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Kenneth
Lees

To the Constitutional Advisory Panel
c/o Ministry of Justice, Wellington.
19 August 2013.
Copies to: previous addressee's

Events in Egypt since my previous submission 21/6, have prompted me to amplify my advocacy for the 6th pillar for "Constitutional Safeguards for True Democracy".

Please now add ~~my Gmail dated 17th August to National Radio~~ on the topic of secularism, together with diagram illustrating how all human experience on Earth is connected – of particular relevance: the different weighted values of ideology to that of philosophy.

19.8.13

For ease of reference, the first two of my 15 page submission are duplicated.

That said, my diagram should be the basis for all education, to demonstrate that all activities, for good or bad, are in different ways, connected.

Completed Submission to the
Constitutional Advisory Panel
c/o Ministry of Justice
Wellington
21 June 2013
(replacing outline 16th May)

Copies to: Hon Judith Collins Minister of Justice
Hon Winston Peters
David Shearer Ldr. Labour Party
Russel Norman co/Ldr. Green Party
Kim Hill National Radio
Robert Peden Chief Electoral Officer
Editors: The Listener
Northern Advocate
NZ Herald
Dominion Post
Christchurch Press
Otago Daily Times

Subject matter of the Consideration of Constitutional Issues

11. The Consideration of Constitutional Issues will include the following topics:

Electoral matters

- 11.1 – Size of Parliament
- 11.2 – The length of the term of Parliament and whether or not the term should be fixed
- 11.3 – Size and number of electorates, including changing the method for calculating size
- 11.4 – Electoral integrity legislation
- 11.5 – Māori representation, including Māori Electoral Option, Māori electoral participation, Māori seats in Parliament and local government
- 11.6 – The role of the Treaty of Waitangi within our constitutional arrangements

Other constitutional matters

- 11.7 – Bill of Rights issues (for example, property rights, entrenchment)
 - 11.8 – Written constitution.
12. Other issues are likely to arise during public engagement. The Deputy Prime Minister and the Minister of Māori Affairs will report to Cabinet on these matters, advising whether the issue appears to be of widespread interest and merits further consideration.
13. The Deputy Prime Minister and the Minister of Māori Affairs will be mindful of other Government initiatives with constitutional implications, and will aim not to duplicate or undermine these initiatives. The Deputy Prime Minister and the Minister of Māori Affairs will also keep their ministerial colleagues informed

on progress with the Consideration of Constitutional Issues with the aim of ensuring wider Government initiatives with constitutional implications are cognisant of progress.

Constitutional Advisory Panel

14. The Constitutional Advisory Panel (Panel) is an independent group established to implement the initial stage of the Consideration of Constitutional Issues. The initial stage will involve:
- a. preparing and commissioning opinion pieces on the topics within the scope of the Consideration of Constitutional Issues; and
 - b. establishing a forum for sharing information and ideas on those topics amongst New Zealanders.

Responsibilities

15. The specific responsibilities of the Panel are to:
- a. report, by December 2011, to the Responsible Ministers on a proposed strategy for implementing the initial stage of the Consideration of Constitutional Issues;
 - b. report, by December 2011, to the Responsible Ministers on a proposed strategy to manage interaction with other government projects;
 - c. establish a forum for developing and sharing information and ideas on the topics within the scope of the Consideration of Constitutional Issues, to seek the views of all New Zealanders including Māori, in a manner that is reflective of the Treaty of Waitangi relationship and responsive to Māori consultation preferences;

Constitutional Safeguards for True Democracy

Our un-written Constitution can never be improved until fundamental flaws in our so-called democracy are addressed. Kenneth Lees explains:

"We are under a Constitution, but the Constitution is what the judges say it is." Charles E. Hughes 1862-1948

Presently, under our elected dictatorship, it is evident that the Constitution is what politicians and judicial interpretation says it is. The result of the inert electorates failure to discern the constituent fundamentals of constitutional democracy:

1. All legitimate votes count.
Thousands of election votes are wasted because voters have no second alternative vote for a candidate more certain too be elected - sounder than a 4% threshold to reduce wasted votes.
2. The will of the majority in elections and referendums, is the very basis of democracy.
Referendum results are non-binding!
3. Irreversible policy proposals decided by referendums.
The *raison d'être* for Opposition parties is diminished when hamstrung with irreversible policies of previous governments!
4. True proportional representation in parliamentary voting decisions.
A party can have more MPs than its proportional vote entitlement.
5. Electorate MPs should represent over 50% of the vote in their electorates.
The 2011 election produced 22 electorate MPs from less than 50% of the vote. Peter Dunne, from only 39.26%, appointed Minister of Revenue!
Adoption would make it suitably difficult for mavericks, opportunists, and single-issue parties to enter Parliament and disrupt governance. A 6% threshold would be an added insurance.
6. Robust, non-ideological debate of government policies by proven achievers in a Senate. »
To question and offer sounder advice than (selective) select committee recommendations to Parliament.

