

5018

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:50 p.m.

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

Full Names: Alistair Patrick Francis Kerr Email: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Post Code:
Postal Country: New Zealand Submission: I strongly disagree with incorporating The Treaty of
Waitangi into the framework of the Constitution.

Submitted on the 26 June 2013 at 04:16

1885

11 June 2013

Dear Sir or Madam
N/Zealand does not need a
written constitution, & I strongly oppose
any legislation or reference to the
Treaty of Waitangi should one be
drafted now or in the future.

Sharon Rose Kerr.

4008'

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 8:10 a.m.

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

Full Names: Katharine Kerrisk Organisation Name: Email: Phone:
Postal AddressA: ! d Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: 1. Do you think our constitution should be written in a single document? YES

Why? To avoid confusion and to better inform the public of just what the arrangement is. I don't think it needs to be incredibly long winded. Just an "officialising" of what's already there re the constitutional principals and influences.

2. Do you think our constitution should have a higher legal status than other laws (supreme law)? YES AND NO

Why? Yes the constitution should be of a higher status which encompasses all the other laws and regulations. But

No- the fact that it's higher shouldn't mean much in terms of overriding supreme law etc. It should just be higher in the fact that it binds people to act within the laws of the land. Also to note is that the basis of law has a rich and long history, has been studied extensively, and many a legal precedent has been set over the years (of all the historical legal cases) So I don't think that a "Johnny come lately" constitution should be able to (as a rule) override the rich and complex legal system. It should provide a guidance that you must act within the laws of the land.

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

Why? As mentioned above; the basis of law has a rich and long history, has been studied extensively, and many a legal precedent has been set over the years (of all the historical legal cases). I doubt a bunch of politicians could really understand the legal ins and outs of the constitution document (they would have to seek legal advice anyway), Also to note in the division of the 3 branches of government, the Judiciary is traditionally the group which enforces law, so they are in the best position to speak up if they find that the constitution they have been given to work with clashes with legislations they have been given to work with. Once the Constitution is drafted by Executive group, and law is passed by the Legislative group- the government should then have its hands off- and fair and consistent application of the constitution is then dealt with by the Judicial branch.

Submitted on the 29 July 2013 at 08:09

1148

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 12:00 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gabrielle Kershaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Taupo Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: I believe NZ should have a written constitution which would allow the Treaty of Waitangi and Human Rights to be entrenched, thus allowing the Courts power to strike down legislation which acts against these incredibly important concepts/treaties in NZ.
I do not believe Parliament should make laws and then give the courts little power to dissolve them. Parliamentary Sovereignty in its exercise of power, can do whatever it wants and there is no real power outside of that, even though the separation of powers concept is in place. If we had a written constitution, this law would be supreme, and our most important treaty with the Indigenous of NZ would be honoured and human rights or the NZ Bill of Rights could not be abrogated. In theory anyway.

Sent on the 7 June 2013 at 12:00

1148a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 12:06 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gabrielle Kershaw Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal
City: Taupo Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: The NZ Bill of Rights should include Economic, Cultural and Social Rights and these
should be entrenched in a written constitution. The Courts should have the power to strike down
legislation which goes against these rights and the Government and the Courts
should work together to uphold the basic human rights of all New Zealanders.

Sent on the 7 June 2013 at 12:05

1357

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/06/2013 4:07 p.m.
Subject: Submission

We like to believe that NZ is still a democracy. A democracy represents 100% of the people. Not 15%. We should all have been informed of the proposed changes to our Constitution but even now many are still unaware because it has been flown under the radar. The Advisory Panel has spent two years consulting iwi. Now it's past time to talk to the other 85% of us.

We oppose having the principles of the Treaty of Waitangi, nebulous at best & changing all the time, enshrined into our Constitution. We believe this will disadvantage the majority of Maori as well the rest of this now multi-cultural population. Try asking non-radical Maori – like the old lady I talked to in Whakatane recently, or my Maori friends in Maketu & Gisborne. They are not represented by the views of the radical minority who are usually the only ones to benefit from the so-called settlements (and how can they be 'settlements' when the issue is still not fully settled according to them?).

We are deeply concerned.

Jacqui & Ken Kerslev

Tauranga

ConstitutionalReview - The form on your contact page has just been submitted

From: _____
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 11:12 a.m.
Subject: The form on your contact page has just been submitted

Sent from The Constitution Conversation.

Contact Chimman Kesha

Name:

Phone:

Email: _____

Comment: Hi there

This is certainly a 'conversation' which must be had, rather than feared - as many who are troubled by the issues do.

Having reviewed the website, however, I am concerned that the planned 'conversation' will not be sufficiently inclusive, robust or helpful. For example, it seems that the conversation (sic) will be between individual contributors and the panel.

The only departure from this is the provision to invite people to set up and conduct meetings. While useful, such meeting are most likely to degenerate into quickfire slanging matches, wherein people will tend to become defensive, or will simply be passive listeners - much like TV debates, which I find endlessly frustrating and pointless.

What is needed is a medium through which people do only express their opinions, but may also allow themselves opportunities to seriously and deeply consider views expressed by others - understanding, of course, that 'Joe Public' might actually have a considerable amount to offer themselves. In this way people's opinions are more likely to evolve rationally rather than be unduly coloured by prominent issues and examples of the day (eg. the American experience).

For these reasons, I would like to suggest an online community forum, where

individuals (including panel members) can contribute and allow their own views to evolve in a non-threatening manner. Online forums allow open discussion, discussions categorised into defined threads, group meetings, polls and email communications. In my opinion they are a great way to generate thoughtful contributions, collaboration and to allow "collective intelligence" to have a chance to create great ideas.

For my part, I am available to play a part in creating and managing such a facility, if needed, although I am more than happy for others to do this.

Chiman

Sent on the 10 April 2013 at 11:11

4847

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:52 p.m.
Attachments: NZ CONSTITUTIONCONVERSATION.docx

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

Full Names:	Kate Kettle	Organisation Name:	Email	Phone:
Postal AddressA:		Postal AddressB:	Postal City:	Postal
Region:	Marlborough	Postal Post Code:	Postal Country:	New Zealand
Submission Upload:	NZ CONSTITUTION CONVERSATION.docx			

Submitted on the 31 July 2013 at 16:52

NZ CONSTITUTION CONVERSATION:

- We need to be fair and equitable to ALL races in NZ – not pandering to the 15% or whatever other minorities are out there.
- There does not need to be Maori representation in Parliament. We are in 2013, not 1840. If someone cannot be represented or heard in Parliament through their MP, then they should be voting for someone else who will represent them.
- Representation in Parliament should be strongly based on the electorates. If an MP wins an electorate, then they should be in Parliament regardless of their position on the list. Only if the party receives additional votes should extra members be represented in Parliament.
- The Treaty of Waitangi should be done away with and all Treaty claims ended. Again this is 2013, not 1840. It is sad and perhaps troubling that there was abuse of tribes and their lands, but this went both ways (other tribes often 'sold' rival tribes' land as a form of revenge). We should not still be paying for such historical claims to such a minority in a way that is crippling this country.
- There needs to be sweeping welfare and tax reforms. This country is being crippled by a welfare-dependent underclass, which continues to grow, whilst the rich are creaming off the top-end of society. Why is it that even with a good deposit and a relatively good income I can still not afford to buy a house?
- Apprenticeships and manufacturing industries should be actively encouraged to provide jobs and economic growth for this country. If we exported/imported less raw/finished product and started producing our own top-quality products, we could be a very rich country.
- Whilst the environment needs to be protected within reasonable limits, we should not be doing this to the extent that it is hamstringing this country. NZ has a mineral wealth of at least twice of what Australia has, yet because of rampant environmental laws and lobbying, we cannot utilise any of this to the benefit of NZ.
- Finally, further consultation and research with the working class majority of NZ is required to implement a successful plan for the future of this country, politically and economically.

From: "Kevin Kevany"
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 1:34 p.m.
Subject: CAP Submission

2974

My family and I were fortunate enough to escape the damage caused by apartheid - aka institutionalised racism.

