched Bill of Rights, which would be supreme law in New Zealand, as opposed to that which was enacted in 1990. However, I contend that much of Palmer's proposal on the Treaty's inclusion is still applicable to the Bill of Rights Act in its current form.

Palmer observed that an entrenched bill of rights had to deal with the Treaty because "it must take into account [New Zealand's] own special characteristics, special values and special institutions". Bearing in mind the unique place that the Treaty holds for Maori people, Palmer opined that, "a bill of rights that ignored the Treaty would be at best an incomplete document. It could well be seen as simply one more Pakeha law, irrelevant to the deepest concerns of Maori".¹¹

While history indicates that this has not been the case, I would suggest that failure to include the Treaty principles in the Act could very well lead to the principles becoming constrained solely to the statutes in which they have already been incorporated into.

As previously mentioned, the incorporation of the Treaty of Waitangi or its principles was excluded from the initial Bill of Rights Act in 1990, with Palmer offering three reasons as to why. First, Maori had opposed its inclusion during

¹⁰ New Zealand. Parliament. (1985) *A Bill of Rights for New Zealand: a white paper*. Wellington, New Zealand: Government Printer.

¹¹ Butler, 31.

consultation on the White Paper. Secondly, the Treaty of Waitangi and its principles were increasingly being addressed in other legislation. Thirdly, many Maori organisations opposed any reference to the Treaty in a general Bill of Rights.¹² I will further address Palmer's reasoning below, and in doing so contend that the inclusion of the principles of the Treaty of Waitangi is much more appropriate in today's social climate than they were when first proposed over two decades ago. This is due, in part, to the development of common law through the New Zealand Maori Council cases of the late 1980s and 1990s, as well as increasing social awareness and relevance of the Treaty of Waitangi as a fundamental document within New Zealand's history.

The Bill of Rights Act is an instrument that protects existing rights rather than creating new rights. The principles of the Treaty were not established in the common law prior to the enactment of the Bill of Rights Act, with the Maori Council cases, in particular the 'Lands Case', being watershed judgments in developing the Principles of the Treaty in New Zealand law.¹³ As mentioned above, when incorporating the Treaty into the Bill of Rights was initially proposed many Maori were opposed to having the Treaty incorporated into law, which would leave interpretation to the discretion of the judiciary. At the time it was preferred that it remained outside the law as a source of the constitution, rather than part of it.¹⁴ The Lands Case and subsequent Broadcasting and Sealord cases have helped to ease Maori attitudes toward the judiciary's handling of the Treaty

¹² Ibid, 32.

¹³ New Zealand Maori Council v Attorney General [1987] 1 NZLR 641

¹⁴ Hayward, 106.

and its principles when incorporated in statute.¹⁵ These and other cases have provided a comprehensive body of knowledge of the Treaty principles, with a number of principles having been consistently applied since their inception, while others continue to evolve. The most significant principles established to date were those delivered by President Cooke in the Lands case:¹⁶

“The Treaty signified partnership between Maori and Pakeha each to act towards the other reasonably and with the utmost good faith... The duty of the Crown is not merely passive but extends to active protection of Maori people in their use of their lands and waters to the fullest extent practicable.”

These principles, were they to be incorporated in the Bill of Rights Act, would continue to provide protection for Maori under the Treaty, while at the same time continuing to evolve as New Zealand society does.

The inclusion of the principles of the Treaty in the Bill of Rights Act would effectively enable the principles to have an impact on every statute currently in force in New Zealand. If an enactment can be read consistently with the principles of the Treaty, then such a reading must be preferred, and will only be subject to limitations if such limits are reasonably prescribed by law as can be demonstrably justified in a free and democratic society. This all-encompassing position that the principles of the Treaty would take within the Bill of Rights is likely to lead to litigation early on in its inception, however, the Cabinet Office Manual already provides that:¹⁷

Ministers must confirm that bills comply with certain legal principles or obligations when submitting bids for bills to be included in the legislation

¹⁵ New Zealand Maori Council v Attorney General [1994] 1 NZLR 513; Te Runanga I Muriwhenua Inc v Attorney General [1990] 2 NZLR 641

¹⁶ New Zealand Maori Council v Attorney General [1987] 1 NZLR 641

¹⁷ New Zealand Cabinet Office. 95.

programme. In particular, Ministers must draw attention to any aspects of a bill that have implications for, or may be affected by:

- (a) the principles of the Treaty of Waitangi;
- (b) the rights and freedoms contained in the New Zealand Bill of Rights Act...

Therefore, I contend that including the principles should not have a large effect on the legislative branch of government, as they are already required to take into account the Treaty and the Bill of Rights when drafting legislation. If it were to have an impact it would be to further force the legislature to follow the requirements imposed by the Cabinet Office Manual.

Further, I contend that the inclusion of the principles and allowing them to cover all legislation currently in force would provide the judiciary with tools to continue the positive development of law in respect to the Treaty of Waitangi. As Matthew Palmer has stated, if the political branches of government, and Maori and Pakeha New Zealanders, do not sort out the legal status and force of the Treaty then, eventually, the judiciary will do so.¹⁸ Therefore, in providing such a provision the legislature would be enabling the judiciary to continue to develop the principles of the Treaty, while keeping the Treaty of Waitangi itself outside of the law of New Zealand.

