

5053

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:11 p.m.

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

Full Names: John & Uta Humphries Email: Phone: 0800 000 000
Postal Address: Postal City: Postal Region:
Whangaparaoa Postal Post Code: Postal Country: New Zealand Submission: All
persons who live or come to settle permanently in New Zealand are first and foremost New Zealanders. They could be of Maori, Samoan, Chinese, British, South African decent, but most importantly they are New Zealanders. The Treaty of Waitangi has addressed

the wrongs of the past and it is apparent that some statute of limitation must now be applied. The Treaty has served a useful purpose but should now be considered as an important document in New Zealand's history only. It should form no part of our constitution.

Submitted on the 19 June 2013 at 16:15

Constitutional Review Ministerial

Draft reply

Minister: Hon English and Hon Sharples

Minister's Office Ref: ³⁸ 01 (Hon English)

MOJ Ref: CR 38-37600

FILE
FILE COPY

Writer:	Hira Hunapo
Address:	
Subject:	Issues that need reviewing Draft constitution of Aotearoa.

Date of letter/email: 22 September 2011

Date received by Ministry of Justice: 22 September 2011

Due date: 13 October 2011

Date sent: Emailed to English's office
10/10/2011

Business Unit: Policy & Legal, Public Law

Ministry File Ref:

CON-03-02-08-22-01

Assignment	Name	Date received	Date sent
Policy Manager (Acting)			
Project Coordinator		22/09/2011	26/09/2011
Author		26/09/2011	30/09/2011
Peer Reviewer		30/09/11	05/10/2011
Authorising Manager		6/10/11	6/10/11

05/10/11 07/10/11

Authorising Manager Sign off

____/____/____

Peer Reviewer

Date final reply despatched from Minister's Office:

Returned for Amendment (date):

Reason:

New due date:

Date amendment despatched:

Date complete:

FILE COPY
FILE

Colleen Lwee - Constitutional Review ministerial #38 for logging and paperwork

From: Anne Tregaskis
To: Colleen Lwee
Date: 22/09/11 10:37 a.m.
Subject: Constitutional Review ministerial #38 for logging and paperwork
Attachments: HUNAPO - 22.09.2011.pdf

Hi Colleen

Constitutional Review ministerial #38. Can you please log and send up the paperwork?

Thanks

Anne

>>> "Bill de la Mare (MIN)"

> 22/09/2011 10:25 a.m. >>>

Hi all,

Constitutional review submission for reply - reference number #38

Hira Hunapo

Kind regards,
Bill

F
F

MINISTERIALS

10 OCT 2011

CR 38 - 37680

4 PM

Hira Hunapo

Dear Hira Hunapo

Thank you for your email received on 22 September 2011 attaching your "Draft Constitution of Aotearoa". In our capacities as the Deputy Prime Minister and the Minister of Māori Affairs, we are jointly responsible for the Consideration of Constitutional Issues, in consultation with a cross-party reference group of members of Parliament.

The purpose of the Consideration of Constitutional Issues is to stimulate public debate and awareness of New Zealand's constitutional arrangements, and to identify any particular issues where further consideration is desirable.

An independent advisory panel is designing and managing the work programme for the Consideration of Constitutional Issues. The Constitutional Advisory Panel (the Panel) will establish a forum to develop and share a range of views on the constitutional topics in the review. Their work will include seeking the views of all New Zealanders. The forum will begin in 2012 and will conclude in 2013, when the Panel will report to the responsible Ministers.

Once the work of the Panel is complete, Cabinet will consider whether further work on particular issues is desirable. Any changes to our constitutional arrangements must be carefully examined and have broad support.

Thank you for the material you have provided. We have forwarded this information to the secretariat for the Constitutional Advisory Panel. The secretariat will contact you if they have any further questions about the material you have provided.

We are pleased to see you and others taking such an interest in the constitutional review, as our constitutional arrangements affect all New Zealanders. We hope that you will continue to follow the progress of the review, and will contribute your views in 2012.

Information about the review, including the Terms of Reference, can be found at www.justice.govt.nz. The Constitutional Advisory Panel can be contacted at:

Constitutional Review Secretariat
C/- Ministry of Justice
SX10088
WELLINGTON
Email: ConstitutionalReview@justice.govt.nz

Thank you for taking the time to write.

Yours sincerely

Hon Bill English
Deputy Prime Minister

Hon Dr Pita R Sharples
Minister of Māori Affairs

Draft Constitution of Aotearoa

Prepared By

Hira Hunapo

Draft Constitution

Governing Principles

Ko te mea nui, ko te Atua. Nana nei nga mea katoa. Te kairahi hei manaaki i tiaki tatou katoa. Ko te Amorangi ki mua, ko te hapai kei muri. Hei hapai nga ture wairua o te Atua.

First and foremost we acknowledge God our Creator The Maker, and Provider and Protector of all. God as our Leader and to the fore and we behind to uplift and embrace the Spiritual Lore and principles of the Creator.

Nga Ture Wairua / Spiritual Principles

Aroha

To demonstrate unconditional and unselfish love and respect toward all living beings and our natural world.

Whanaungatanga

To create families and communities that holistically embrace and demonstrate a sense of togetherness that cares and looks after one another.

Manaakitanga

To holistically show hospitality and caring toward all peoples.

Kaitiakitanga

To be guardians and protectors of people, animals and our natural environment and natural resources within our respective tribal regions (Mana Whenua) and residing regions and nation as a whole.

Whakapapa

To protect and preserve the holistic sacredness of our genealogies and future generations

Tino Rangatiratanga

Full recognition of and adherence to Nga Ture Wairua (Spiritual Lore)

Clause (1)

Tiriti o Waitangi

1. The Tiriti o Waitangi stipulates and gives full recognition of:

- 1.1** The distinguished and unique status and responsibility of Maori as the Tangata Whenua or translated to be Original Peoples of the Land and Kaitiaki or translated to be Guardians of and pertained to Taonga within their respective tribal regions.
- 1.2** The requirement to uphold and underpin the Governing Principles within the Constitution of Aotearoa.
- 1.3** The sovereign status and relationship of and between the Maori Chiefs and the British Crown.

Clause (2)

Human & Environmental Rights

- 1.1** In accordance with the Governing Principles, the holistic well being and needs and intrinsic value of people is paramount above all else. All must be done to achieve this.
- 1.2** In accordance with the Governing principles, the holistic wellbeing and intrinsic value of our natural environment and natural resources therein is paramount above all else. All must be done to achieve this.
- 1.3** In accordance with the Governing Principles the cultural, spiritual and religious beliefs, values and practises of all peoples will be respected.
- 1.4** In accordance with the Governing Principles, the NZ government will support communities to become more socially and economically self-sufficient and sustainable.

Clause (3)

Government Legislation

1.1 All government legislation, statutes, laws, policies and procedures and United Nations request will adhere to both the Governing Principles and clauses within this Constitution.

1.2 Any government legislation, statutes, laws, policies and procedures and United Nations request reported and proven to violate, interfere with or adversely affect or compromise the Governing principles and clauses within this Constitution will be subject to review and or abolished.

1.3 Any local or international business and/or commercial entity or operation reported and proven to violate, interfere with or adversely affect or compromise the Governing principles and clauses within this Constitution will be subject to review and or required to cease operation in New Zealand.

Checklist for Ministerials

Drafter

Reviewer

☒

Does the response answer the question?

☒
☒

If a precedent is available, has it been used?

☒
☒

Is the response clear? Does it use short sentences?