Those six pillars of democracy were part of presentation on the 2nd May 2012 to the Electoral Commission, tasked with the review of the MMP voting system. None have been adopted in the Commissions recommendations to the Minister of Justice.

Without those pillars, any proposals to address flaws in our un-written constitution are baseless. I offer them again to the Constitutional Advisory Panel, to demonstrate they overlap with issues raised in the review of MMP, and inseparable from the principles of a democratic constitution.

Copyright material removed.

Secularisms Flaws:

Why the Constitutional Advisory Panel,
tasked with Consideration of Constitutional
Issues, should advocate an Upper House in
its completed submission to Parliament.
explains:

Egypt's bloody conflict, between those who think religion has no place in civil affairs and those who do, is the inevitable consequence of the unresolved historical dichotomy between eastern and western cultures. A dichotomy between deep beliefs in providence – provision for the future either in this life or the hereafter – and western cultures that only recently, when man's predicament has become self-evident, voiced concern for the future of mankind. What neither culture has fully understood: is that every aspect of our lives is in some way connected to and compounded by every other in many thousands of combinations – graphically explained in Structure of a Balanced Culture, drawn in 1993.

Conflict resolution has been made more difficult by not recognizing each of us have greater or lesser empathy for either ideological values or philosophical values. When there is no adequate platform to voice those values and raise the intellect of public opinion, the result is flawed governance and failed policies.

What needs to be recognized is that whereas ideology exploits human nature to better ensure election, and is thereby divisive, the contemplative nature of philosophy which is largely derived from sympathy, achievement and experience, seeks to understand human nature and unify it by ethical values.

Mounting evidence demonstrates that simple populist ideologies, alone, are not adequate to the task of addressing the world's escalating predicament. Populism has undermined reason. Pandering to wants – to get elected- rather than need has created damaging waste, excess, and unreasonable expectations in our finite planet Earth; with little effective counterbalance by way of independent, pragmatic input of upper houses and senates, freed from the need to be popular.

It took hundreds of eminent independent scientists and environmentalists to expose the unpopular implications of climate change and limits to cheap oil – the consequential cost of fracking is not yet known. Al Gore's inconvenient truth is that he has not yet realized that a flawed United States Constitution has made his campaign on climate change unduly difficult.

Democracy is soiled where upper houses and senates, restricted to short-term election cycle, simply mirror the ideologies of their lower house, when the need to persuade public opinion towards a longer philosophical compass has never been greater – especially when growing poverty of the masses, and obscene wealth and opulence of the few, threatens socio-economic stability.

The different values between ideological ethos and philosophical ethic explicit in human nature needs different platforms for voices in the decision making process of governance: upper houses and senates should represent proven, knowledgeable achievers; representing the professions, business interests, union organizations, clerics and academics and able to instill an understanding for a longer time imperative without fear or favour.

It is naive to expect any fledgling democracy to grow without voices of dissent, when western culture offers no template for true democracy. And utter nonsense to believe those fledgling democracies wanting a new beginning will peacefully accept non-binding referendums, like in (squeaky clean) New Zealand, whilst searching for a broad consensus on the fundamentals of a constitutional democracy.

The value of teaching the connections between all human activity should be a central plank in the education system – at all levels.

Kenneth Lees has studied and submitted papers on democratic decision making systems since 1987. He was Deputy District Architect, MDW, Ch'ch between 1982-88.