Lastly, with the National Government's desire to have settlement of all Treaty claims final and in full by 2016 there is a slight possibility that the Treaty of Waitangi may slip from public view, in the sense that many New Zealanders may see all Treaty grievances as having been settled, and therefore no longer being a

¹⁸ Palmer, Matthew. (2008) *The Treaty of Waitangi in New Zealand's Law and Constitution*, Victoria University Press, Wellington, 153.

requirement for the Treaty to exist or hold weight in New Zealand. While this is unlikely, with claims from National's proposed asset sales being brought through the Waitangi Tribunal and likely to attract large amounts of publicity, it is still a possibility as large numbers of New Zealander's are ill-informed on the status and significance of the Treaty of Waitangi.¹⁹ Provision for the Treaty principles in the Bill of Rights Act would ensure that they are enduring and remain relevant to the constitution and law of New Zealand, through being applicable to the day-to-day interpretation and application of legislation.

The Treaty of Waitangi already has a significant place within New Zealand's constitution, however incorporation into the Bill of Rights Act would provide it with significant legal status, and enable the principles of the Treaty of Waitangi to potentially be applicable to all enactments of New Zealand. However, for all intents and purposes the Treaty principles in the Bill of Rights Act won't have the power to strike down government legislation that is inconsistent, as had been proposed in the 1985 white paper, nevertheless, the interpretation of these principles by the courts over the past two decades, as well as recent decisions on the Bill of Rights in the Supreme Court of New Zealand indicate the judiciaries willingness to support the Treaty of Waitangi, and provide notice to parliament when it considers there to have been a breach of such principles or rights.²⁰

Therefore, I contend that incorporating the Treaty principles into the Bill of Rights Act would provide further protection for the Treaty of Waitangi itself, and allow

¹⁹ Scoop Independent News (2012, May 18), 2012: *Understanding the Treaty of Waitangi*. Retrieved from: <http://www.scoop.co.nz/stories/PO1205/S00283/2012-understanding-the-treaty-of-waitangi.htm>

²⁰ See: *R v Hansen* [2007] NZSC 7

the Treaty, through its principles, to maintain a significant place within New Zealand's constitution, continuing to develop as our culture and nation develops.

References

- Butler, Andrew. & Butler, Petra. (2005) *The New Zealand Bill of Rights Act: a commentary*. Wellington, New Zealand. Lexis Nexis, 1.4.4.
- Hayward, Janine. (2010) *The Treaty and the Constitution*, in Raymond Miller (ed.) *New Zealand Government and Politics*, (5th ed), Oxford University Press, Melbourne, 108.
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- New Zealand. Parliament. (1985) *A Bill of Rights for New Zealand: a white paper*. Wellington, New Zealand: Government Printer.
- Palmer, Matthew. (2008) *The Treaty of Waitangi in New Zealand's Law and Constitution*, Victoria University Press, Wellington, 153.
- R v Hansen [2007] NZSC 7
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<http://www.scoop.co.nz/stories/PO1205/S00283/2012-understanding-the-treaty-of-waitangi.htm>
- Te Runanga I Muriwhenua Inc v Attorney General [1990] 2 NZLR 641 (Sealord)

1461

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 10:31 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ariana Hose Organisation Name: Email: _____
Phone: Postal AddressA: Postal AddressB: Postal City: Ngakuru Postal Region: _____
Postal Post Code: Postal Country: New Zealand Submission: 1. I believe the constitution should include the true nature of Te Tiriti o Waitangi and be one document that encompasses the belief and understanding as pertaining to Maori first and foremost and then to the rest of the New Zealanders. We must always consider how we would behave if walking into someones home, that we abide by their ways and respect that. It is the same here in Aotearoa, this is my home, therefore respect me and my ways.

2. I believe this document should have higher status than the laws, due to the fact that the government seem to push through new or amended laws to enable themselves to do what they do. If we make this constitution higher than the law, then we are telling the government and everyone else that is wanting or considering engaging and participating with us, that they must follow these guide lines first and foremost.

3. Obviously I would say courts. As mentioned previously the government seem to change laws to suit their need and do not adhere to our constitution as it is. I mean why do we make contracts with other countries and within forums if we are not going to uphold that oath. eg. Human rights, Kyoto, Indigenous to name but a few.

Having people who are there to uphold the law according to our costitution is what we want, not a group of people who think nothing of it.

Though I must reiterate the importance and necessary involvement of Tangata Whenua at all levels, especially those that are historians pertaining to Aotearoa, Judges etc.

Sent on the 19 June 2013 at 10:29

1270

From: "edith"
To: <constitutionalreview@justice.govt.nz>
Date: 12/06/2013 11:37 a.m.
Subject: Treaty

Submission regarding N.Z. Constitutional Review is:

I won't NO change to N.Z. unwritten constitution. Equality for all ONE PEOPLE ONE NATION.

eDITH hOSEASON

katikati

551

From:
To: <constitutionalreview@justice.govt.nz>
Date: 19/04/2013 7:43 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

The Treaty should have NO role in in our constitution?

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

No the Treaty should not be made a formal part of the constitution

By including the treaty in our constitution you would be giving rights and privileges to one section of our society while denying them to the rest

A constitution is meant to be for the people and all of the people equally not just one section

Sent on the 19 April 2013 at 07:42

2187

From: tipene hoskins <t.
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 11:40 a.m.
Subject: CAP Submission

We would like to see the Maaori Seats Retained forever

4505

From: Stafford Houghton
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:06 p.m.
Subject: CAP Submission

Dear Sir/Madam,

I wish to lodge the following submission to the Constitutional Advisory Panel.

CONSTITUTIONAL REVIEW

SUMMARY OF ISSUES IN THE GOVERNMENT'S TERMS OF REFERENCE

1. Size of Parliament

(1.a) Should the number of MPs stay the same, increase or decrease?

Margaret Robinson's 1999 Citizens' Initiated Referendum showed that 81.5 percent of New Zealanders wanted the number of MPs reduced to 99.