☒
☒

Is the tone appropriate? (ie, is this a frequent writer, young writer etc)

☒
☒

Is the style consistent with Ministerial preference?

☒
☒

Names (check accuracy against original letter)

☒
☒

Formalities (titles, honorifics, Ministerial titles)

☒
☒

Dates (check accuracy against original letter)

☒
☒

Address (check accuracy against original letter)

☒
☒

Macron use (check for accuracy)

☒
☒

Avoid use of acronyms if possible & check for accuracy

☒
☒

Have the right people been consulted and/or CC'd?

☒

TPK to be consulted after peer review.

5203

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 11:47 a.m.

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

Full Names: Mervyn Walter Hunger Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Tauranga
Postal Region: Western Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: I am strongly opposed to having our national constitution racially based.

We must be all united as one people for the future of New Zealand

Submitted on the 10 June 2013 at 17:42

535

From: Barry Hunt <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 10:06 a.m.
Subject: submission

Hi,

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

"Equality for all, One People One Nation"!!

Regards

Barry Hunt

Operations Manager

Phone:
Mobile:
Fax:

P.O.Box

Email:

This mail and any attachments are confidential. If you receive this correspondence in error, please immediately delete it from your system and notify the sender. No confidentiality or privilege is waived or lost by any mistransmission. You must not read, disclose, copy or rely on any part of this correspondence if you are not the intended recipient. Any views expressed in this email do not necessarily reflect the views of the company

1343

From: Claire Hunt
To: <constitutionalreview@justice.govt.nz>
Date: 15/06/2013 11:43 a.m.
Subject: Submission

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.

Further, any written constitution should call for NZ to move forward as one united people.

Claire

227

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 8:54 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: matthew phillip hunt Organisation Name: personal Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: tuakau Postal Post Code:
Postal Country: New Zealand Submission: 1. yes, to clear up a lot of cloudy issues. 2. yes, so
one law applies to everyone. 3. neither, as politicians are the least trusted profession every year and
our courts are incompetent.

Sent on the 12 April 2013 at 08:54

227a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 9:03 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: matthew phillip hut Organisation Name: personal Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: tuakau Postal Post Code:
Postal Country: New Zealand Submission: 1. no, because they are currently taking away our right
to protest against big business. 2. victims of crime should have more rights and criminals should have
theirs taken away when they are found guilty.

Sent on the 12 April 2013 at 09:03

2276

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 9:28 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: matthew phillip hunt Organisation Name: personal Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: tuakau Postal Post Cod
Postal Country: New Zealand Submission: 1. None, what is the purpose of having a
"settlement process" if there is not going to be a "settlement" of the issue. And
considering the principals are continually being redefined they are not conducive to a defining law. 2.
No, because it was a rushed
together document that is not clearly defined and favours one group of people on the basis of race.
And as a maori myself, I feel it is holding back our people and making them out to be victims and until
we can come together as one people, we can never move
forward as a country.

Sent on the 12 April 2013 at 09:28

227c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 9:37 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: matthew phillip hunt Organisation Name: personal Email:
Phon: Postal AddressA:
Postal AddressB: Postal City: Postal Region: tuakau Postal Post Code:
Postal Country: New Zealand Submission: 1. By a democratically elected person, not a quota. 2.
By putting forward more candidates for election through a democratic system. 3. Same as above.

Sent on the 12 April 2013 at 09:35

227d

From: ...
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 10:14 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: matthew phillip hunt Organisation Name: personal Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: onewhero Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: 1. As few as possible to get the job done, probably
half of the current number. Considering they are slashing spending every where else, they should
have started with themselves and not given themselves another yearly pay rise. Their pay should be 5
times
the minimum wage or maybe even preformanced based, especially considering that they are the
most untrusted profession year after year, they need to be much more transpirant and accountable. 2.
As is. 3. Same day every year, so that they don't have it straight
after a world cup win when everyone is happy and content. 4. If one mayor can run our largest city,
then we only really need five or so regions represented, split them up the same way the super rugby
teams are done. 5. Stay on as an independent MP because
they shouldn't have to vote as their party tells them to, they should be voting the way the people who
elected them tell them too, you know, like they should do. In fact there should be no more parties in
parliament to insure proper representation of the people.

Sent on the 12 April 2013 at 10:14

1391

From:
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 1:19 p.m.
Subject: our say

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

Thank you June Hunter Brian Hunter Katikati

3664

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 17/07/2013 9:06 p.m.

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

Full Names: Briar Hunter Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Dunedin
Postal Region: Otago Postal Post Code: Postal Country: New Zealand Submission: I
have an aspiration for the future New Zealand to care more about its children and put a dedicated
concerted effort into addressing the massive level of poverty in our country. We need to be looking
after the quarter of our children who are living below
the poverty line, by providing them with the love, confidence, food, health and security they require to
grow into happy and successful New Zealanders that want to add to the prosperity of our nation. Our
current minimum wage is leaving families with 1.5 full
time workers coming up over \$110 short each week in covering all of their expenses. Those who are
relying on benefits are coming up even shorter. We need to start valuing people working in lower paid
jobs, by paying them a living wage so that they can properly
support their families. For the health, economic and environmental success of our nation we need to
address the poor quality of housing across the country. There needs to be a required minimum
standard and appropriate rent rates so that people can afford to
live in a dry healthy home, without having to resort to overcrowding for warmth and affordability. This
is the only way we will banish our embarrassing rates of rheumatic fever and skin infections that are
now confined only to 3rd world countries.

Submitted on the 17 July 2013 at 21:05

733

From: ..
To: <constitutionalreview@justice.govt.nz>
Date: 3/05/2013 3:47 p.m.
Subject: CAP submission
Attachments: Submission Constitution.doc

Dear Sir or Madam,

Regardless whether my opinions stack up in the views of the review panel, I do appreciate the opportunity to express these as a participating citizen in our Democratic country.
As good as we are at governing ourselves, there is always scope for refinement and/or improvement.

Respectfully, Cameron Hunter.

SUBMISSION.

To:- The Constitutional Review Panel.

Case For a Single Document Constitution;-

1. Individual rights would be more easily recognisable by NZ citizens if contained in a single document.
2. The State would have an established standard against which to frame legislation.
3. The current multiplicity and amalgum of Acts which form components of our Constitution are of limited effect because these;-
 - (a) Are subject to legislative adjustment or repeal.
 - (b) Are capable of test by legal precedant.
 - (c) Do not take cognizance of the Treaty of Waitangi.
 - (d) Are obscured from, or are unfamiliar to, a large proportion of citizens.
 - (e) May be contradictory in some instances.
 - (f) Omit property rights.
 - (g) Omit customary and indogenous rights. [Abrogation of these occurred as recently as the passage of the Forshore and Seabed Act.]
4. None of the Constitutional "component" Acts has supreme authority over another. This can give rise to issues of counter relevance of some clauses and create legal confusion.

Treaty of Waitangi.

Westminster Democracy, for all its benefits, has never been, nor will it ever be the servant of an indigenous minority.

A cynic may claim New Zealand's early enfranchisement of women, may have been more a move to secure Democratic majority than acceding to the sufferage movement ?

Indeed, the Westminster system could never have been implemented had not the Treaty of Waitangi [supposedly] allowed it.

Protections guaranteed to Maori under its provisions were breeched far more often than observed. Alleged breeches must undergo scrutiny from the Waitangi Tribunal to appraise their validity or otherwise. As a recommendatory body only, it can then submit its findings to the Crown.