In South Africa, history - a most subjective arena - too was used to distort the entitlement and who the original settlers of the land were. Amazing how every grouping could 'prove' they were the first and, of course, the most wronged.

Twenty years after independence and the end of institutionalised racism, based on dodgy documents, which could be interpreted any which way - and had never been signed for any extended purpose - South Africa still struggles under the yoke of the past.

The past is past.

No great nation has ever been created based on looking back, harping on about what may or may not have happened too long ago to matter. Russia, China, Brazil, India, Korea, revitalised Germany and Japan, and those many Eastern European countries, all decided to look forward.

Indeed, what has enabled South Africa to stay afloat and proudly looking forward is its wonderful, forgiving (Truth and Reconciliation brought about by the greatest living South African, Archbishop Desmond Tutu), MODERN constitution, e. g. SA was well ahead in the issue of gay marriage, this in the most conservative continent in the world.

Many countries have adopted South Africa's modern constitution and its forward-looking focus.

Do you honestly think any country in the world would ever bother with the confused, what-you-want-is-what-you-feel-is-what-it-says Treaty of Waitangi, between certain Maori groupings and the British Crown to bring about an end to endemic power grabs and often random slaughter.

Lift your heads New Zealand. No grouping of people in this country has ever suffered institutional racism.

Yet that is what adopting the 'principles' (whatever anyone thinks they might mean on a particular day) of that vague and yet particular-to-the-time-and-current-situation document will do for the first time in our history.

Setting one group above another and giving it special powers and redress for actions/inactions going back generations is nothing less than institutionalised racism.

And, I must predict, like the treaty, it will fail to deliver Nirvana, because the very grouping of people that should be refocusing on the future and what it takes to get there...will sit back and wait for it to appear on a silver platter.

Forward to a great future vs. look to a flawed and failing past to offer-up unearned riches.

Only Lotto does that..very occasionally, and we all know that seldom turns into Nirvana.

New Zealanders one and all; who have braved the rugged countryside and the elements; given their blood and sweat to create a country which is the envy of most; fought wars in the name of peace and justice FOR ALL; deserve far better than a bit of colonial tat which is hollow where it should inspire and cursed with a dubious short-term purpose.

Thank you.

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3938

time for change.co.nz  
submissions -10

Name Heath Kewene

E-mail

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Your submission:

we should have a New Zealander as the head of New Zealand, not a person living on the other side of world and is sleeping when we are awake.

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123

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/04/2013 8:31 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: peter john, shraon elizabeth, jack daniel and katherine elizabeth keys Organisation  
Name: Email: Phone: Postal AddressA:  
road Postal AddressB: Postal City: auckland Postal Region: Postal Post Code:  
Postal Country: New Zealand Submission: We as a family we consider ourselves New  
Zealanders. Even though we are third and fourth generation to this country we have more history to  
this land than any other.

Our futures rely on the success of the country and to this end we believe that it is only looking forward  
that we can truly succeed as a nation. We believe in the redress for injustices of the past but once  
these wrongs are made right we must move on as a combined  
nation. We do not believe that our constitution should embody the contents and disagreement within  
the history and drafting of the Treaty of Waitangi and the best way forward is to maintain the  
fundamental principle of protection and equal rights for all in  
a new document.

New Zealand is the best country to live in as long as we are all treated equally. This was the  
fundamental tenant of the treaty document. Let us move forward now in a new document similar to  
the US (excluding gun rights) where equality for all is a right and  
guaranteed.

Sent on the 9 April 2013 at 08:30

4005'

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 6:36 a.m.

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

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Full Names: Ayesha khan Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: auckland Postal Region:  
Auckland Postal Post Code: Postal Country: New Zealand Submission: I want you to less  
the expenses it would be good if there is more job opportunities fir newly graduated ,less expenses  
and to less the years after resident for pasport

Submitted on the 29 July 2013 at 06:34



4874

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 5:01 p.m.

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

Full Names: Dianne Kidd Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Helensville Postal  
Region: Postal Post Code: Postal Country: New Zealand Submission: Yes our  
constitution should be written in a single document.

Yes the Constitution should have a higher status than other laws in NZ. It should be above the general laws of the country.

Only the Court should have the powers to decide whether legislation is consistent with the Constitution.

NZ should reinstate a Privy Council. At least a Court of appeal that is not NZ based. This could be Australasian sharing the intellectual expertise & experience of the best legal minds in NZ & Australia and have invited international experts who represent preferably Britain and the basis / origin of our law. I strongly support the reinstatement of a Privy Council along the lines NZ previously had.

I believe a Government should have a 4 year term and an elected prime Minister should do a maximum of 2 full terms or 8 years. This forces all political parties to ensure they have strong succession planning and breadth & depth in their Cabinet ranks.

I support the continuance of the Queen / reigning UK Monarch as the independent Head of State. NZ is too small to move to a Presidential system and this is a costly overhead.

I do not support Parties represented in Parliament via the MMP system that have not achieved an electoral seat. This should be the gate opener for listed MPs if a 5% supporting vote has been achieved.

The Treaty of Waitangi should be within the NZ Constitution in its ORIGINAL form only.

Submitted on the 31 July 2013 at 17:00

## 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.

Diane Kiernan  
Waihi  
New Zealand



2314

**From:** "Bill Kilkolly" <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 5:18 p.m.  
**Subject:** CAP Submission

Abolish the Maori seats. One protocol for all New Zealanders.

795

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/05/2013 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: Douglas Bruce Killen Organisation Name: Personal Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Postal Region: Northland Postal Post Code:  
Postal Country: New Zealand Submission: If we are to have a constitution I think it is essential for  
all citizens to have equal rights. This is not the case at present with different laws for Maori and  
others.

(1) Maori land should be under general title. This was advocated years ago by Sir Tirikatene Sullivan  
when he was a Cabinet Minister. Multiple ownership inhibits development and owners are restricted in  
their ability to realise their asset. District Councils  
are unable to force the payment of rates on this land which puts an unfair burdon on other residents.

(2) Electoral representation. Maori seats in Parliament should be abolished. They were brought in in  
the 19th century whenyou needed to be a land owner to vote. this is no longer the case. When MMP  
was introduced the commission recomended that they be abolished.  
This didn't happen. There is now a move to have special Maori representation in local body elections.  
This completely negates the principle of one person one vote on which our democracy is founded.

(3) Incorporating Treaty of Waitangi rights would be a disaster. The Treaty is open to extreme  
interpretation and this could open a can of worms. David Round, who teaches law at University of  
Canterbury, wrote an article in the NZ Herald on January 18th this  
year which should be required reading for all New Zealanders.

Sent on the 8 May 2013 at 13:56

1036

**From:** <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/06/2013 12:54 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robin Kilworth Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Ashburton Postal Region:  
Postal Post Code: Postal Country: New Zealand Submission: One document if all the  
principles found in the other documents are included in one document in a manner which makes the  
others unnecessary.

Constitution should be the benchmark to be consistent with. Other case law is changing all the time  
so there should be some guiding principles which other laws need to be measured against.

Sent on the 4 June 2013 at 12:53

## 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.

Lynn Kim  
Christchurch  
New Zealand

1224

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 5:17 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dianne Kimber Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Whakatane  
Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand  
Submission: Please consider my following comments -

(1) Please can we have more 'real' sentencing from our judges. I don't want jail for all, but we need some 'proper' punishment for ALL crimes, serious and small offending.

(2) Can we find a way to travel between our main islands by ferry more cheaply, thereby lessening the 'disjointedness' of our country.

(3) School and Examination fees should be wiped to ensure all children have equal opportunity. Having worked in school offices, I know for sure, many children miss out on the opportunity of sitting exams because of finances.

(4) Make it easier for pensioners who live on the pension alone, to survive comfortably and enjoy their retirement a little.

(5) Cut the unnecessary 'ponsiness' in Government and Councils, thereby saving the country millions in their 'expenses' because they think they 'are' somebody.

Thank you for this opportunity and for listening.