MY POSITION: I WOULD LIKE THE NUMBER OF MP'S REDUCED.

2. The length of the term of Parliament and whether the term should be fixed

(2.a) Should the parliamentary term stay at 3 years or increase to 4 years?

Those in power would want longer terms and those out, shorter. Without (1) an Upper House or (2) Citizens' Veto rights on unacceptable legislation, a shorter 3 year term and more frequent elections is the only way the public can hold the government to account.

MY POSITION: THAT WITHOUT THE IMPLEMENTATION OF 1 OR 2 ABOVE, THE PARLIAMENTARY TERM REMAIN 3 YEARS.

(2.b) Should the election date stay flexible or be fixed?

Currently, the Prime Minister sets the election date - a fixed date would increase electioneering and lobbying by vested interest groups and give more power to the opposition.

MY POSITION: THAT THE ELECTION DATE BE FIXED.

3. Size and number of electorates, and method for calculating size

(3.a) Should the number of electorates stay the same?

Currently there are 63 general electorate seats and 7 Maori seats, with 50 list seats to make up 120 MPs. As the population grows and the number of electorate seats increases, the number of list seats will reduce.

MY POSITION: I WOULD LIKE THE NUMBER OF LIST SEATS BE REDUCED THEREFORE SEE AN INCREASE IN THE NUMBER OF ELECTORATE SEATS AS POSITIVE.

(3.b) Should the method of calculating the size of electorates be changed?

The number and size of electorates is based on the South Island always having 16 electorates. After each five-yearly census, the Representation Commission divides the number of people living in the South Island by 16, to get the "population quota". The Commission then divides the Maori electoral population and North Island electoral population by the South Island population quota to decide on the number of North Island and Maori electorates.

MY POSITION: THAT THE CURRENT METHOD OF CALCULATING ELECTORATES BE RETAINED, HOWEVER ALL MAORI SEATS BE ABOLISHED.

4. Electoral integrity legislation

(4.a) Should electoral integrity legislation be re-introduced?

"Party hopping" laws prevent MPs leaving a party and distorting the proportionality of Parliament by declaring their seat vacant and forcing them to quit. New Zealand had such a law in 2001 but it expired in 2005. A select committee was not convinced that replacement legislation was needed.

MY POSITION: THAT REPLACEMENT LEGISLATION BE ADOPTED AS PRIOR TO 2001.

5. Maori representation, including Māori Electoral Option, Maori electoral participation, Maori seats in Parliament and local government:

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

The Maori electoral option gives New Zealanders of Maori descent the opportunity to choose whether they want to be on the Maori electoral roll or the general electoral roll when they vote in the next two general elections. If New Zealanders want equality under the law with no race-based preferment and one electoral roll, the Maori Electoral option should be abolished.

MY POSITION: THAT ALL MAORI SEATS ARE ABOLISHED WITHOUT DELAY.

(5.b) Should the parliamentary Maori seats be retained or abolished?

Four Maori seats were established as a temporary measure back in 1867. They should have been abolished in 1893, when universal suffrage extended voting rights to all New Zealanders. The 1987 Royal Commission on the Electoral System recommended they be abolished if MMP was introduced. Their continued existence has now led to an overrepresentation Maori MPs.

MY POSITION: THAT ALL MAORI SEATS ARE ABOLISHED WITHOUT DELAY.

(5.c) Should local government Maori seats be retained or abolished?

Separate Maori representation was established by legislation in 2001 at Environment Bay of Plenty. In 2009, central government imposed a Maori statutory board on the new Auckland City Council. There is little public support for local body Maori seats – since Maori are seen to be able to get elected on their own account.

MY POSITION: THAT ALL MAORI SEATS ARE ABOLISHED WITHOUT DELAY.

6. The role of the Treaty of Waitangi within our constitutional arrangements

(6.a) Should the Treaty of Waitangi have a more central role in our constitutional arrangements?

If Treaty principles were enshrined in a new written constitution, it would be a death blow to democracy as we know it. Unelected judges could use it to argue why the law should grant special privileges to members of the 'Maori race', and why any law that does not do so is defective. Even if judges should dare to decide against Maori favouritism, the threat of challenge would always be there. It would create a two-tiered society – a Maori elite, and non-Maori New Zealanders as second class citizens.

MY POSITION: THE TREATY SHOULD HAVE NO ROLE IN OUR FUTURE CONSTITUTIONAL ARRANGEMENTS.

7. Bill of Rights issues (for example, property rights, entrenchment)

(7.a) Should the protection of property rights be included in Bill of Rights?

The New Zealand Bill of Rights Act 1990 is a statute of the Parliament setting out the rights and fundamental freedoms of anyone subject to New Zealand law. Many people would like to see private property rights awarded the added protection of being included in the Bill of Rights.

MY POSITION: THAT PRIVATE PROPERTY RIGHTS BE INCLUDED IN THE BILL OF RIGHTS

(7.b) Should the Bill of Rights be entrenched?

The Electoral Act is the only New Zealand statute containing entrenched provisions, which means that it can only be changed through a 75% vote in Parliament or a majority vote in a public referendum.

The Bill of Rights does not need to be entrenched since by convention no government would change such a law without wide cross-party parliamentary support.

MY POSITION: THAT THE BILL OF RIGHTS NOT BE ENTRENCHED BY CONVENTION FOR REASONS ABOVE.

8. Written constitution

(8.a) Should New Zealand retain our present flexible constitutional arrangements with the ultimate law-making power held by elected Members of Parliament, or should a new written constitution, which gives the ultimate law-making power to judges, be introduced?