Redress and reparation for such breeches must then be negotiated between the claimants and the perporators. Compensation generally represents a minute fraction of the true cost of such losses to Maori, yet draws howls of protest, often from those who have benefited the most from such dispossessions, and who now call for TOW abolition ?

The historical relevance of the Treaty of Waitangi in conferring legal British occupation of our country can never be invalidated. It carries the signatures of the then Chiefs of Aoteroa and the envoy of the Queen of England.

Without doubt it remains the founding document of New Zealand and so long as our legislation takes effect only after sign off from our Governor General, the Treaty of Waitangi deserves its rightful inclusion as the basis of our Constitution.

Maori Representation.

In my admittedly limited experience, there tends to be a high level of disengagement amongst Maori in our electoral process and in particular local body political representation.

Statistics may or may not support the notion that a higher proportion of Maori fail to exercise their vote than their Pakeha counterparts.

The reasons for this vary, but include a lack of confidence and trust in the democratic process, feelings that their vote will not make a difference, indifference to the issues, a perception that Pakeha will call the shots anyway, and in many instances, complacency derived through a lack of understanding and purpose of the democratic process.

Some 30% of those eligible to vote in our last general election failed to cast a vote. Notwithstanding that some abstain on religious grounds, this proportion is way too high. The success of effective democratic representation depends upon participation from a well educated and informed populace and we ignore this premise at our peril. Any perception by this relatively high proportion of disengaged citizens, that democracy is Government of the affluent, by the affluent, for the affluent, does not argue well for its future.

I believe that **all school aged children** should receive civics education that is appropriate to their age.

At least 4 general elections are held from a child's entry to school until they leave. Even if civics education is centered around these events, it would be better than nothing.

Maori Seats.

1. Maori seats and their determination depend on the number of Maori who choose to be on the Maori electoral roll.

I propose that all children born to one or both Maori parents are automatically registered on the Maori roll but flagged as non voters.

They can be tracked through school, census, WINZ or IRD records so that when they reach voting age they are then offered the option to revert to the general roll.

Over time, this small change would give demographers some advance idea of the volume of potential Maori voters, the Electoral Office some advance idea of future electorate boundaries, and statisticians an idea of the proportion of Maori who cast a vote compared with non-Maori and those Maori who revert to the General roll.

It seems that resistance to change is part of the human condition, and automatic

enrollment at birth may engender an interest within Maoridom to engage in the Democratic process ?

2. Maori society still tends to be tribal in its allegiances.

Current Maori electoral boundaries encompass Maori from all tribal origins. If the 7 Maori seats were allocated ie. Ngai Tahu, Ngapui, Waikato, Ngati Porou, Tuhoe, regardless of where the individuals of these tribal groups happen to reside, and 2 seats reserved for urban Maori residing in say Auckland or Wellington, there may be greater engagement also ?

Such grouping would also be consistent with "community of interest" arguments.

3. The existing delineation between local Government and Central government is becoming blurred. Christchurch and Ak, super City are examples.

Mayors in these cities are not MP's but sometimes exert more influence within Central Government than the locally elected MP's.

There may be scope for Local Body Mayors [or Councillors] to supplant MP's as Central Government representatives for their respective communities of interest ?

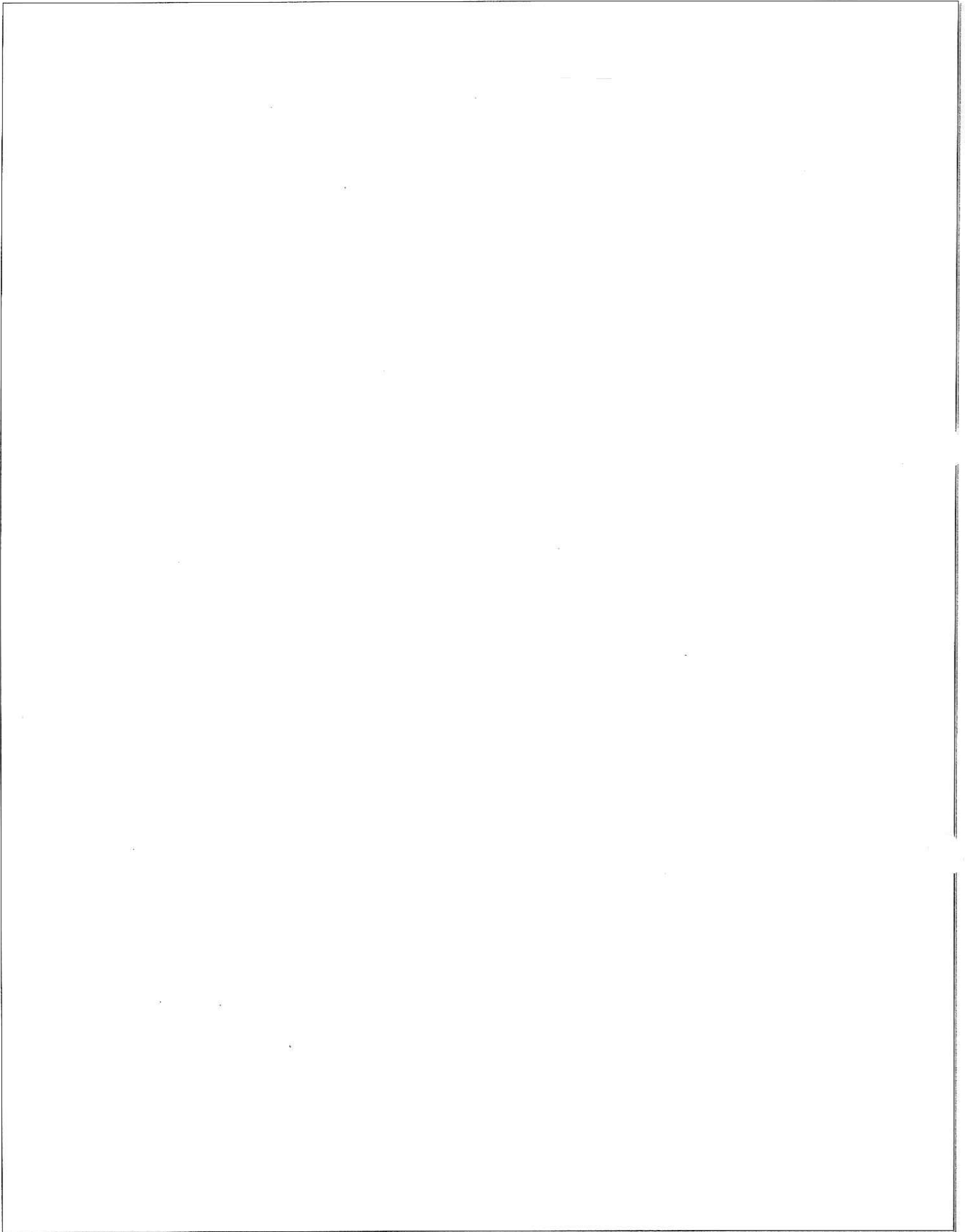
The inter-relationship of Rates vs Taxes would need some amalgamation but could lead to economies which may reduce one or the other ?

There is already a perception that we are "over governed" "over regulated" and by implication "over taxed".

The existing lack of interest by many citizens in local body politics could well be reversed in the knowledge that local Councillors would ultimately become their Central Government representatives ?

There may also be greater importance placed on a candidates ability and capacity rather than their political "colour" ?

Cam. Hunter.