Regards

Sent on the 9 June 2013 at 17:16

871

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 20/05/2013 9:13 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Cynthia Kimpton Organisation Name: Private Individual Email:  
Phone: Postal AddressA:  
Postal AddressB Postal City: Postal Region: Bay of Plenty Postal Post  
Code. Postal Country: New Zealand Submission: Avoid the separatism which the Treaty  
of Waitangi is fostering. The Treaty was signed 173 years ago, it is time to look ahead as one people,  
one nation, not as Maori and 'Pakeha'. One people should mean all residents of New Zealand, of  
whatever ethnicity  
with no one ethnicity having preferential or special treatment but all being dealt with fairly under  
Common Law and Civil Rights.

Sent on the 20 May 2013 at 09:11



4237"

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 6:14 p.m.

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

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Full Names: Alan King Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: NSMC Postal City: Auckland  
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: 1. The  
Treaty of Waitangi should have no role in New Zealand's constitution whether the constitution be in a  
single document or remain in its existing dispersed form.

2. The Treaty of Waitangi should not be made a formal part of New Zealand's constitution because:

(a) Wording of the Treaty is so basic and broad it allows any user to interpret Treaty conditions to the user's own requirements.

(b) Maori claims against the Crown, originally intended to redress wrongs suffered by Maori during and after the New Zealand Wars, but now based on recent Treaty interpretations, have reached the ridiculous - including claims to radio spectrum rights or ownership.

Logically such ownership or rights would then result in Maori claims extending to ownership or rights to all useful (and presently useless) electro magnetic radiation enveloping New Zealand including all visible light, X-rays and the infra-red bands. Why not wind and sound next?

(c) The Treaty is not New Zealand's "founding document". It has no validity in law. That should remain the case.

(d) The Treaty is racially divisive, setting those claiming to be Maori against non-Maori in a struggle for physical resources, money and political power. The Waitangi Tribunal ensures the struggle is completely one-sided in favour of Maori. Such racial division

New Zealand does not need and can ill afford. Making the Treaty of Waitangi a formal part of New Zealand's constitution would simply perpetuate this division for all time.

(e) Recent interpretations of the Treaty as a "partnership" between Maori and Crown are invalid. This interpretation is being used as the basis for Maori claims to "co-governance" rights covering more and more of the nation's resources including water, land

and even electro-magnetic radiation. Any reader of British history will know that neither the British, nor any other European power seeking expansion at the time, had any intention of "co-governing" claimed territories with the existing native populations.

(f) A timetable for settlement of Treaty grievances has been set by the Government. It appears the 2014 goal will not be met but the current list of examinable claims should be closed to new entries once any outstanding, currently known major claims are registered.

Claimants have had ample time and resources to prepare their valid cases. Including the Treaty of Waitangi as a formal part of New Zealand's constitution would simply ensure the Treaty claims

process would never end as new grievances would go on being discovered year after year, using new (and old) Treaty interpretations as leverage to claim validity.

(g) Excluding the Treaty of Waitangi from the New Zealand Constitution (whether in single document format or not) is essential to enable historic grievances to be settled in good time and good faith, after which the full abilities and resources of New Zealand can then be used and developed for the benefit of all citizens under a single rule of law.

Submitted on the 30 July 2013 at 18:12

4486

**From:** monette  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 8:10 p.m.  
**Subject:** CAP submission  
**Attachments:** A new kind of Court.docx

Share your aspirations

What are your aspirations for Aotearoa New Zealand?

I would like to see this great country run as a partnership with Maori under the treaty. As a bi-cultural country this partnership should have a complimentary bias which supports our strengths and clarifies our weaknesses and defines a common goal: i.e. the best for NZ. I would like to see our economics focused on development instead of growth. I would like to see our energy sources come from renewable sources and a greater emphasis put on replacing the energy we extract from our environment. (refer- The Road to Serfdom - F A Hayek & The Other Road to Serfdom-Eric Zencey. I believe New Zealand can be an inspiration to the rest of the world for safety, wellbeing and the self-sustainable lifestyle this country can offer its citizens.

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

I would like the government to run this country as a self sustainable economy where we grow enough food to feed ourselves, produce enough renewable energy to run our economy. Build affordable heat efficient houses that are both healthy and safe. (perhaps with solar and their own water supply). Have financial security and negligible crime. Full employment ( this may involve a mind change from economists who believe there has to be a percentage of unemployment in any economy.) Adequate education on health and well-being. (this may mean less ads and products that undermine our health and more ads and products that improve it,) and a efficient and effective health system. All the above covers the basics of Maslows "Hierachy of Needs" which I believe will lead to individual self - actualization. I would like ALL stormwater waste recycled to produce both power and compost. The compost to be deposited on our poorer lands to grow trees. Greater emphasis on recycling our other waste with development of industry to create useful products, jobs and a sustainable environment. I would like all churches and their representatives taxed and the catholic church obliged to report knowledge of crimes gleaned from confessions. This exemption accorded the catholic church places them above the law and is a breach of our rights. All the above I believe is the responsibility and obligation of our government. Further, I would like the court system evolved to a new kind of problem solving court as set out in Greg Kings "A new kind of court" (see attached) As pointed out in Gregs manuscript, this would reduce costs and the wastage of human resources.

New Zealand Constitution

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

Yes

Why?

The constitution is our identity as a country. If we are not clear and confident about our identity as a country we run the risk of psychological, financial and/or physical invasion. ( this is how Napoleon took over Europe. Destroyed the identity of each country and then invaded) The Constitution in short, should be drafted and owned by the people, Parliament itself is a mere representation. its role is to adhere to the wants of the people with fundamental obligations of controlling monetary policy to pursue economical sustainability. Borrowed money by the state is high treason.

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

yes

Why?



The constitution is our identity/culture as a country therefore laws are a reflection of that identity. Once our constitution is established true democracy can be reflected by consensus and freedom of speech. Parliament consists of public servants who are elected and paid by the private taxpayer to run the country by laws set out in our constitution.

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

Definitely legislation should be edited through the bills of rights and judiciary. Parliament is too vulnerable to the enticement of keeping power to possess the ultimate decision..

Bill of rights act

Does the Bill of Rights Act protect your rights enough?

no

Why?

It does not have high enough status. I believe the Treaty and the bill of rights should be two arms of our constitution with government working under that umbrella.

What other things could be done to protect rights?

More education for NZ citizens. Too many people don't know what their rights are. This leads to abuse by public servants.

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

yes

Why?

Because laws are based on historical attitudes steeped in religion and politics. These laws need to be modernized to reflect both human rights and the bill of rights. Precedence and common law, although a solid base, evolves too slowly for changing attitudes.

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

The courts

Why?

Parliament consists of public servants whom must be bound by the law, not be above it.

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

Need more time to research an answer

Why? n/a

Treaty of Waitangi

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

Our constitution should be based on the treaty of Waitangi in the form of a partnership along with and inclusive of the bill of rights

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

Yes. The treaty must be one arm of the constitution with the other arm being the bill of rights.

Why?

It is a legal contract between Maori and the crown. This has been acknowledged through settlement agreements with Maori for the breaches of that contract.

Maori representation

How should Maori views be represented in Parliament?

As a partner in the management of this country. This is their country and it is their best interests to guard it for future generations. They are not going to destroy it.

How could Maori electoral participation be improved?

With more Maori on the Maori roll. I believe this will evolve as Maori realise they have an influential voice in this country.

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

Perhaps in the form of local Iwi. I accept there has to be responsibility from Maori to participate as well.

Electoral matters

How many members of Parliament should we have?

Enough to perform efficiently, effectively and economically based on a percentage of population.

Why?

To protect the fiscal balance and prevent financial waste

How long should the term of Parliament be?

With MMP I think the status quo is about right.

Why?

Legislation should be for the good of the country not to stay in power. If good legislation is passed it will stay, if not so good it can be changed reasonably promptly.

How should the election date be decided?

By the judiciary

Why?

Can't be manipulated by the party in power.

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

electorates split evenly between rural and urban and Maori

Why?

Because it reflects an even balance of the players in our economy.

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

Leave Parliament and get a real job.

Why?

The taxpayer is paying a public servant to do a job. If they don't perform to the job description they are surplus to requirements.