New Zealand's present constitutional arrangements consist of written statutes, conventions and common law rights, which give our elected Members of Parliament the ultimate law-making power. It has been described as one of the most flexible and successful constitutions in the world. If a new written constitution was introduced, unelected judges and lawyers would be in charge of law making in this country, rather than elected MPs who can be sacked. If we want to retain parliamentary

sovereignty, a "written" constitution should be avoided at all costs.
MY POSITION: THAT A WRITTEN CONSTITUTION BE AVOIDED AT ALL COSTS.

9. Any other comments

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

The Declaration of Equality states: "We New Zealanders of all backgrounds, having founded and developed our society in equality, fairness, and comradeship, oppose any laws which establish or promote racial distinction or division.

1 We reject references to the Treaty of Waitangi or its principles in any constitutional document.

2 We ask that such references be removed from all existing legislation.

3 We ask that race-based Parliamentary seats be abolished.

4 We ask that race-based representation on local bodies be abolished.

5 We ask that the Waitangi Tribunal be abolished.

Therefore in the interests of New Zealand we call on the members of the House of Representatives to implement the principles of this Declaration of Equality to ensure that there is one law for all."

MY POSITION: THAT THE 'DECLARATION OF EQUALITY' (ABOVE) BE ENACTED, IN FULL, BY PARLIAMENT.

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

The only legitimate democratic way to enact major constitutional change is through a public referendum process. Any attempts by MPs to change the constitution by way of a parliamentary vote should be regarded as illegitimate and strongly opposed by all citizens.

MY POSITION: I STRONGLY OPPOSE ANY MAJOR CONSTITUTIONAL CHANGE BEING MADE OTHER THAN THROUGH A PUBLIC REFERENDUM PROCESS.

Please accept my above submission thank you.

Sincerely,

Stafford Houghton

Auckland New Zealand
Mb:
Nt:

1072

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 10:00 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: MICHAEL HOULDING Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: TAURANGA Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I reject any attempt to drive a wedge between the peoples of New Zealand. Article 3 of
The Treaty of Waitangi guaranteed Maori & the same rights and privileges as any other
citizen. No more or no less. To institute constitutional change that subverts or
changes article 3 would be an outrage and a travesty.

Sent on the 4 June 2013 at 21:59

851

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/05/2013 11:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitution Notes.docx

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

Full Name: Nigel F Hounsome Organisation Name: Hounsome Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Hawkes Bay Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: Constitution
Notes.docx

Sent on the 15 May 2013 at 23:06

Notes re Constitution debate

- [1] New Zealand should remain a Monarchy
- [2] Parliaments should be elected to a 4 year term
- [3] An Upper House could be directly elected [max 50 members]
- [4] All MP's to be elected directly through a constituency
- [5] There should be no special interest seats eg No Maroi seats.
- [6] No lists Mp's, should an MP die or decide he / she no longer wants to stand for the party they were elected under a by-election should be called.
- [7] All citizens should be New Zealanders rather than NZ European etc
- [8] Any special departments for ethnic minorities should be abolished and funds directed to those in need irrespective of race or creed.
- [9] Any immigrants must have a good command of English
- [10] No further Ásylum Seekers' to be accepted all must apply for immigration from the country they are from or have moved to.

5209

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 11:52 a.m.

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

Full Names: Kirsty Mary Hourigan Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal
Country: New Zealand Submission:

- I reject any reference to the Treaty of Waitangi or its principles in any constitutional document.
- There should be no references to the Treaty of Waitangi and any existing references should be removed in all existing legislation.
- There should be no race-based Parliamentary seats .
- There should be no race-based representation on local bodies .
- I think that the Waitangi Tribunal, which has outlived its usefulness, be abolished.

Submitted on the 10 June 2013 at 15:15

3765

From: "John Houthuyzen"
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 1:38 p.m.
Subject: CAP Submission

To the Prime Minister, the Right Honourable John Key,
the National led Government,
and all members of Parliament, regardless of party or allegiance.

I am a naturalised New Zealander and as such, I had a choice in deciding if
I wished to become a New Zealand citizen, or retain my Dutch nationality, or
for that matter settle in another country altogether. That was back in the
seventies.

Now however, I am starting to wonder if I made the right choice. Over the
last couple of decades there has been more and more separatism appearing and
whether we like it or not, New Zealand is headed towards apartheid.

It is time, not only for the current Government, but the Governments that
will follow in future, to make a stand and distance themselves from
separatist development.

ALL New Zealanders must be marching to the same drum, with the same rules
and privileges applying to everyone, regardless of their race, colour, or
religion.

Please do not go down the path of having a written Constitution, especially
if it is aligned with, or based in any way on The Treaty of Waitangi.

Please abolish special Maori seats in Parliament and local Government.

There are enough well educated and very capable Maori out there to achieve
all they need to achieve on their own abilities, whom I admire immensely.

Yes there will always be some that require assistance with education or
health, but that should not be based on race, religion, colour or
nationality, but on 'need'.

Please, Please, Please, have a binding Referenda prior to going down this
slippery slope, which once entered upon, will be the ruination of New
Zealand as we knew it.

Kind Regards

John Houthuyzen

Tauranga
New Zealand

2476

From: Laura How
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.g...
Date: 4/07/2013 9:38 a.m.
Subject: CAP Submission

Please abolish the Maori Seats. We do not want to start having a country with apartheid or racist policies. It is already bad as I can see this country moving rapidly in this direction.

Regards

Laura How

1899

TAURANGA

19th June 2013.