3967

From: Donald Hunter <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 28/07/2013 5:44 p.m.
Subject: CAP Submission
Attachments: 4 Draft constitution.docx

Please find attached a Constitutional Conversation general submission

Don Hunter

CONSTITUTIONAL CONVERSATION

A general submission by Don Hunter.
Wellington,

I write somewhat diffidently. I am a layman not well read in constitutional matters (The Constitutional Conversation bibliography is rather daunting, and the material on the internet even more so,) but I have two concerns that I would like to express, and a recommendation I would like to make.

My first concern is whether the Constitution Conversation is giving sufficient consideration to the values underpinning our constitutional arrangements. The topics listed by the Conversation do not ensure a full exploration of citizen freedoms, responsibilities, rights and duties that form societies' values. Buffered as we are by consumerism, the demand for entertainment and instant gratification, growing inequality, rapid technological change, news presented as entertainment with little analytical rigour, the loosening of family and community ties; values are easily lost sight of.

Some decades ago we spoke easily of equality, of "fair go," of family and community cohesiveness and took pride in work well done. Political, community, association and labour leaders; broadcasters and writers gave expression to these values. In today's ever changing world it is perhaps too much to expect a Pericles to arise; our political leaders, broadcasters, writers no longer give expression to societies' values and we no longer look to them in expectation.

Where then are we to look? Essays have played a notable part in political thought, and famous essays have resulted from competitions. Could we then have a national values essay competition? It would be crucial to involve the young so perhaps a competition could have a section for those in secondary education. A national essay competition would, hopefully, capture the interest of the media, and of society.

My second concern is that missing from the topics proposed for discussion in the Constitutional Conversation is the introduction of a second chamber, an Upper House.

One watches with unease the parliamentary debates; the time taken by points of order, rows of empty benches, the superficial exchanges, the political manoeuvring. When last did we hear in parliament a speech worthy of being recorded other than in Hansard.

Then there is the unease occasioned by the frequent, almost common use of urgency and supplementary order papers to hasten the passing of legislation. One wonders whether interests are being adequately represented, whether, issues and their consequences adequately considered.

Government, we are told, is responsible to, and held to account by parliament. But government largely controls parliament, it must do so to get its legislative programme through. Under our system, government exercises both executive and legislative power. It is a contradiction to say that government is accountable to the parliament it controls.

I, and my neighbours, worry whether a single chamber parliament is capable of adequately representing the complexity of our society; do the procedures and level of debate ensure adequate scrutiny of proposed legislation? Have our governments lost sight of their obligation to govern according to the will of the people, and take their election as license to govern as they please? Is parliament able to hold government to account and ensure the responsibility of ministers? We feel parliament is lacking on these counts.

These concerns could be addressed, I suggest, by the introduction of an Upper House. This proposal would likely meet with stiff opposition on both political and public fronts. Political, through the prospect of more adequate scrutiny of legislation and executive decisions. Public, from the feeling that an Upper House would become a sinecure for retired politicians and public officials, this latter could be overcome by careful design of the chamber.

The composition of an Upper House, would, in itself, make for an interesting debate. My suggestion is that representation in an Upper House should be free from party politics. Politicians, party and public officials past and present, should be ineligible to stand. Election, I submit, should be by electoral colleges made up of existing organisations, for example: the Medical Association, the Law Society, Labour Unions, Iwi, Local Government, School Boards and Committees, Women's Organisations, University Councils, Business Associations, Youth Organisations and so on.

Representation in such a House not to be a career option but regarded as service to the country. The remuneration, allowances and prerogatives of members of the House of Representatives would not apply. The term to be for a fixed number of years.

A well designed Upper House would, I submit, enable the complexity and issues of our society to be better represented in debate, would ensure a less hasty and more adequate consideration of legislation, and could effectively scrutinise the policy and administration of ministers and hold government to account.

This then, is my submission; more consideration be given to the values underpinning our constitution, that a national essay competition be held to foster this, and that the introduction of an Upper House be part of the constitutional debate.

Thank you for the opportunity to make this submission.

Don Hunter

5110

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:49 p.m.

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

Full Names: Kevin Phillip Hunter Organisation Name: Te Tahawai Marae Komiti Inc. Email:
Phone: Postal AddressA:
Auckland Postal City: Postal Region: Auckland Postal
Post Code: Postal Country: New Zealand Submission: I think that the Treaty of Waitangi
should be the foundation upon which any written Constitution is based. After all, the Treaty legitimised
the subsequent occupation and colonisation of land and native people. It was signed in good faith by
both parties

even if one of those parties was unaware of the devastation that it would bring down upon them. I
think that the reconciliation brought about by recent TOW settlements and apology's have done much
to prove that the TOW is not an empty document. As such it

deserves to take its rightful place as the foundation document in any written Constitution.

Submitted on the 16 June 2013 at 13:02

4128

From:
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 12:53 a.m.
Subject: SUBMISSION

FROM Shirley Hunter-Brydon

UPPER HUTT

Submission to Govt Advisory Policy-

Re.Treaty Policy

I strongly support the Conservative Party's statements re.the Above.

e.g. one elected non-racial Govt, One Voice- Nil Discrimination e.g. towards

ANY race-

Our seabed, rivers, the air above- being freely available to ALL, no strings attached.

OUR COUNTRY - OUR PRIDE-

Yours very sincerely, Shirley

3505

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 10:12 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Scott Tomas Ridley Huppert Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Taupo Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
I am totally opposed to any changes to our constitution that recognises any group of New Zealanders by race in any form. A constitution that treats any group of people differently is discriminatory and if it treats any ethnicity differently to another it will be simply racist. Period. In the case of this constitutional review any inclusion of references to The Treaty Of Waitangi or its principles would be a huge set back to us as a nation and therefore a very sad day for all New Zealanders. Including references to the Treaty of Waitangi will only condemn New Zealand to a future of racial division when as a nation we are now of an age that we should be doing the opposite. We desperately need a Constitution that unites us as a Nation not one that divides us. How sad a day for all kiwis would it be if that happened? Irrespective of where our forefathers were born we were all born in Aotearoa and as a result we are all Kiwis. Yes we should celebrate our different cultural heritage but we must all be seen and treated equally in the document that forms the basis of our Nation. For these reasons I am totally opposed to any reference to the Treaty of Waitangi or its principles in any constitutional document and all references to existing legislations should be removed. Similarly all race-based seats in our Parliament and local bodies need to be abolished (they are outdated and as a nation, are racist, and its about time we had all people elected on their merit not the colour of their skin). I am totally against any discrimination in any form and if New Zealand is to grow as a nation we must stop thinking about ourselves as different groups of different ethic backgrounds and started thinking about ourselves as what we are. Kiwis. Aotearoans. New Zealanders. Any way you say it, one united group of people treated the same and provided the same opportunities under our laws. This is what will make our nation truly great and getting a constitution that treats us all equally is the critical first step to achieve this.

Sent on the 10 July 2013 at 22:12

1037

From: .
To: <constitutionaireview@justice.govt.nz>
Date: 4/06/2013 1:00 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Vanessa Jane Huppert and Samuel David Green Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Abolish the Waitangi Tribunal and restrict the amount of legal aid available to treaty claimants.

There is NO need for a written constitution. The treaty has no place in constitutional documents.

Sent on the 4 June 2013 at 13:00

187

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 2:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Keegan Hurd Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: 1. Yes. At the moment, our constitution is fluid, and allows for a great deal of change without much effort. While this is potentially a positive thing, it does mean that if a facist government (or some other extremist group) were to be elected, they would not have much trouble passing the constitutional reforms necessary to impose martvial law or the like. Also, having a single document that is 'The Constitution' means that New Zealanders will be much less confused in relation to our constitution - at the moment, most people assume New Zealand has no constitution.