(4486)

The submitter included the following published material which was removed for copyright reasons:

- **Unknown publication** – '*A new kind of court: A new level of judicial oversight and offender management*' by Greg King.





**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 2:08 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

2994

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

Full Names: Justine king Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Flatbush Postal Region: Postal Post  
Code: Postal Country: New Zealand Submission: 1) Maori views should be represented in  
parliament by allowing Maori issues to be addressed in a more productive manner instead of trying to  
minimise the importance of Maori related policies and agendas

2) Maori electoral participation could be improved by allowing Maori voters to actually feel like their  
votes would make a positive difference for them, as opposed to them thinking it is just a waste of their  
time. Feeling no matter who they decide to vote  
for, based on their campaign promises, nothing really changes and their vote means nothing.

3) Maori views and perspectives should be represented in local government by acknowledging the  
importance of Maori issues and Maori participation and support to address these issues.

Sent on the 10 July 2013 at 14:08

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 2:31 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Justine king Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Postal Region: Postal Post  
Code: Postal Country: New Zealand Submission: 1) Yes I do, this will allow the constitution to  
be easier to understand as opposed to being broken down into smaller parts.

2) Yes because it will incorporate the culmination of all current legislations and the Treaty of Waitangi,  
as well as the formulation of new legislations.

3) I think the courts should have this power as Governments will change over the years therefore  
there may be no consistency to how the constitution is represented. The courts will have an unbiased  
approached to making such decisions

Sent on the 10 July 2013 at 14:30

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 1:44 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Justine king Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Flatbush Postal Region: Postal Post  
Code: Postal Country: New Zealand Submission: 1) The Treaty of Waitangi should play a key  
role in formulating a written constitution as it is important to acknowledge the historical significance of  
why this document was signed by Tangata whenua and the Crowns representatives at the time.

2) Yes i do think the Treaty of Waitangi should be made a formal part of the constitution as it is the  
founding document of New Zealand and must be recognised as such.

Sent on the 10 July 2013 at 13:43

4623

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 12:04 p.m.

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

Full Name: Jeanette King Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Ōtautahi Postal Region: Te Pakihi Whakatekateka o Waitaha Postal Post Code: Postal  
Country: New Zealand Submission: Kia ora rā,

1. Ka tautoko au i te whakaaro kia noho tahi ai te constitution. Kāore he take o te noho marara ngā āhuatanga o tō mātou whāinga hei whenua kotahi.
2. Ka tautoko hoki au te whakaaro kia noho rangatira te constitution hei ara whāinga mō ngā ture katoa o Aotearoa. Kāore he mana tō te constitution mena ka whakakorengia e ētahi atu ture.
3. Ki a au nei, he pai atu mena ka arotakengia e ngā kooti. Mena kei ngā mema paremete tēnei, tērā pea ka kotiti haere ētahi ture.

Ngā mihi,

Nā Jeanette King

Submitted on the 31 July 2013 at 12:01



4623A

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 12:12 p.m.

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

|                      |                  |                    |                  |              |
|----------------------|------------------|--------------------|------------------|--------------|
| Full Names:          | Jeanette King    | Organisation Name: | Email:           | Phone:       |
|                      | Postal AddressA: |                    | Postal AddressB: | Postal City: |
| Ōtautahi             | Postal Region:   | Postal Post Code:  | Postal Country:  | New Zealand  |
| Submission: Kia ora, |                  |                    |                  |              |

He mea nui kia noho pūmau Te Tiriti i roto i te Constitution, nō te mea ko te hononga i waenganui i te tangata whenua me ngā mea nō tāwāhi te pūtake o te nohonga o tēnei whenua hei nation i te ao katoa. Nō reira, me noho Te Tiriti hei pūtake mō te Constitution.

Ngā mihi,

Nā Jeanette King

Submitted on the 31 July 2013 at 12:10

4623c

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 12:20 p.m.

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

|              |                  |                    |  |                  |             |              |  |
|--------------|------------------|--------------------|--|------------------|-------------|--------------|--|
| Full Names:  | Jeanette King    | Organisation Name: |  | Email:           |             | Phone:       |  |
|              | Postal AddressA: |                    |  | Postal AddressB: |             | Postal City: |  |
| Christchurch | Postal Region:   | Postal Post Code:  |  | Postal Country:  | New Zealand |              |  |
| Submission:  | Kia ora,         |                    |  |                  |             |              |  |

1. I am happy with the number of MPs at present.
2. The parliamentary term should move to be 4 years to allow governments time to enact legislation. At present the first year of a term is a settling in period, and the last year is gearing up for an election, so doesn't leave much time for legislation rather than politicking. That said, I don't much fancy 4 years of a government I don't like!
3. I have no opinion about who should decide the election date.
4. Re size of electorates. A number of factors are already taken into account. Seems fine to me (acknowledging we have some very large electorates!).
5. If an MP parts ways with the party they were elected I think the following process should be followed.

In an electorate seat there should be a by-election, with the candidate being able to test their support with the electorate. This is because part of the support in an electorate for an MP may be personal as much as political support for the party they represent.

However, most of the support is usually for the party. Therefore there should be a by-election. If the MP stands again under their own banner they will be able to see if they really do have the support to continue to be in parliament. They should continue to be paid until the by-election is held.

If the MP is a list MP they should have to resign. This is because they only got that seat on support for the party throughout the whole country, not any personal support.

Many thanks,

Jeanette King

Submitted on the 31 July 2013 at 12:20

1803 10 Apr 1813

Secretariat  
Constitutional Advisory Panel  
Wellington

15/6/13.

Dear Sir

I wish to state my objection  
to any written constitution that includes  
any reference to the Treaty of Waitangi

Should be subject to a referendum

Yours Truly

Sauranga 15/6/13.

5065

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:19 p.m.

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

Submission: 1) It would be a good framework but should not be used as a constitution- it's a very old document that doesn't reflect modern New Zealand.

2) No. There are concerns about the translation of the Treaty and this would carry over to the constitution. It would be a 'fresh start' to unite our country if we made the opportunity to write a constitution from scratch. Phone: Postal AddressA: Postal City: Cambridge Postal Country: New Zealand Full Names: Laura Hannah King Email Address:

Submitted on the 18 June 2013 at 10:02

2584

**From:** "M King"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/07/2013 3:52 p.m.  
**Subject:** CAP Submission

~~We the undersigned do not believe the RACE should play any part our constitution and that every New Zealander is qual irrespective of the ethnicity.~~

We therefore see no reason for the continuation of the Maori seats in Parliament and they should be abolished along with all references to the

Treaty of Waitangi. Since there are dual interpretation of this document, it is no longer valid in today's multicultural society.

Miles King

Janet King



Secretary

C. A. P.

Justice Ministry

Saurang  
15/6/13

Dear Sir,

I wish to state my objection  
to a proposed Constitution. It includes  
reference to my Great-grandfather's  
issues.

If it is imperative that we have  
a written constitution, then this is  
important enough to seek a referendum.

Yours Truly

J.

Saurang

15/6/13

741

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/04/2013 10:32 p.m.  
**Subject:** We have no legitimate or lawful constitution

To Constitutional Advisory Panel  
 C/o Ministry of Justice

Also included in my submission is an Official Information Act request ... see below.

Submission of:  
 Neal King

These are the questions you would like my feedback on:

1. What are your aspirations for Aotearoa New Zealand?

Answer

For the secret ballot to be banned and public voting to be instituted so that all representatives can know and therefore contract to act on behalf of his/her voters.  
 For the New Zealand parliament to stand down until they can apply to "The People" for a founding document on which a valid government can be established by "The People".

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

Answer

By the people For the people issues decided by referendum.  
 Representatives being made "Accountable" for their actions.

My Submission is that:

1. New Zealand or the corporate entity NEW ZEALAND has no legal or valid constitution since the 10/01/1920.

2. I challenge you, the alleged government of the alleged New Zealand for claiming to have a valid constitution.

3. Within the Constitution Act 1986 there is no valid interpretation of what New Zealand or the corporate entity NEW ZEALAND actually is.  
 New Zealand is not defined, (unless you really mean it doesn't include the north and south islands ? ) therefore you cannot claim the Constitution Act 1986 to be valid on those grounds alone.