Constitutional Advisory Panel,
WELLINGTON

After discussing issues with many friends they have asked me to make a submission to the Constitutional Advisory Panel though I doubt, like everything else submitted to any government body over many years, no notice will be taken of the views that we put forward.

- We do not think the so-called Treaty of Waitangi should be included and should have no role at all in our constitution.
- Maori views should be represented equally with European views, which is not the case now as everything is weighted in the Maori favour.
- Successive governments over the years have pandered to Maori in order to get their votes thus giving them too much power and a false impression of their importance.
- Pakeha *with a few drops of Maori blood* tack Maori names onto their European title as though there is something special about being a Maori. There is nothing any more special in having Maori blood than of being of any other race.
- Growing up in the Waikato coalmining areas in the 1940/50s there was no discrimination between Maori and Pakeha. We all schooled together, danced together, worked together and inter-married. We were all paid the same wages and Maori and Pakeha miners worked underground as '*mining pairs*' each being responsible for his partner's safety. They became lifelong brothers then, but look at the division that has come between us now.
- This is a deliberate division by a few radical Maori who have brainwashed younger generations and politicians, who have pandered to them, that we Pakeha stole their land and they have milked it to the extreme and continue to do so.
- Recorded in Chatham Island history is quote: *The Maori, experienced in court hearings, argued their case forcefully on the basis of conquest and residence. That they took possession of the land according to customs. The Moriori, with no experience of court procedures, failed to argue that their customary law, which forbade killing, should be considered – conquest was impossible where one side declined to fight. Also they failed to emphasize that they had occupied the land for far longer and continuously, even in slavery to the Maori. The outcome favoured the Maori as the judge accepted the conquest argument and awarded 97% of the land to them. The Moriori were awarded five blocks that were either wetlands or forest.* Unquote.
- If this was accepted then that same argument applies to the European who won the land by conquest and residence. The Maori now want to run with the hare and hunt with the hounds.

- Why are the injustices and horrendous treatment the Moriori race suffered at the hands of the Maori never mentioned when these whining Maori spokespersons reel off what the terrible Pakeha did to them!!
- Why is the murder and rape, by the Maori, of the English woman and children settlers never mentioned when the issues of European injustices to them is brought up.
- Susan Devoy states that the Treaty is for all New Zealanders so why does it lean so much in Maori favour. We feel the Treaty should be abolished and Treaty payouts cease immediately. Why are we taxpayers, who had nothing to do with the Maori wars back in the 1800s, having to pay these enormous and unjustified sums of money to the part Maori who in the main waste it.
- If Treaty settlements were warranted, and we believe they are not, those settlements should be paid from Queen Elizabeth II's enormous wealth, as after all she, not us, is the Crown.
- It is recorded in the Auckland Historical Journal that the Waikato Maori was paid Fifteen Thousand Pounds in the late 1800s as compensation for confiscated land. Following the large payment they were to receive Two Thousand Pounds a year from then on and that did not cease until 1998. It is stated Europeans gave the Maori instruction in business techniques and as they were quick learners they soon had their own vessels and were trading with Australia. Fifteen Thousand Pounds was a lot of money in those days. That tribe has squeezed another two huge payments out of we poor taxpayers.
- There was no racial discrimination when we attended school in the 1940s. There were no Maori kids and Pakeha kids we were just all kids. We spoke more Maori in the playground than English so where the tale of not being allowed to speak Maori originated from is a mystery. Certainly we were not allowed to speak the language in the classroom for obvious reasons as most of the teachers from out of the area did not speak Maori.
- The huge influx of Islanders into New Zealand in the decades that followed brought disruption into the schools and into the large state housing areas where they were mainly housed. My blonde haired, blue-eyed 5-year-old daughter began school at Cannon's Creek, Porirua, in the early 1960s and became totally terrified of attending school as she was so bullied by the Island kids who were the majority at the school. I had to walk her to school and pick her up at home time and invariably she would be crying and missing shoes and other items of clothing that the Island kids had stolen from her. We were forced to move out of the area and that was the beginning of school bullying in this country.
- The recent cartoon that caused such a furore, depicting Maori and Islanders clambering to the school for free food was in our view very appropriate. Successive generations of both Maori and Islanders have been cadging off the state for years so why they should take offence at the truth is surprising. Also in the cartoon there were elderly European figures going to the school for something to eat. We Pakeha did not take offence to that and again the cartoon has an essence of truth. With the continual rise in all consumer goods those of us who have been paying tax since 15 years old, over 60 years, in the belief that we would receive a pension that we would be able to live comfortably on cannot manage on the paltry sum paid to us now. When my mother collected the pension back in the 1970/80s she received financial help to pay the rates, telephone and power. Politicians who had never known hardship, nor dirtied

their hands with some good honest work, removed this financial assistance. There are no extra treats now for those who have to depend entirely on the pension because, through circumstances, they did not have the opportunity to accrue wealth.

- This is not the New Zealand that I grew up in and as my dear Maori friend, Nancy Kaa, who with myself is appalled at the way relations have become between Maori and Pakeha, says with tears in her eyes, ***"We all got on okay back then, didn't we."*** And that goes for all of us from those generations, now in our twilight years, who are totally heartbroken at the state of our country's race relations. And furthermore we place the blame directly at the door of politicians in both main parties who have governed the country so badly for so long now, with seemingly their only interest is in toting for votes and further lining their own pockets. Rather than selling off our assets, which do not belong to the government to sell anyway, they would save much more by reducing their own salaries and removing perks and pensions paid out to far too many retired politicians and hangers-on.

To recap.