2. Yes. The whole point of the constitution is setting out the rules of the 'political game'. If it has the same status as the other laws in our country, politicians can easily change the way they are elected, and the way the democratic process in this country works, without the people that it affects (ordinary voters) having a say in the issue. I propose that any amendment to our constitution be the subject of a binding referendum, in which 60% of the vote is required to pass an amendment.

3. The courts. The Courts should decide whether laws are constitutional as most of the constitution affects parliament itself (as our executive and legislative branches of government are intrinsically linked), and therefore parliament cannot be trusted to provide frank, even-handed judgements on its laws.

Sent on the 10 April 2013 at 14:45

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.

Simon Hirini
Lower Hutt
New Zealand

3685

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/07/2013 11:57 a.m.

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

Full Names: Te Miringa Rosina HURIWAI Organisation Name: made on my own behalf Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Gisborne Postal Region: Gisborne Postal Post Code: .
Postal Country: New Zealand Submission: The current Constitution consultation process gives
the opportunity for parliament to correct how Te Tiriti o Waitangi sat/sits as the foundation document
for Aotearoa. Please don't let the political / economic realities of the present restrict the final
document. Set it out as a goal, a clear pathway and a socially enhancing supportive journey.

Kia ora koutou.

Submitted on the 18 July 2013 at 11:57

2925

From: Ray Hurle
To: <constitutionalreview@justice.govt.nz>
Date: 8/07/2013 5:56 p.m.
Subject: CAP Submission

Hobson greeted the signatores of the treaty with 'we are now one people'. Gracious optimism at the time which could now be a reality with all of us being New Zealanders. if it wasnt for Maori efforts to retain their own political identity. The Maori seats and all instruments of attempted Maori sovereignty.

2925a

From: Ray Hurle
To: <constitutionalreview@justice.govt.nz>
Date: 11/07/2013 4:46 p.m.
Subject: CAP Submission

The Treaty has fulfilled its purpose of uniting two people it should now be historical only like Māori
Caiti otherwise it becomes a millstone for some and a cash cow for others.

2925b

From: Ray Hurle
To: <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 4:46 p.m.
Subject: CAP Submission

The purpose of the Yteaty was to bring together our two people. Hobson welcomed the chiefs with, 'We are now one people.' Ask a New Zealander of English descent and he will most likely reply, 'Im a New Zealander.' Ask a New Zealander of Maori descent and he will most likely reply, 'Im a Maori'. Until Maori accept that they are New Zealanders of Maori descent we will remain a divided country. The Treaty has served its purpose and is now a mill-stone for the many and a cash-cow for a few.

4652'

From: >
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 12:14 p.m.
Subject: Constitutional Advisory Panel - Submission:

To Panel Members:

It is of the utmost concern that the Government of this country is allowing a continuing movement towards separatism (or apartheid) and special privileges for one segment of NZ's population - those of Maori decent. This can only lead to eventual and substantial problems for this country in the future.

The Constitution of New Zealand must be clear in the main principal that all New Zealanders are equal under the law, all have equal rights as citizens and there are no exceptions based on race or ethnic background.

Yours faithfully,
D.A. Hurst.
Bay of Islands.

24 04

From: "David Hurst"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 6:46 a.m.
Subject: CAP Submission

yes Abolish Maori Seats, no need for Race based seats in NZ, unfair on other Racial communities who
far outnumber Maoris.

Sincerely
David Hurst

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;
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- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Lesley Hirst
Dunedin
New Zealand

4610

As a supporter of Amnesty International, I write to add my voice to the current constitutional conversation. While I generally support Amnesty's very noble cause, I most certainly do not support their views on this topic.

Our Bill of Rights Act 1990 only incorporates civil and political rights. Let's keep it that way.

I believe civil and political rights, such as the right to life, are separate from such concepts as the equal right to work, accessible health care, adequate housing and education. Someone has to pay for these, and it generally those who don't want to, who want others to pay for those services for them. While I support basic human rights, political and otherwise, I do not support these so called 'rights' which are basically forced socialism.

I believe there should be a healthy debate regarding these concepts. Who is it who is to provide the 'work' everyone is to have a right to? The government? They can only achieve this type of objective by subjugating others....what about their 'rights'? Oh, and what kind of 'work' should it be? Well, I suppose a good salary should be a 'right'? Who pays it? A good dose of sick leave thrown in....as everyone should have the 'right' to cop out of a day's work to watch the footy no? Basic human rights, no? Who pays for this 'free' education? Are the teachers supposed to work for free? What about their rights? Oh, the 'tax payer'? You mean those who can be bothered getting out of bed in the morning to go and work? The 'right' to housing....beachfront please with a spa pool. And sorry if you don't want to have any kids and further overpopulate the world and use your money for other purposes....but you should have to pay for my 10 ankle nippers....because that is my 'right'. Your rights to your own money you have earned? Don't ask Amnesty about that....

Yes, have a healthy debate. Too many people are easily influenced by these airy fairy 'ideals' without thinking them through. These 'rights' would only create a police state.....and before you know it Kim Jong Il is running the place. Please. let's keep these ideas very clearly separated. People should have the right to a fair trial. People should have the right to life. People should have the freedom of speech. Etc, etc. But please note, these rights, and they are true rights, do not demand an imposition on others.

Sincerely,
Matt Hurst
Macau
China

4958

From:
To: <constitutionareview@justice.govt.nz>
Date: 26/07/2013 1:04 p.m.
Subject: Submission:

1) Future role of the Treaty in our Constitution - Apart from detailing the factual & actual basis of the original Treaty (Maori agreeing to become British subjects in turn for full rights and protections under British law as then applicable to all New Zealanders) - there should be no further devised concepts relating to the Treaty in the NZ Constitution.

2) The Treaty must not become a formal part of the NZ Constitution... It is not required, not necessary and would promote further alienation between todays part-Maori & those of Maori decent and the remaining balance of other ethnic New Zealanders. It is time to promote unity and equality for all New Zealanders - regardless of creed or race or ethnic background... for heavens sake - get it right! For the benefit of the country and future generations we must move forward as one united people with the same rights & rules for all!

Thank you,
Mrs M.L. Hurst.
Russell.

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.

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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.

Joud Hussein
Muntazah
Qatar

85

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 12:19 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John David Hutcheson Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: New Zealand's constitution
must uphold even strengthen the wall of separation between church and state.

To mix state and state make a mockery of both, For example in the the US Will the GOP platform promotes "small government" Virginia Attorney General Ken Cuccinelli is seeking to preserve is sodomy law. Which was ruled unconstitutional in a case against Texas in 1971. how big government is it to police busting into bedrooms you make sure people are doing it right.

Charter Schools are dangerous, we have seen these overwhelmingly religious school exempted from scrutiny utter failing students. This is an example religious imprimaturs given creating harm. These students are far less capable of competing in the technological future.

Disturbingly these strongly religious groups are attempting to export their dogma in New Zealand. The Child Evangelism Fellowship(cef.org.nz) operates training for religious instruction in Levin. This group is known for dividing school communities and for being difficult (if not impossible) to expel. They bring a nationalistic protestant fundamentalist point of view not welcome here. And High ranking members of the Church Education Commission describing New Public school as "untapped mission fields", is offensive to New Zealand's secular tradition.

Even the early "closure" of school for religious education at the end of the day is disturbing, as the teaching is received often with the illusion of the authority of school in the minds of children.