4. You claim that it (your constitution) is in several documents as opposed to one document.  
 "New Zealand has a constitution – it's just not all written down in a single document."  
 "Bill of Rights Act 1990 and the Constitution Act 1986, foundational documents such as the Treaty of Waitangi signed in 1840 and constitutional principles."

At no time did "The People" ratify the Bill of Rights Act 1990 or the Constitution Act 1986 or any one of the Treaties of Waitangi and most certainly "The People" have never ratified any of your claimed "constitutional principles" therefore none of these documents are valid let alone group together in an attempt to make a valid constitution.

5. "The People" themselves are required to establish a Constitution, as a Constitution is of the Common Law (as opposed to Admiralty law).  
 Parliament operates under Admiralty law, therefore all legislation such as the Bill of Rights Act 1990 or the Constitution Act 1986 are of Admiralty Law.  
 "The People" are required to ratify each clause of a constitution and that has never happened in New Zealand or the corporate entity NEW ZEALAND.

6. Further more you cannot grant yourself powers if you don't have a "Right to exist" in the first place.

A constitution is The act of constituting, enacting, establishing, or appointing, it is a founding document not one that can be conjured after to support a Fraud.

A Fraud is a Fraud and cannot be legitimized by adding more Frauds.

7. A constitution is for the purpose of "limiting and controlling governments power" not a granting of privileges by a sovereign.

A CHARTER on the other hand is a grant made by the sovereign either to the whole people or to a portion of them, securing to them the enjoyment of certain privileges.

A charter differs from a CONSTITUTION in this, that the former (charter) is granted by the sovereign, while the latter (constitution) is established "by the people themselves".

8. You also claim the Fraud that Israel is another nation without a single document constitution. It is not possible for a nation to have a valid constitution without defined borders and Israel has no defined borders as they are in dispute.

If you claim that New Zealand has defined borders and these borders are written down in a legal document, please consider this instrument an "Official Information Act Request" and

Please give me certified copies of the documents that evidence:

a. "the defined borders of New Zealand or the corporate entity NEW ZEALAND".

b. "The legal definition of the term "Includes" as is used throughout New Zealand alleged parliament Legislation"

Any opinion given in response to this request will be a violation of the Official Information Act 1982. Therefore, I specifically request you refrain from including any opinions as part of your response, Either provide the documents responsive to my request, or state there are no documents responsive to my request.

End Submission

Neal King

Return Email to

\*\*\*\*\*

Foot notes

CONSTITUTION, n.

1. The act of constituting, enacting, establishing, or appointing.

2. The state of being; that form of being or peculiar structure and connection of parts which makes or characterizes a system or body.

3. The established form of government in a state, kingdom or country; a system of fundamental rules, principles and ordinances for the government of a state or nation.

In free states, the constitution is paramount to the statutes or laws enacted by the legislature, limiting and controlling its power

CONSTITUTION, government. The fundamental law of the state, containing the principles upon which the

government is founded, and regulating the divisions of the sovereign powers, directing to what persons each of these powers is to be confided, and the manner it is to be exercised.

The words constitution and government (q.v.) are sometimes employed to express the same idea, the manner in which sovereignty is exercised in each state. Constitution is also the

name of the instrument containing the laws of the state.

By constitution, the civilians, and, from them, the common law writers, mean some particular law; as the constitutions of the emperors contained in the Code.

CHARTER. A grant made by the sovereign either to the whole people or to a portion of them, securing

to them the enjoyment of certain rights.

A charter differs from a CONSTITUTION in this, that the former (charter) is granted by the sovereign, while the latter (constitution) is established "by the people themselves".





4278

**From:** Pam and Bryan King  
**To:** ministry of justice <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 9:31 p.m.  
**Subject:** Fw: New Zealand's Constitutional Review

----- Original Message -----

From: Pam and Bryan King  
To: Ministry of Justice

Subject: New Zealand's Constitutional Review

To whom it may concern,

We have studied the questions which were outlined in the N.Z. National Council of Women's April Circular, and understand that the date for comments has been extended until July, 31st, 2013. Our comments as seen below

Question A-- Our aspirations for New Zealand is for a democratic country of united people, which preferably remains within the Commonwealth. ie. The Queen or her successors as head of state, with a Governor General as the Crown representative. We also wish for wise governance and respect for all people by all people.

Question B-- WE agree with our parliamentary system, however we wish our politicians remember that they are elected by the people. Therefore in matters of morality, we believe that referendum should be mandatory and binding. After all, politicians use they are the public's representatives and should reflect that by respecting peoples wishes. ( Majority should rule). Also we believe that New Zealand's population does not require the present number of politicians as at present in parliament. (see later)

Qu 1--WE believe a single constitution document would be more concise & should be binding.

Qu 2-- We believe there is a place for both constitution & supreme law but constitution must be within the law.

Qu 3-- As we understand, lawyers, therefore the court must be involved in forming the constitution. However Parliament decides legislation.

Qu 4-- As long as citizens live their lives by the rules, they shouldn't have any problems. As far as we believe it is only when someone breaks the law and/or loses respect for others that problems occur.

Qu 5-- It has been a concern that investigations have been carried out by the Govt. spying agency, on a political journalist virtually preventing that person's right to do the work which is expected by their employer e. g. freedom of speech!

Qu 6-- we believe supreme law should in effect cover the Rights of the innocent, presuming that the new constitution will include the Bill of Rights if N.Z. adopts a single Constitution.

Qu 7-- Parliament, however they should be bound by legality.

Qu 8-- We have no additions.

Qu 9-- Only as historical reference.

Qu 10- No.

Qu 11- No We have been told that the various Maori tribes have accepted full and final settlement. Despite there having been Maori Seats, in our world today & our widely cosmopolitan society, we believe that anyone of any ethnicity, who has been resident in New Zealand for x years ( suggest 15>20 ) should be able to stand for an electorate/ party representative and if worthy, be elected.

Qu 12- As above, any person with Maori heredity, has as much right as any one else to put their name forward for representation.

Qu 13- AS in Qu 12.

Qu 14- At present the number of politicians is excessive for the population and the economy. 80 should suffice and is equivalent to the proportion in Britain.

Qu 15- In alignment with other countries we believe a 4year term is preferable.

Qu 16- It should be statutory. The same week/month on the length of term decided in the constitution-- preferably 4yrs.

Qu 17- Population basis and until New Zealand's population rises above 6 million, it should not be necessary to increase the number of politicians. Obviously each electorate will have an increase in

voter numbers, but by keeping the number of politicians down this would reduce government expenses and may be more commensurate with the tax take!!

Qu 18- This is difficult however our thoughts are-- If a list M.P.--definitely they should leave Parliament, and could be replaced by the next person on that party list.

For a person who is a constituent member who is elected, not only because of party policy but also for recognition of his/her personal ability, that person should remain as an independent.

1652

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 27/06/2013 1:39 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Paul Marcus King Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New  
Zealand Submission: I believe it is essential that any sustainable constitution for New Zealand  
ensures that no person is assessed or treated differently by government according to accident of birth  
in any sphere of government activity.

All citizens, of no matter what race, religion, culture or political orientation, must enjoy identical rights  
and be subject to identical obligations in law, and in all interactions with the state.

Individual and demonstrated merit and need must form the ONLY basis for differentiation or priority in  
access to public resources.

Sent on the 27 June 2013 at 01:39

3744

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 22/07/2013 6:06 p.m.

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

Full Name: ~~Stuart Maurice King~~ Organisation Name: farmer Email:   
Phone: . Postal AddressA: d Postal AddressB:   
Postal City: ~~Te Aroha~~ Postal Region: ~~Waikato~~ Postal Post Code: Postal Country: ~~New~~  
Zealand Submission: I believe a single written constitution would be helpful to New Zealanders by  
clearly stating both the values to which we as a society aspire and the vision we hold for New Zealand  
as a sovergion nation.

I feel the present situation with a number of documents covering our core values as a nation means it  
is very unclear what values we hold as New Zealanders.