1. We consider far too much power and importance has been given to Maori status.
2. Treaty payments, if warranted, should have been paid from the purse of the English Crown.
3. Injustices to European and Moriori people at the hands of the Maori should be publicly revealed to counter their claims of European injustices to them.
4. The Maori and European are so intermarried now that rather than fighting over past injustices we two races should be pulling together to ensure that our country will not be completely sold to overseas interests.
5. Politicians perks, pensions and handouts should be abolished and their salaries drastically reduced.

The above is the views from a conversation asked for by the Constitutional Advisory Panel. I feel sure that it is not what the panel want to hear but it is the opinions of many older people who have lived through and been affected by the many changes forced upon society during the latter half of the 20th century and the beginning of the 21st century.

Most sincerely,

Gwyneth Howard.

4595

From: "john howard"
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 11:05 a.m.
Subject: CAP submission

Submission of John Howard

As a person with a deep interest in matters Constitutional, the Treaty of Waitangi should be forth with enacted into New Zealand law.

In a free and democratic society it is simply not fair and just that Magna Carta 25 EDW 1 (1297) (albeit only Chapter 29 of it) was enacted into New Zealand law in 1988 by virtue of the Imperial Laws Application Act and the Treaty of Waitangi has not been.

For a number of reasons, our New Zealand democracy is not working as it should.

Unless we all fully understand the Treaty of Waitangi, the Magna Carta and other of our ancient and noble governing statutes including The Bill of Rights 1688 (1 Will & Mar sess 2 c 2) we will never understand who we are, where we came from and where we are heading.

Until then, New Zealand will never be a mature nation in the family of nations.

John Howard

621

From:
To: <constitutionalreview@justice.govt.nz>
Date: 23/04/2013 10:38 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

The future of New Zealand needs to be one of total equality for all citizens. I feel the Treaty of Waitangi has been beneficial but also feel it has had its use and is no longer relevant for our modern multi-cultural nation. It is effectively an historical document which should be treated as such - with respect for the purpose it served during the necessary time of change. However, It is perceived as a document that creates division and offers favouritism to one particular culture without giving any other New Zealanders an opportunity to object or appeal. After all, ALL New Zealanders have ancestors that arrived by crossing water to be here. We are all immigrants one way or another.

Laws can be created that apply to all New Zealanders without differentiating between race or culture; Laws that demand equal respect to all members of our society and for all to be treated equally. What is a constitution unless it provides complete and utter equal treatment for all.

It is time for New Zealanders to look to the future. We have learned and will continue to learn from our past - both the positive and the negative aspects of our society. Looking forward and building positive outcomes upon what we can now proudly call a solid foundation of cultural respect is what must commence - with no need for special treatment towards any one group...ever again.

The Treaty of Waitangi, therefore, must have no role within a new constitution. The whole purpose of a constitution is to ensure that all people are treated equally. It applies to all without the need for specifying any one group. No division. Same rules/laws for all.

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

The Treaty should never be made a formal part of the constitution. There is no place for it within a constitution. It is a document which has served its purpose. It gives favour to Maori who are now equal members of New Zealand society which is how things should be. Surely a Constitution is written to ensure all citizens are treated equally. As long as the Constitution applies to all New Zealanders by law - then all are being treated equally, without the need to specify any one group or introduce the Treaty within it. The Treaty is a document that divides people rather than uniting them. This is why it should not be

made a formal part of the New Zealand Constitution.

Sent on the 23 April 2013 at 22:36

34

From:
To: <constitutionalreview@justice.govt.nz>
Date: 2/03/2013 1:57 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Thomas Allen Howard Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Bay of Plenty Postal Post Code: Postal Country:
New Zealand Submission: I firmly believe that it is time New Zealand stood on our own two feet
and left behind some antiquated and redundant parts of our constitution, especially having the Queen
of England as our head of state. All that would be required is that the Governor
General should resign, and nobody else take up the post and this would be achieved.

Sent on the 2 March 2013 at 13:57

4072

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 4:35 p.m.
Attachments: The Universal Declaration on Volunteering.pdf

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

Full Name: Kit Howden Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: My brief submission is as follows:

- 1 Ensure the Bill of Rights remains strong and linked to the Universal Declaration of Human Rights.
- 2 Incorporate the rights of nature and ensure our species respects the limits planetary boundaries. In other words ensure there are basic environmental protections within the Bill of Rights or else where.
- 3 Limit the powers of ministers of the Crown and local government to ensure they listen and consider citizens making submissions and respond to their requests for public information
- 4 Limit the powers of government security agencies to protect free speech.
- 5 Enshrine in the Bill of Rights or elsewhere the fundamental principle of the voluntary society and the Universal Declaration of Volunteering. See attached

Submission Upload: The Universal Declaration on Volunteering.pdf

Submitted on the 29 July 2013 at 16:31

The Universal Declaration on Volunteering

Volunteering is a fundamental building block of civil society. It brings to life the noblest aspirations of humankind – the pursuit of peace, freedom, opportunity, safety, and justice for all people.

In this era of globalization and continuous change, the world is becoming smaller, more interdependent, and more complex. Volunteering – either through individual or group action – is a way in which:

- human values of community, caring, and serving can be sustained and strengthened;
- individuals can exercise their rights and responsibilities as members of communities, while learning and growing throughout their lives, realizing their full human potential; and,
- connections can be made across differences that push us apart so that we can live together in healthy, sustainable communities, working together to provide innovative solutions to our shared challenges and to shape our collective destinies.

At the dawn of the new millennium, volunteering is an essential element of all societies. It turns into practical, effective action the declaration of the United Nations that “We, the Peoples” have the power to change the world.