Get yourself called Bishop in this country, and can grift your way onto Sunday morning television and drive followers in to bankruptcy. Religion should be treated no different to any other commercial enterprise.

Over the years, we have seen a few religious cults spring up and even though there was good reason for concern investigations were delayed because of religious privilege. Hopeful Christian was eventually brought to justice but it could have been sooner.

I once had conversation with a man who believed that Islam should become the State religion of New Zealand. I'm pretty sure most New Zealanders would have a problem with that, even if we ignore the implication that sharia law would either lead or follow.

The best defence against fundamentalist religion is a strongly secular state. The US Constitution said it pretty well "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of

speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This clearly puts our blasphemy law of the circular filing receptacle. I'm good with that, in part because this law is archaic and because there are many examples of such laws being abused to settle personal grievances and stifle free expression. Hamza Kashgari, Bangladeshi secular bloggers, Alex Aar, to cite but a few cases.

Some people may get stroppy having their myths lampooned but we are a liberal secular nation we defend the freedom of enlightenment or we will be lost in tyranny.

Sent on the 8 April 2013 at 11:17

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 8:09 p.m.

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

Full Names: Samantha Anne Harding Hutcheson Organisation Name: Email:
Phone: Postal AddressA:

Postal AddressB: Postal City: Kapiti Coast Postal Region: Wellington Postal
Post Code: Postal Country: New Zealand Submission: Kia ora,

The Treaty of Waitangi is an important founding document for our country. It should continue to be acknowledged in law. Human Rights Legislation should have strong recognition and should extend to protect other minorities. The Maori seats should be protected.

Maori wards in local government should not require the majority of the electorate to be created.

Submitted on the 28 July 2013 at 20:08

698

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 10:38 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitution Conversation.odt

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

Full Names: Cory Hutchison Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Porirua Postal Region: Wellington Postal Post Code Postal Country: New Zealand
Submission: Submission Upload: Constitution Conversation.odt

Sent on the 29 April 2013 at 22:36

How many members of Parliament should we have? Why?

We should have 60 members maximum. Having 120 members is ridiculous because half of them don't even do anything of any real significance and is just a waste of money. We don't need a department for absolutely everything from health (should be a dept) to microwave ovens (shouldn't) or whatever random departments they can think to give an army of MPs something.

How long should the term of Parliament be? Why?

At least 3 years seems reasonable to me. It is enough time for things to happen.

How should the election date be decided? Why?

It should be decided to be the same set month for every election unless something happens that requires an election. Because it makes it easier and ensures every PM serves the same term.

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

The population size of the electorate, the total area that electorate encompasses. To not have too wide spread a community or too small a population being represented.

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

They should be offered a place in another party if they are wanted by said party. Because they may still be worth keeping in Parliament and there's no point in letting good MPs go from Parliament.

4823

From: Stephen Hutt
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:32 p.m.
Subject: CAP Submission

I Stephen R Hutt of

Wellington -

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.

1498

From:
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 8:09 p.m.
Subject: treaty

Hello,

I am firmly of the opinion 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.

John Hutton, Papamoa beach.

1498a

From: "John & "
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 4:55 p.m.
Subject: CAP Submission

Hello,

The maori seats served a purpose in the 1800's.

They have for the last one hundred years been un-necessary.

Today they cause much ill-feeling and are useless.

Therefor I believe they should be abolished forthwith.

John Hutton Papamoa Beach.

1496

From:
To: <constitutionalreview@justice.govt.nz>
Date: 20/06/2013 8:06 p.m.
Subject: Fw: treaty

Hello,

I am firmly of the opinion 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.

Noeline Hutton, Papamoa Beach.

3001

From: Tony Hyde <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt...
Date: 10/07/2013 4:28 p.m.
Subject: CAP Submission

To the Constitutional Advisory Panel

Wed 10th July 2013

I respectfully make the following submissions regarding:

1.. Size of Parliament :

The number of MPs should be reduced to 99..

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

The Parliamentary term should remain at 3 years, and the Prime Minister should continue to set the election date.

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

There should be 63 general electorate seats and the Maori seats should be abolished. And the method of calculating the size of electorates should be changed.

4. Electoral Integrity Legislation:

Electoral integrity legislation should be re-introduced to prevent "Party hopping".

5: Maori Representation:

The Maori Electoral option (separate Maori roll) should be abolished.
 The Parliamentary Maori seats should be abolished.
 Local Government Maori seats should be abolished.

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

The Treaty should have no role in our future constitutional arrangements.

7. Bill of Rights issues:

- (7.a) The protection of property rights should be included in Bill of Rights.
- (7.b) The Bill of Rights should not be entrenched.

8. Written constitution:

(8.a) New Zealand should retain our present flexible constitutional arrangements with the ultimate law-making power held by elected Members of Parliament.

9. Declaration of Equality:

(9.a) The DECLARATION OF EQUALITY should 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."

(9.b) All constitutional change should be 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.

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.

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- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Zia Hyder
Auckland
New Zealand

1079

From: "Ineke Hyink"
To: <constitutionalreview@justice.govt.nz>
Date: 5/06/2013 8:44 a.m.
Subject: submission

A constitution should never be based on race! My submission regarding th NZ Constitutional Review is that I want NO change to New Zealand's unwritten constitution, it has served well since 1852 NZ Constitutional Act was passed (our founding document). It may require some alterations in the future, but not a race based Constitution. Equality for all. One People One Nation!

Ineke Hyink, Katikati

1079a

From: "Ineke Hyink" <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/07/2013 5:00 p.m.
Subject: CAP Submission

Maori seats should be abolished. Ineke Hyink

4668

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 1:32 p.m.
Attachments: const sub jul13.doc

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

Full Names: Prue Hyman Organisation Name: Email: Phone:
Postal AddressA: et Postal AddressB: Postal City: Paekakariki
Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: const sub jul13.doc

Submitted on the 31 July 2013 at 13:31

CONSTITUTION REVIEW 2013

This submission is from Prue Hyman, retired Associate Professor at Victoria University of Wellington – in Economics and in Gender and Women's Studies. I have published extensively in feminist economics, and in social justice and labour market issues. I classify myself as left of centre, concerned for the environment, concerned that NZ should honour the Treaty of Waitangi, concerned that NZ should much more actively than at present promote and work for a bicultural and multicultural society, together with greater equality, social justice, and human rights, across gender, ethnicity, and class boundaries (recognizing also that some other particular groups are currently facing discrimination or are disadvantaged on grounds not so far mentioned – in particular sexual orientation, age, disability). I therefore approach the constitution review from a perspective that constitutional arrangements which recognise these issues and facilitate these perspectives within a basic democratic framework are those I would want to promote. However I am not an expert on constitutions and have little time to devote to this (writing it on the day when submissions are due!) so will have to be brief. I also am somewhat sceptical/cynical about this review and even whether it is mainly the constitutional arrangements adopted which will bring about the aspirations I hold dear for New Zealand (and the world). Instead, it requires massive changes in the way societies are organized – while neo liberal orthodoxy and its theory, systems and policies hold sway in most countries of the world (and particularly the large ones), and in international agencies, it will be hard to effect real change.

What are your aspirations for Aotearoa New Zealand? How do you want our country to be run in the future?