The values which I believe should be protected are:

1. All New Zealanders should be treated equally irrespective of:

Race

Sex

Ethnicity

Religion

2. New Zealand residents property rights should be protected and respected.

3. New zealand should function as a democracy with all qaulifying being entitled to an equal vote in  
electing a representative govrnment.

4. New Zealand must as a nation develope means and mechanisms to protect the values that we hold  
dear.

Submitted on the 22 July 2013 at 18:04



3744a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 2:44 p.m.

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

|                 |                     |                    |                                                                                                              |                   |  |
|-----------------|---------------------|--------------------|--------------------------------------------------------------------------------------------------------------|-------------------|--|
| Full Names:     | Stuart Maurice King | Organisation Name: | Individual New Zealand citizen                                                                               | Email:            |  |
| Phone:          |                     | Postal AddressA:   |                                                                                                              | Postal            |  |
| Address:        |                     | Postal Region:     | Waikato                                                                                                      | Postal Post Code: |  |
| Postal Country: | New Zealand         | Submission:        | For the sake of clarity and for effectiveness I believe having a single written constitution is a good idea. |                   |  |

Presently there is a great deal of confusion about whether NZ has a constitution and what it contains.

If we believe having a constitution brings positive benefits for NZ as a nation then these confusions need to be overcome by having a single clear written document.

The basic principles set out in our constitution should take precedence over all other laws. That is to say all NZ laws should be consistent with our constitution. Unless the constitution acts as a supreme law it will be ineffective in setting the path for NZ society and for protecting individual rights.

Given the supreme nature of a constitution its administration and interpretation needs to be given to a body that is ultimately accountable to the NZ people. In a democracy such as ours the parliament would best fill that role.

Submitted on the 30 July 2013 at 14:43



3744b

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 3:35 p.m.

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

Full Names: Stuart Maurice King Organisation Name: individual new Zealand citizen Email:  
Phone: Postal AddressA: Postal  
AddressB: Postal City: Postal Region: Waikato Postal Post Code:  
Postal Country: New Zealand Submission: The Treaty of Waitangi has an equal role to play in the making of NZ's constitution along with all other documents and agreements that make up the fabric of NZ's history. In using the treaty of Waitangi's principles it must be remembered the circumstances prevailing in NZ in 1840 as compared to the needs of 2013 NZ. While the main populous of 1840 NZ consisted of a tribal native population living in almost continuous warefare 2013 NZ is a vastly different ethnic and social community with little in common with 1840 NZ.

The actual meaning of the treaty as signed by the crown and Maori chiefs in 1840 needs to be considered. The english version commonly thought of as "The treaty" is a translation made by Governor Hobsons secretary. The most accurate english version is the copy which was translated into Maori by the missionaries and subsequently signed by the Maori chiefs.

The treaty was a significant document in 1840 but is of historical significance only as well as having translation difficulties and should not be included in NZ's written constitution.

Submitted on the 30 July 2013 at 15:34

3744c

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 9:23 p.m.

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

Full Names: Stuart Maurice King Organisation Name: NZ citizen Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Waikato Postal Post Code: Postal Country: New  
Zealand Submission: Maori's political aspirations should be represented in parliament in the same  
way as other NZer's. The MMP electoral system used in NZ elections ensures that significant  
minorities are capable of being represented in parliament as long as they participate.

The present system of specifically allocating a set number of parliamentary seats to Maori  
representatives is no longer needed and should be discontinued given voting is no longer tied to  
property ownership and we now have a proportional voting system.

The present guaranteed Maori set system does not encourage Maori voters to exercise their vote  
because they know they will receive a Maori representative whether they vote or not. This is exhibited  
by historically low voter turn-outs in Maori seats.

Treating Maori voters like all other voters will stimulate their electoral participation.

The present system treats Maori's differently based solely race and needs to be eliminated because it  
is a form of racial discrimination.

Maori electoral participation will be encouraged if Maori voters are treated in the same way as other  
NZ voters. The continued use of the Maori seats system despite the end to the reason for their  
creation does nothing to help the average Maori voter feel stimulated  
in the political system.

Maori views should be represented in local politics in the same as other NZer's. I strongly oppose  
setting are special provisions for groups based on race and believe one important aspect of NZ's  
constitution would be the banning of rules and legislation which  
discriminate on race. Provisions which discriminate on race will raise unreasonable expectations on  
one side and resentment on the other side.

Submitted on the 30 July 2013 at 21:21

2498

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/07/2013 10:11 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

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|                                                                                                 |                  |                    |         |                   |  |                 |             |
|-------------------------------------------------------------------------------------------------|------------------|--------------------|---------|-------------------|--|-----------------|-------------|
| Full Names:                                                                                     | Stephen King     | Organisation Name: |         | Email:            |  | Phone:          |             |
|                                                                                                 | Postal AddressA: |                    |         | Postal AddressB:  |  | Postal          |             |
| City:                                                                                           |                  | Postal Region:     | Waikato | Postal Post Code: |  | Postal Country: | New Zealand |
| Submission: The current system works well for us at the present. "It ain't broke, don't fix it" |                  |                    |         |                   |  |                 |             |

My submission would be that we need to complete full and final settlement of historical Treaty of Waitangi claims before a constitutional change. I'm this view in order to avoid a situation that may strengthen separatism between maori and others in New Zealand.

Sent on the 4 July 2013 at 10:11

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/07/2013 9:25 p.m.

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

Full Names: James Te Mahau Te Whataiwi KINGI Organisation Name: Self Email:

Postal Address: Postal City: Postal Region: Auckland Postal Post Code:  
 Postal Country: New Zealand Submission: Thank you esteemed panel for the opportunity to  
 contribute to this important issue.

What are your aspirations for Aotearoa New Zealand?

My aspirations for Aotearoa – New Zealand are as follows:

1. STATUS – I wish to see the removal of the Monarchy establishment, recognition of it in our history books, the establishment of a Republic of Aotearoa – New Zealand and the appointment of a New Zealand born Head of State appointed by our governing legislative body and the people of Aotearoa – New Zealand.
2. TREATY OF WAITANGI – the entrenched protection of the Treaty in the new Republic and any new constitution, agreement of a single version, a comprehensive campaign to educate and properly inform all New Zealanders on the history, standing and future role of the Treaty and a celebration of it in 2015 on its 175th anniversary.
3. UNITY – a more unified New Zealand.

How do I want the country to be run in the future?

1. TRANSPARENCY & ACCOUNTABILITY – to be run in an open and transparent fashion. The government is appointed by the people, for the people. The government must pay more heed to the aspirations and needs of the people.
2. YOUNG LEADERS – are included at all levels in central and local government. Compulsory youth / young leader seats on all governing bodies. As the future of young New Zealanders are planned – they are full involved and have their say in their future.
3. MAORI LANGUAGE – is promoted and protected for the future of Aotearoa – New Zealand. It is enhanced by the government through promotion, utilisation in all public services and functions so it becomes as normal as English.

Nga mihi



**From:** Andrea  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 5:10 p.m.  
**Subject:** Constitutional Review

3002

Dear Sir/Madam

OUR SUBMISSION: Re the issues in the Governments Terms of Reference.

1. A citizens initiated referendum in 1999 showed over 80% of New Zealanders wanted the number of MP's to be reduced to 99.

For the size of our population we both agree that the number of MP's should be reduced.

2. a) The length of the parliamentary term should stay at 3 years.

b) The election date should stay flexible.

3. a) We think that the number of electorates should stay the same but WITHOUT the Maori seats. People should be elected to parliament to represent an area on their personal merits NOT their race.

Will we have Asian, Pacific Islander, German, South African etc. seats as their population percentage increases??

b) Method of calculating the size of electorates should be changed to disregard the Maori electorates. There should be no discrimination/favouritism on race. The census questions on racial background needs to be less slanted towards Maori iwi and the figures used to be aware of the different nationalities that reside in NZ NOT to establish how many Maoris there are.

4. a) Electoral integrity should be re-introduced. Why was this legislation decided by a Select Committee and not by the whole population?