This Declaration supports the right of every woman, man and child to associate freely and to volunteer regardless of their cultural and ethnic origin, religion, age, gender, and physical, social or economic condition. All people in the world should have the right to freely offer their time, talent, and energy to others and to their communities through individual and collective action, without expectation of financial reward.

We seek the development of volunteering that:

- elicits the involvement of the entire community in identifying and addressing its problems;
- encourages and enables youth to make leadership through service a continuing part of their lives;
- provides a voice for those who cannot speak for themselves;
- enables others to participate as volunteers;
- complements but does not substitute for responsible action by other sectors and the efforts of paid workers;
- enables people to acquire new knowledge and skills and to fully develop their personal potential, self-reliance and creativity;
- promotes family, community, national and global solidarity.

We believe that volunteers and the organizations and communities that they serve have a shared responsibility to:

- create environments in which volunteers have meaningful work that helps to achieve agreed upon results;
- define the criteria for volunteer participation, including the conditions under which the organization and the volunteer may end their commitment, and develop policies to guide volunteer activity;
- provide appropriate protections against risks for volunteers and those they serve;
- provide volunteers with appropriate training, regular evaluation, and recognition;

- ensure access for all by removing physical, economic, social, and cultural barriers to their participation.

Taking into account basic human rights as expressed in the United Nations Declaration on Human Rights, the principles of volunteering and the responsibilities of volunteers and the organizations in which they are involved, we call on:

All volunteers to proclaim their belief in volunteer action as a creative and mediating force that:

- builds healthy, sustainable communities that respect the dignity of all people;
- empowers people to exercise their rights as human beings and, thus, to improve their lives;
- helps solve social, cultural, economic and environmental problems; and,
- builds a more humane and just society through worldwide cooperation.

The leaders of:

- **all sectors** to join together to create strong, visible, and effective local and national "volunteer centers" as the primary leadership organizations for volunteering;
- **government** to ensure the rights of all people to volunteer, to remove any legal barriers to participation, to engage volunteers in its work, and to provide resources to NGOs to promote and support the effective mobilization and management of volunteers;
- **business** to encourage and facilitate the involvement of its workers in the community as volunteers and to commit human and financial resources to develop the infrastructure needed to support volunteering;
- **the media** to tell the stories of volunteers and to provide information that encourages and assists people to volunteer;
- **education** to encourage and assist people of all ages to volunteer, creating opportunities for them to reflect on and learn from their service;
- **religion** to affirm volunteering as an appropriate response to the spiritual call to all people to serve;
- **NGOs** to create organizational environments that are friendly to volunteers and to commit the human and financial resources that are required to effectively engage volunteers.

The United Nations to:

- declare this to be the "Decade of Volunteers and Civil Society" in recognition of the need to strengthen the institutions of free societies; and,
- recognize the "red V" as the universal symbol for volunteering.

IAVE challenges volunteers and leaders of all sectors throughout the world to unite as partners to promote and support effective volunteering, accessible to all, as a symbol of solidarity among all peoples and nations. IAVE invites the global volunteer community to study, discuss, endorse and bring into being this Universal Declaration on Volunteering. *Adopted by the international board of directors of IAVE - The International Association for Volunteer Effort at its 16th World Volunteer Conference, Amsterdam, The Netherlands, January 2001, the International Year of Volunteers.*

SEE

ALSO http://www.volunteeringnz.org.nz/index.php?option=com_content&view=article&id=157&Itemid=112

SEE UN Report on 2001 plus 10 2009 Meeting

http://www.worldvolunteerweb.org/fileadmin/docdb/pdf/2010/FINAL_Report%20IYV10%20Consultative%20Meeting%20October%202009%20Bonn.pdf

SEE United Nations Volunteers (UNV) Submission for the Rio+20 Compilation Document [June 2012]

<http://www.uncsd2012.org/rio20/index.php?page=view&type=510&nr=104&menu=115>

Executive Summary:

- “Recognizing that volunteerism is an important component of any strategy aimed at, inter alia, such areas as poverty reduction, sustainable development, health, disaster prevention and management and social integration and, in particular, overcoming social exclusion and discrimination” (United Nations General Assembly A/RES 63/153).
- Volunteers have repeatedly demonstrated the power of volunteerism for social, economic and environmental transformation.
- The United Nations Volunteers (UNV) programme is the UN programme that supports sustainable human development globally through the promotion of volunteerism, the integrating volunteerism in development programming, and the mobilization of volunteers.
- Throughout 2011, the International Year of Volunteers plus Ten (IYV+10), UNV has been engaged in and organized global, regional and national consultative multi-stakeholder processes that involved a wide diversity of volunteer involving organizations (ViOs), civil society at large, UN organizations, governments, academia and private sector from more than 90 countries.
- Based on the declarations of these global stakeholder consultations, UNV would request Rio+20 to acknowledge and address that:
 1. Achieving sustainable development will require volunteers - therefore people, as volunteers, and volunteerism be integrated as part of the process, discussion, outcome and implementation of the Rio+20 Conference.
 2. Voluntary action and a strong people-centered approach are essential to achieve sustainable development and that this should be at the core of the Outcome Document.
 3. New ways of measuring progress and sustainable development are necessary, with new indicators that should include civic and volunteer engagement.
 4. The demonstrated power of volunteerism supports sustainable development and social, economic and environmental transformation.
 5. To implement sustainable development the people of the planet need to volunteer, and that this requires recognition and support.