Essentially the answer to the first question is in my introductory paragraph above. And any constitutional arrangements which facilitate them would be what I want, but I am not an expert in those areas and also doubt that any such arrangements would guarantee those values, since so much is up to the people that run them. While any good democratic system should have checks and balances (and relationships between the executive, legislature and justice system) to prevent abuse of power, these do not seem to be effective at present in NZ. NZ has the reputation of being a country that is democratic, and clean and green, where race relations are better than in most countries, and with low levels of corruption, yet at present this reputation seems unjustified to me in all respects – even if relative to some other countries, NZ performs not too badly. The fourth estate is also crucial, and press freedom seems to be under severe attack at present in a number of areas and in particular with the harassment of Fairfax Media journalist Andrea Vance and inspection/ tracking/ release of her phone records and movements. Further, the ownership of the media by major TNCs which have similar interests to and often links with other powerful and wealthy business leaders and both groups to political leaders (particularly of right of centre political parties) appears to be a major threat to the effectiveness of our democratic institutions – particularly in a small country like New Zealand. I am not sure what, if anything, improved checks and balances in constitutional arrangements can do about all this, but at least the issues need airing.

It appears at present that what checks and balances there are under law are too frequently

eroded. One group of examples concerns the illegal security activities on Dotcom and perhaps on Jon Stephenson's phone conversations in Afghanistan (and certainly attacks on his integrity for performing highly appropriate activities as an investigative journalist), together with the Kitteridge report revelations that as many as 88 New Zealanders had been spied on by the GCSB despite legislation passed in 2003 clearly stating that it would not do so. Not only does the law not appear in practice to protect individuals in these cases (and what ones have not come to light?) but the immediate reaction of the current government is to use their very narrow majority to pass legislation to make sure that similar activities become legal. The Government Communications Security Bureau and Related Legislation Amendment Bill would (and no doubt soon will) extend the ability of the bureau to spy on New Zealanders – it is very doubtful that they can claim a mandate to push this through and taking no account of the protests of non-radical bodies like the Law Commission and the Human Rights Commission is a real concern. Equally bad constitutionally and politically was the ill-informed adverse criticisms of the HRC and the threats to its funding made by the Prime Minister when its report on this area received publicity.

Another example of a government seemingly prepared to change the law each time the courts' interpretations are contrary to their wishes occurred with their decision to push through under urgency the New Zealand Public Health and Disability Amendment (No 2) Act. This was a response to last year's Court of Appeal decision that the Government's current policy of not paying family carers to provide disability support services to disabled family members constituted unjustifiable discrimination on the basis of family status. While the Act's provisions allow for some 23 million dollars a year to pay people who care for disabled adult family members, with family carers assessed as meeting the eligibility criteria receiving the minimum wage of \$13.75 an hour, it was a minimal response, applying to only around 1600 disabled people with high and very high needs. The worst aspect constitutionally was the legislative provision preventing people from bringing unlawful discrimination complaints about family care policy to the Human Rights Commission – which was concerned that this will make it more difficult for disabled people and their families to access their rights. "This sends a chilling message to anyone seeing litigation as a road to solving issues relating to the protection of their economic and social rights," said Chief Human Rights Commissioner David Rutherford. Clearly there need to be strong public opinion expressed and preferably provisions to prevent the executive branch of government abusing their power in this way – I do not know if this can be done, and if so how.

I read a background paper on this review which suggested major areas being raised were: "Our common values, our changing population, the checks and balances on the institutions that hold public power in New Zealand, the role of the Treaty of Waitangi in our constitutional arrangements, the balance between majority and minority rights, the protection of Maori culture and identity, equality, processes of constitutional change and improving the level of knowledge about our constitution." I look at most of these in what precedes and follows. First, our common values. I fear that, given the material I have raised above, there may be few if any common values left in New Zealand. Of course, the background paper is accurate in saying that: "New Zealand has a constitution – it's just

not all written down in a single document. Our constitutional rules include legislation such as the New Zealand Bill of Rights Act 1990 and the Constitution Act 1986, foundational documents such as the Treaty of Waitangi signed in 1840 and established constitutional principles. Our constitution determines who exercises power in our country, and the checks and balances on that power. It also protects the rights of the people." However, the rights protection is being eroded as stated above, and the democratic institutions that should provide the protection seem to me not to work well. Partly as a result, many NZ citizens are turned off, do not vote, and participate very little in the political process, itself a threat to democracy – and all this makes very doubtful what our common values may be – my own are fairly clear from what I have already written. I have others, including that NZ should be concerned for the state of the planet and future generations, and should support international cooperation and concern for all the citizens of the world within a framework of NZ autonomy. The latter is threatened by negotiation of 'free trade areas' (such as the current TPPA negotiations) which cover far more than trade and threaten Pharmac, intellectual and Maori property rights, any preference to New Zealand business and investment, and other NZ oriented economic and social policy. Further, democracy is eroded by such treaties being negotiated in secret, with little or no parliamentary scrutiny of the final text.

I do not feel strongly on whether we should have something formally called a written constitution, bringing together the various current constitutional elements, and being supreme law. I am unsure what advantage that would have. However it is certainly important that legislation be consistent with the important parts of the Constitution, such as BORA, the Treaty and the Constitution Act mentioned above – and that the Courts make that interpretation. I would also like that where actions of government or its agencies are found to be in breach of other legislation for it to be less easy than at present to pass legislation to make such actions legal. One option would be for matters such as human rights and fundamental changes to be possible only with an 80% majority in Parliament or by a binding Citizens Initiated Referenda. I have mixed feelings about Referenda, due to the difficulty of wording them in an unbiased manner and the problem if governments determine the wording. Nevertheless, they have a place – the one which determined that a MMP system would continue (which I consider an excellent result as it is far more democratic and representative in its results than FPP) showed that they could work well. The follow up, however, shows some of the problems of executive power mentioned earlier – the recommendations of a consultative review (like the current one!) on desirable changes to the MMP system, including abolishing the coattail provision and reducing the threshold from 5% to 4%, were ignored by government because they did not suit the main governing party.

Another important issue is NZ's constitutional and policy approach to important environmental and global warming issues, and its responsibility to upcoming generations for the future of the planet. If it is decided that there is to be a single written constitution, there is a strong case for including the rights of the earth itself within it, as Bolivia has, for example. New Zealand's per capita greenhouse gas emissions exceed three times the global average, while our CO2 emissions are nearly twice the global average. Possible constitutional solutions include inserting provisions into constitutional documents to

protect the environment and future generations. Related to these issues, under the Resource Management Act and similar legislation, resource use should involve managing the use, development and protection of natural and physical resources in a way, and at a rate which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil, and ecosystem, and avoiding, remedying or mitigating any adverse effects of activities on the environment. New Zealand should remain a nuclear free nation with visits from nuclear powered or armed vessels prohibited. The role of the Defense forces should be primarily peace keeping and activities assisting with disaster recovery.

On the Bill of Rights Act, the background paper states that: “the New Zealand Bill of Rights Act 1990 confirms fundamental rights and freedoms. It contains important rules about the relationship between the state and the people in New Zealand. The Act covers a broad range of civil and political rights, including the right to freedom of expression, religion and belief, assembly, association and the right to vote. The Act helps us to know what our rights are and sets minimum standards about how New Zealanders can expect to be treated by the state and in law.” It asks: **Does the Bill of Rights Act protect your rights enough? Why? What other things could be done to protect rights? Do you think the Act should have a higher legal status than other laws (supreme law)? Why?** It is clear from what I have already said that I do not consider that in practice at least BORA is sufficient to protect our rights, as they are being significantly eroded. I should say though that I consider some good judgements have been made in the Courts under BORA so it is certainly not useless. However, there are many challenges and it should have higher legal status than other laws. It should be extended as suggested below.