5. a) The separate Maori roll/Maori electoral option should be abolished as they are after all New Zealanders.

b) The parliamentary Maori seats should be abolished. They have outlived their original purpose. All folk over the age of 18 years get to vote if they wish. Voting is no longer tied to property ownership as it was in the past.

c) Local government Maori seats should be abolished. There are quite a few Maori in government elected by their personal merits not because of their race.

6. a) There is ABSOLUTELY NO ROLE that the Treaty of Waitangi can play in our constitutional arrangements. It is a document that is nearly 3 hundred years old which dealt with issues that only applied to that 18th century age of thinking and government. We live in the 21st century where DEMOCRACY is the rule. At present all citizens of NZ are equal why we want it otherwise?

7. a) Bill of Rights - no opinion.

b) The Bill of Rights does not need to be entrenched.

8. a) Only elected members to parliament should have the ability of law-making power. Judges and lawyers would not be able to be held responsible and sacked as is the case presently with MP's. We do not need a "written constitution" as the present system is flexible and sufficient to protect ALL citizens of NZ.

9. a) The Declaration of Equality should be enacted by Parliament and it's principles implemented.

b) Constitutional change of major consequence should be democratically decided by a public referendum process.

We regard any attempt by MP's to change the constitution by way of parliamentary vote to be illegitimate and we strongly oppose any such suggestion.

Penned by Andrea Jacqueline Kingston of Northland.

Also supported by my husband Stuart Walter Henry Kingston of , Northland.



1229

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 9/06/2013 7:40 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: George Blake Kingston Organisation Name: Email:  
Phone: Postal Address: Postal AddressB:  
Postal City: Postal Region: Nth Canterbury Postal Post Code: Postal  
Country: New Zealand Submission: Hello I believe for NZ to succeed and flourish we need to look forward as one nation.

Our first priority is to make NZ a better place as one people looking forward into the future.

Our second priority is not to forget our various heritages and diversity .

Unfortunately we currently focus on what should be our second priority causing counter productive ethnic division within the community.

I also beleive in one vote for one person with the ethnicly devisive seats abolished.

All New Zealanders going forward as one people.

I sincerley hope that this submission is read with an open mind

Sent on the 9 June 2013 at 19:39

4779

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 3:38 p.m.  
**Attachments:** constitution submission.doc

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

Full Names: Helen May Kingston Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Golden Bay Postal Post Code: Postal  
Country: New Zealand Submission: See attached file Submission Upload: constitution  
submission.doc

Submitted on the 31 July 2013 at 15:38

I want our constitution to be based on these values: Justice (including inter-generational justice); fairness; non-violence; cooperation; integrity; and respect for all persons and towards the earth.

I want our constitution to recognise and entrench human rights - not only anti-discrimination principles, but aligned to the UN declaration of human rights.

I want our constitution to be truly democratic. At present, too much power resides in the hands of a small group of people. There needs to be new thinking and new attitudes, leaving behind the adversarial system we have at present, which does not serve us well.

In the sort of democracy I envisage, there will be more participation by everyone and more initiation of legislation and decision-making on a local basis (as in some aspects of the Swiss way of doing things). For this to have meaning, we need

- ✓ Civics education in schools, as part of the core curriculum, unbiased and starting quite early on.
- ✓ More delegation to territorial authorities including at quite a local level (as Community Boards operate at present but with significantly more delegated rights.)
- ✓ Head of state to be chosen democratically and not as a political appointment. I do not mind if we have the existing constitutional monarchy (with delegation to Governors General, see below), or a republic. In either case however, the head of state should have power to veto legislation which is not in accord with the constitution. My ideal would be two co-Governors General or co-Presidents sharing the power and responsibilities. Their terms could overlap giving continuity and maintaining institutional memory.

A commission along the lines of the current Electoral Commission could devise ways in which these principles could happen in practice.

Most importantly, we do have a current global crisis – that of climate change and resource depletion. In times of crisis in the past, we have had a government of national unity. I see it as urgent that we rethink the way we run our country so that future generations and the earth itself are not penalised.

And it is time to accord rights in our constitution to Papatūānuku, as has taken place in Ecuador. A Commissioner for the Environment could have power of veto over legislation which was contrary to these rights.

Thank you

Helen Kingston  
31 July 2013

, Takaka

4861

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 4:58 p.m.

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

Full Names: Denyse Kinraid Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Nelson Postal Region: Nelson Postal Post Code: Postal Country: New Zealand  
Submission: Some of my thoughts on the NZConstitution. based on the questions you have given as a guide.

1 Written as single document.

Yes, but one that can be added to. It would make sense to have all I think the word is annotated into a set of documents which would be dated and added to then reprinted every ten years or so. (Like the law journals, in between reprinting there would be addenda.)

2 Constitution higher legal status - it should not prevent good law or improvement being passed but should be supreme and I don't know how that would work but I wouldn't want bad or outdated law set in concrete.

3 I think Courts should have power to decide on consistency with constitution for laws - provided that politicians can't wiggle the choice of supreme judges as they do in the USA, at present I think all bar one are conservative Republicans.

#### Bill of Rights

I think this is good but I am always concerned that one person's or group's rights don't damage others.

E.g. going to Ireland - the march of the Orangemen through the Catholic areas is provocative and unreasonable.

#### Electoral matters.

1 I don't think that the same Prime Minister should be able to serve more than two terms. And should not be able to be re-elected until another two terms have passed.

2 I think that four, but no more, years would perhaps be a better term for each government.

3 I am concerned at the amount of money that can be splashed around to gain notoriety for election hopefuls and would like to see public funding and disclosure of anything over \$100 donation, and a limit on spending overall. Public funding would help small parties, and limits would hold the wealthy.

4 I am not keen on a republic. The

Queen does a good job and the type of person who wants to be head of a republic is often an antithesis I think is the word, to what the country and people need.

#### Maori

1 I want them to always have their four seats no matter how many go into other open ones. I want that surety.

2 I want them treated well, as we have started doing over past decades and more concern for them and their kaitiaki.

3 I don't want to see any pakeha bigots try and undo the long thought out responses and reparations we have made to Maori and put our joint co-operation in danger.

I should have started this earlier but the GCSB thing has been so much of a problem I haven't been thinking.

We need plenty of time to think about a new Constitution.

Thanks for allowing us to have input.

Submitted on the 31 July 2013 at 16:57



1891

25.4.13.

Wellington

### Proposed Constitution.

I do not feel that it is necessary as we have coped quite well without one. However if a constitution is considered it is essential that a referendum which is binding setting out the proposed wording be held so that everyone can have their say.

Key points in a referendum should be that all citizens are equal regardless of colour, creed or race. The Treaty of Waitangi should have no place in a constitution - or its principles which no one has adequately set out. The idea of a Treaty based document as proposed by the panel set up to investigate who are Maori or pro. Maori is completely unacceptable. Parliament and the Judicial System must be the ruling bodies and no group should be able to usurp their authority.

Any decision regarding a constitution must be decided by all citizens of this country and not by parliament's 120 members who on many occasions cast votes for political expediency.

Mrs.



13 June 2013.

18919



Wellington.

### Constitutional Issues.

Thank you for your reply dated 7 June 2013.

My correspondance was intended as a submission and I would like it to be treated as such. I see no point in rewriting it.

I also wish to address the number of M.P.s. Ninety nine is more than enough. The extra members were added in the referendum on M.M.P. in the hope the public would vote to retain First past the Post.

Regarding a 4 year parliamentary term I am against it and consider the present three year term more than enough, especially if we have a poorly performing government. A good government can be re-elected so I see no reason to change.

The Treaty of Waitangi granted Maori all the rights and privileges of British subjects. No more and no less. It was not referred to as a partnership until about the mid eighties by a judge and a partnership is not always equal although this is how it is now portrayed. There should not be any reference to the Treaty in a Constitution or legislation.

Everyone has the right in this country to stand for local body elections and there should be

no race-based seats on any councils.

When M.M.P. was proposed it was stated that it was no longer necessary to have the Maori seats and they should be abolished. In spite of Mr. Key campaigning to get rid of the Maori seats, for political expediency he did a U. turn but the Maori seats are not necessary and should be abolished.