SEE State of the World's Volunteerism Report 2011 Universal Values for Global Well-being
<http://www.unv.org/en/swvr2011.html>

SEE Volunteers Exploited

1 <http://www.guardian.co.uk/society/patrick-butler-cuts-blog/2011/nov/10/work-programme-charities-working-for-free>

- 2 <http://www.foregatecommercial.com/2011/10/interns-anyone-fancy-a-bit-of-exploitation/>
- 3 Volunteer tourism http://www.travelmole.com/news_feature.php?news_id=1150274
And <http://www.volunteeringforfree.org/>
- 4 http://newsletter.worldvolunteerweb.org/e_article000448121.cfm?x=b11.0.w

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

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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.

Jeanette Howe
Nelson
New Zealand

2461.

From: Les and Judy
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:14 a.m.
Subject: CAP Submission

The Maori seats should be abolished. We should be one people, whether Pakeha, Maori or Asian or
whatever.
Thank you.
Les & Judy Howe

Auckland

3858

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 8:13 a.m.

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

Full Names: Marty Howe Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Porirua Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: These questions in their current context are
irrelevant. If the constitution is intended to unite the country as 'New Zealanders' then the word Maori
needs to be removed and replaced with the word New Zealanders. Let's not continue to perpetuate
this division
within our country. We need to unite and be one people.

Submitted on the 25 July 2013 at 08:12

3858a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 8:24 a.m.

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

Full Names: Marty Howe Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Porirua Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: The Treaty of Waitangi should not have a
role in the constitution. While the Treaty is a unique historic document that has played an important
role in our past it should not be made a part of the constitution. The Treaty is unfortunately open to
interpretation
and as such it has become a devisive 'tainted' document. It should be kept as a part of our past so
we can move on as one united people under a new constitution written for all New Zealanders.

Submitted on the 25 July 2013 at 08:23

2136.

From: "Pete & Gae Howe"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 9:26 a.m.
Subject: CAP Submission

Maori seats should be abolished

2430

From: "Ricky "
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:17 a.m.
Subject: CAP Submission

As a Kiwi of Maori, American, English and Danish decent I strongly object to the Maori seats in Parliament. I am proud of all my descendants, but we are all Kiwis and there should be one law and one Parliament for all of our mixed races.

Ricky Howe

Director

Mount Maunganui

Phone:

Fax:

Mobile:

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

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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.

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Graham Howell
Wellington
New Zealand

402

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 9:22 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: christopher john howells Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: waikato Postal Post Code: Postal Country: New Zealand
Submission: I look forward to a country where everyone is treated the same, all races. Where one particular race doesn't get special treatment regardless of what has happened in the past, the past is the past. We need to move forward as one nation. No special schools, sponsorship, scholarships or benefits for one race over another. Each individual has the same opportunity to move forward using common sense and hardwork. No more excuses of why we cannot achieve.

We need a country run by brave people, to be run on what is and not what if. To concentrate on what needs to be done and not worry about votes and their next term. To worry about what is good and needed for by all new Zealanders. Stop rewarding the lazy, and punishing the hardworking. Get rid of stupid laws that don't work, Like the anti smacking law, some people just shouldn't be in charge. Much much much harsher penalties for criminals, if your not committing a crime you've got nothing to worry about, throw the book at them, life means life, come on guys our sentancing is a joke, the rest of the world laughs at us.

I want a government who aren't afraid of concentrating on putting money into the important things, education, health, families and not sedating a minority race for votes and an unsubstantiated guilt. I just really want integrity. No bullshit, no pity for the poor whiners and maybe a little harder, tougher and forward thinking, its ok we'll thank you later.

Sent on the 15 April 2013 at 21:21

402a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 9:41 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: christopher howells Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: waikato Postal Post Code: Postal Country: New Zealand
Submission: As an immigrant to this country and having talked to many English, south African, Asian, dutch about the Maori situation. I feel the treaty of Waitangi is an antiquated noose around the neck of our nation. I think we put too much emphasis on this as the crux of our country. Our country's strength is made from our present not our past. We cannot just celebrate our indigenous people but also our immigrants who are essentially the backbone of this country.

Sent on the 15 April 2013 at 21:41

4026

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 9:42 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: christopher howells Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: waikato Postal Post Code: Postal Country: New Zealand
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Sent on the 15 April 2013 at 21:41

2016

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 2:10 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Abbott Howes Organisation Name: Amnesty International Email: jk
Phone: (Postal AddressA: Postal AddressB:
Postal City: New Plymouth Postal Region: Taranaki Postal Post Code:
Postal Country: New Zealand Submission: I have been a human rights activist for more than 23 years with Amnesty International. That is why I strongly urge for the inclusion of economic, social and cultural rights in the New Zealand Bill of Rights Act as the best protection to ensure that all our rights are protected.

That is why I welcome the opportunity to urge New Zealand to pick up the mantle of former Prime Minister Peter Fraser, who promised a future "free from want" for all New Zealanders by incorporating economic, social and cultural rights into the Bill of Rights Act.

For that reason I urge:

- 1) the inclusion of economic, social and cultural rights into the Bill of Rights Act
- 2) the entrenchment of the Bill of Rights Act
- 3) for judges to have the power to provide remedies
- 4) ratification of the Optional Protocol to the ICESCR, including opting in to its inquiry and inter-state mechanisms
- 5) the establishment of a human rights select committee, and increased accountability around select committees to ensure that human rights issues are noticed and taken seriously
- 6) the requirement of all levels of Government to take a human rights approach to addressing human rights issues and mainstreaming rights through their decision and policy making
- 7) increased human rights education initiatives to increase public awareness of economic, social and cultural rights

John Howes

Sent on the 1 July 2013 at 14:07

Submission to the New Zealand Constitutional Advisory Panel 2013

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Yutong Hsu
Auckland
New Zealand

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Auckland
New Zealand

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Jessica Hubbard
Wellington
New Zealand