The purpose of government, national, regional and local must be to maintain and enhance the social, economic, cultural and environmental well-being of both specific communities and the community and society as a whole. No group should receive preferential treatment except to provide positive discrimination for previously disadvantaged groups. Government actions must not exceed those required to meet the legitimate needs of the people, individually and collectively. The state of the nation should be measured in terms of individual and collective well-being and not economic growth or GDP. As a feminist economist I am well aware of the limitation of GDP as a measure even of economic activity, let alone welfare. And sustainable development means that growth should be sharply limited: adequate living standards for all are attainable in a largely steady state economy. The economy is a subset of society and not the other way around- it must serve the needs of the people equitably. As discussed above, no treaty should be negotiated that does not arise from the needs of the people and the needs of the society as a whole. All such treaties must be negotiated openly and be acceptable (via the 80% majority or CIR discussed above) before they are signed off. All the international conventions on human and related rights (which NZ has already endorsed) should be part of our own constitutional framework - paramount should be NZ's commitment to justice, liberty, peace, equity, ecological sustainability, and the rule of law.

I consider that under BORA or the HRC Act and also Privacy Legislation and Official Information legislation, the following extensions or clarifications should be made: human rights should be extended to cover the right to adequate housing, the right to access healthcare, the right to a dignified life in retirement, and the right to a guaranteed minimum income that meets basic costs of living and meaningful participation in society, alongside civil and political rights like fair trials and the right to vote. There should be a clear right to privacy with no citizens subject to covert surveillance – but a presumption in all governmental activities of openness and transparency. Information requested must be freely available unless it can be publicly demonstrated that there are serious reasons justifying withholding in the wider public interest.

On the Treaty of Waitangi, the background paper states that: “The Treaty of Waitangi is an agreement made between the British Crown and Māori chiefs in 1840. It enabled the British to establish a government in New Zealand and confirmed to Māori the right to continue to exercise rangatiratanga. The Treaty is generally regarded as New Zealand’s founding document and influences the relationships between the Crown and Māori. The Treaty is one of the factors that may be taken into account in law-making and public decision-making.” It asks: **Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution? Do you think that the Treaty should be made a formal part of the constitution? Why?** I consider that The Treaty is the founding document of our country and needs to be the foundation for our constitutional arrangements, whether or not there is an overall written constitution. Te Tiriti o Waitangi provided the framework for an ongoing relationship between Maori and others who came to settle here. He Wakaputanga (the Declaration of Independence) and te Tiriti o Waitangi provide the fundamentals for governing in this country. As Pakeha/Tauiwi I understand that te Tiriti o Waitangi provided for the establishment of a government which allowed my people/me to come here. It's important to our status as non-Maori that this document is the basis for our constitutional arrangements. The Treaty of Waitangi benefits all New Zealanders and enriches us as a country, therefore it should be central. New Zealand has made a statement of support for the United Nations Declaration on the Rights of Indigenous Peoples. If we are to live up to the commitment it is essential that we honour the Treaty relationship and listen to Maori on how to do this.

With respect to the questions about Māori Representation, **How should Māori views be represented in Parliament? How could Māori electoral participation be improved? How should Māori views and perspectives be represented in local government?** I am reluctant to state any strong views. I believe it should be up to Maori individuals and groups themselves to have the major if not total say on these issues. I certainly believe that a non-Maori dominated government should not decide that the Maori electoral seats should be abolished unless there was a clear Maori voice in favour of this, certainly not the case at present. Having a population based combined with electoral roll choice based number of Maori seats (as at present) seems sensible, along with many Maori being elected to general seats and hopefully all political parties giving genuinely equal opportunity for this. Having a more equal, less alienated population (and particularly

Maori population) by adoption of ideas stated earlier in this submission would assist with improving Maori electoral participation – and participation in local government should also be encouraged in ways Maori people themselves consider desirable.

1747¹

Quick Submission

Your name:

BRUCE HYSLOP

Name of the organisation you represent (if applicable):

Postal address or email address:

MOTUEKA

I have enjoyed living with MMP and believe it has improved our democratic process and representation.

But I also believe that members of Parliament have been elected on the understanding that they are representing a specific political party - unless they have run as an independent.

Therefore, if that party affiliation ends for whatever reason, the member concerned should be obliged to resign their seat and be replaced, either through by-election or the list system, whichever applies.

I do believe the Treaty of Waitangi should have a formal place in our Constitution to consider it a foundation document of New Zealand: it embodies our intent to live cooperatively and equally as New Zealanders.

Privacy and Confidentiality

Your personal information will be handled in accordance with the Privacy Act 1993. This Act outlines the requirements for transparent collection, ethical use and secure storage of personal information.

The personal information you provide in this submission form will be used for the purposes of the Consideration of Constitutional Issues only.

You can also make a submission online at www.ourconstitution.org.nz

17461

Quick Submission

Your name:

Janet Hyslop

Name of the organisation you represent (if applicable):

Postal address or email address:

Motueka

New Zealand, Aotearoa, should have a constitution, written in a single document, which acts as a supreme law. It should sit above political interests and be free of political interference. Included in the constitution should be

- * The Treaty of Waitangi
- * An extended Bill of Rights
further explanation would be beneficial
- * Acknowledgment of the need to protect the natural environment
(Current legislation which was originally drafted to protect the

environment has little

efficacy,

legislation must always

take the constitution

into account. The courts

would be in a better position

to do this than Parliament.

MHP should continue.

Ensuring that all electorates have the

same number of people allows urban

areas to have a stronger voice in

Parliament. It is important

that rural areas have a significant

influence. Values and needs are

different.

If a List M.P. leaves his party

(she should not be allowed to

continue as an independent.

A new member should be

appointed from the list.

Privacy and Confidentiality

Your personal information will be held in accordance with the Privacy Act 1993. This Act outlines the requirements for transparent collection, ethical use and secure storage of personal information.

The personal information you provide in this submission form will be used for the purposes of the Consideration of Constitutional Issues only.

You can also make a submission online at www.ourconstitution.org.nz

1714

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 9:08 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Penelope Marv Hyslop Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Paihia Postal Region: Bay of Islands Postal Post Code:
Postal Country: New Zealand Submission: 1, I think we need a constitution, or some document,
to re-organise all the bits and pieces of legislation such as the Bill of Rights into one document. The
problem with a constitution is that in a 100 years it could easily be totally out of date. Values
and attitudes change over time, e.g. same sex marriage is now becoming acceptable but would have
been unheard of 50 years ago. Would a constitution be able to provide for such changes? It will need
to be well written!

2, If we have a constitution it should be Supreme, otherwise we are still in the situation where there
are bits of legislation contradicting each other. While the Treaty of Waitangi has worked well over the
years as a founding document and to ensure Maori Rights,
I think it is time now for us to all think of ourselves as New Zealanders not as Maori, Pacific Islanders,
Chinese, or European etc. While we can honour our ancestors in our communities, a New Zealand
Constitution should be for NEW ZEALANDERS and not refer
to separate ethnic groups as having different rights or privileges.

3, I think the courts should have the final decision if legislation is consistent with the constitution.
Parliament makes the laws so is initially responsible for ensuring they are consistent with the
constitution. The courts are needed to provide a balance
to Parliament's power.

4, Although not a question you have asked I definitely think a referendum is needed before a new
constitution becomes law. There has been so very little media attention or general information around,
I think the majority of the population have no idea a constitution
is even being discussed!

Sent on the 28 June 2013 at 21:07