The Waitangi Tribunal has been hearing claims for many years but I have observed that a full and final settlement has not been the expected end of the claim and there have been instances of tribes receiving multiple settlements. Nga Tahu have stated that if other settlements exceed a certain figure they will be back for more. This plus the statement that each generation has the right to make further claims makes a mockery of the process and is completely unacceptable. A full and final settlement should be just that! For these reasons the Waitangi Tribunal should be abolished.

Please regard these points I have made as an addendum to my original submission.

Mrs. Joyce Kirby

417

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/04/2013 7:47 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Neil Edward Kirk Organisation Name: N/A Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
City: Gisborne Postal Region: Poverty Bay Postal Post Code: Postal Country: New  
Zealand Submission: NZ must have a constitution that reflects the needs & wishes of all it  
citizens.

No one ethnic group shall have any preferential treatment on any matters.

The NZ government shall absolute power over all things, including the courts.

The NZ shall have the right to defend them selves from any attack, both verbally or physically. And  
attack from foreign forces.

The NZ government must endeavour to keep the education, health & justice systems in a  
manner that is advantageous to all nz citizens regardless of colour or creed

Parliament must be made up of elected members only. No ethnic or list type seats.

The queen or King of England shall remain as head of state.

The Parliment shall have 100 Members, no more, no less

Sent on the 16 April 2013 at 07:46

417a

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/04/2013 7:47 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Neil Edward Kirk Organisation Name: N/A Email: Phone:  
Postal AddressA: Postal AddressB: Postal  
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Zealand Submission: NZ must have a constitution that reflects the needs & wishes of all it  
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The queen or King of England shall remain as head of state.

The Parliment shall have 100 Members, no more, no less

Sent on the 16 April 2013 at 07:47

1492

**From:** Shelley Kirk  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>  
**Date:** 20/06/2013 4:44 p.m.

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.

Sincerely  
Shelley Kirk

2661

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 11:40 a.m.  
**Subject:** UNCLASSIFIED CAP Submission

My view on Maori seats is to abolish them and all race and gender based systems.

Race based seats are separatist and hold back New Zealand's progress toward equality for all.

It is ludicrous that individuals can "elect" to be part of specific race based on a minority blood relation, yet still receive full benefits associated with that group. It is nothing but greed that drives this. Do away with the "benefits" and the race issue goes away.

Without equality for all, New Zealand cannot and will not move forward.

Mark Kirker

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4091

**From:** "Tracy Kirkley"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 7:26 p.m.  
**Subject:** My feedback for submission

I am concerned that this review is unconstitutional in itself. It is being conducted with the majority of the public unaware of its long lasting implications. We are heading down a road of creating a 2 tier race based society. Maori who have various privilege over and above the rest of the variety of nationalities who live, work contribute ..are New Zealand residents and citizens.

This review is unnecessary, and it stacks the cards in favour of more Maori influence, exertion and cow-towing.

The review has focussed public attention on the exercise of constitutional power in New Zealand. In doing so it has become clear that the Maori sovereignty movement has made significant progress towards their goal of the co-management of the country.

The iwi elite are pro-actively seeking partnership deals wherever they can, with barely a murmur of public discontent. Unfortunately, their fabricated argument that the Treaty gives Maori a "partnership" privilege with the Crown, has gained traction with PC government officials and politicians alike.

But where is the Parliamentary opposition to this iwi power grab? Surely not all of the parties in Parliament agree with the governance of New Zealand being transferred to iwi corporations?

To appreciate just how ludicrous this situation really is, consider the fact that on one hand, half of the parties in Parliament are stridently opposing the partial sale of State Owned Crown assets, yet on the other hand they are silently supporting the transfer of governance from the Crown to private interests.

The Constitutional Advisory Panel is meant to represent the various ethnicities I would expect based on population figures reflecting that. All the people, Maori, Pakeha, Asian, Pacific Islanders. The panel is made up of five Pakeha and five Maori, one Asian and one Pacific Islander. This is not representative of the make up of our population.

So here's the question - in a country where New Zealand Europeans represent 69 percent of the population and Maori represent 15 percent, Asian 9 percent, and Pacific Islanders 7 percent, how is it possible that the panel has been 'carefully constituted', when true representation would mean a panel of eight New Zealand European members, two Maori, one Asian and one Pacific Islander?

Is the makeup of this Panel proof that the government has already sold out to the iwi elite, who are claiming that 'true representation' means 50 percent Maori and 50 percent everyone else? Is 50:50 to be the official face of equal representation in New Zealand? If so, what has happened to our overriding democratic principles of equal citizenship and one person, one

vote?

There is a large proportion of the population who believes that Maori influence in government and legal and political arrangements is rapidly heading out of control, but they are not extremists. They are a majority of citizens, who believe in racial equality in a democratic state. It is a conversation which comes up time and again. People are fed up with hearing about yet another pay out, claim or deal to the " iwi". that means the iwi at the top, not the people at the bottom, With the millions being paidout. Why are " their" people as they are always referred to, not receiving the benefit of ?

Do not change our Constitution. Leave it alone, there is nothing wrong with it.

Tracy Kirkley |

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308

**From:** Tom Kirkpatrick  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/04/2013 1:37 p.m.  
**Subject:** Race Based Constitutional Review

Govt Of New Zealand

Our submission regarding the NZ Constitutional Review is that , we want no change to New Zealand's unwritten Constitution as 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

We are as named hereunder : ---  
Vivienne Rae Stefadourous  
Thomas Lawrence Kirkpatrick  
Audrey Marion Payne  
Geoffrey Douglas Attrill

All c/-

1163

**From:** >  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/06/2013 11:06 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission  
**Attachments:** submission re constitreview.docx

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

Full Names: Natalie Kirton Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:  
Submission Upload: submission re constit review.docx

Sent on the 8 June 2013 at 11:05



Waimauku

6 June 2013

I am writing to express my views regarding aspects of the Constitutional Review currently underway.

1. I do not consider that a written constitution is required – the country has operated successfully without one until now, as do other countries, and I hear no general public demand for one.

2. I do not accept that the Treaty of Waitangi is the founding document of this country. I do accept it as an agreement between some of the first inhabitants and the Crown of the second wave of settlers. While there clearly were injustices judged by the customs of the time these have been, and continue to be addressed as identifiable issues. There must be an end to this process of 'righting wrongs'. Today, Maori have the same opportunities, rights and responsibilities as any other citizen, no more and no less, and we must go forward as one united group of New Zealanders if we are to avoid a fragmented society.

I am therefore concerned at the possibility of the 'principles' of the Treaty of Waitangi being included in New Zealand's Constitution. There is great debate over what the principles are, they appear to be an interpretation of the Treaty which is itself open to interpretation. The 'principles' have been referred to in official government material for the last twenty years without any clear or publically debated agreement on what these are.

3. I believe wholeheartedly in one nation and one people. With any reference to the Treaty included in the Constitution, weight is given to racially based division within our society.

The creation of a 'Maori' party and the Party's representatives working only for 'our people' gives me cause for great concern. The Maori party is clearly and unashamedly divisive and in this case racially divisive - this would not be tolerated had it been, say, a Pakeha party or an Asian party, or a party based on wealth or weight or gender. 'Our people' should be 'all people' not a single group identified by ethnicity or any other characteristic. I see race-based representation in Parliament and unelected racially based 'consultation' on local authorities and public bodies as divisive and anti-democratic.

The Maori Council's recent claim to have 'proprietary interests' to water again illustrate their intention to claim all natural resources. Water (seas, lakes, rivers and the land over which it moves) is a fundamental resource and belongs to all citizens of the country, as does air and anything moving through it, anything under the ground, or flora and fauna, and to claim 'ownership' is a nonsense.

I believe wholeheartedly in egalitarianism. Inequalities in our society need to be addressed and opportunities for self-advancement, health and happiness should be available to all: if this is not the case then our society needs to address the issues. Constructively. Not through groups who concern themselves with only one racial group rather than people across society who share a situation.

Thank you for taking time to read and consider my submission.

Yours faithfully

Natalie Kirton

## 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.

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