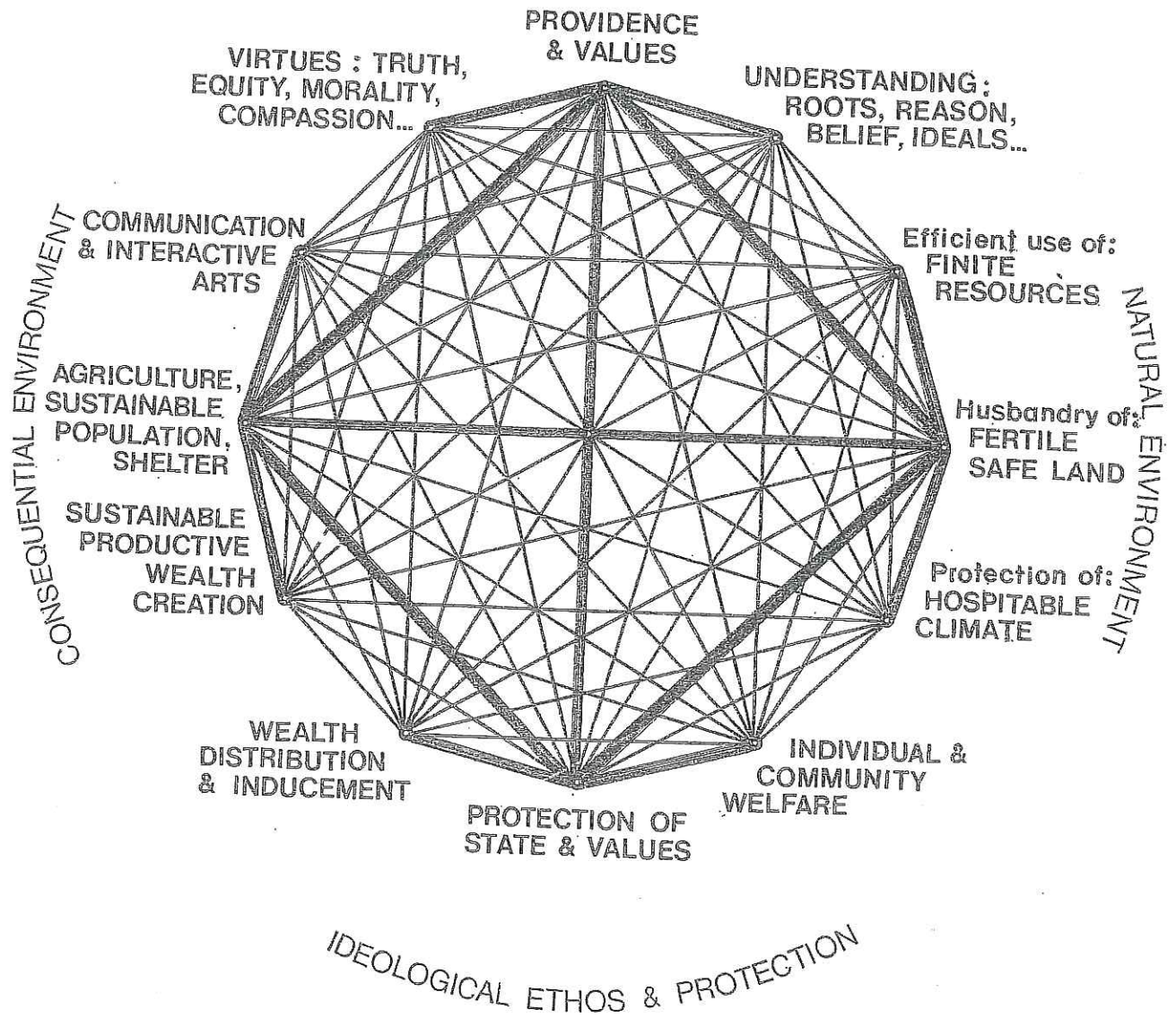
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Contact:

Whangarei.

Ph

PHILOSOPHICAL ETHIC



STRUCTURE OF A BALANCED CULTURE

Subject matter of the Consideration of Constitutional Issues

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Electoral matters

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Other constitutional matters

- 11.7 • Bill of Rights issues (for example, property rights, entrenchment)
- 11.8 • Written constitution.

12. Other issues are likely to arise during public engagement. The Deputy Prime Minister and the Minister of Māori Affairs will report to Cabinet on these matters, advising whether the issue appears to be of widespread interest and merits further consideration.

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Constitutional Safeguards for True Democracy

The desirable principle of equal rights embodied in a written Constitution, will remain a mirage until the fundamental flaws in our so-called democracy are addressed. Kenneth Lees explains:

“We are under a Constitution, but the Constitution is what the judges say it is.” Charles E. Hughes 1862-1948

Presently, under our elected dictatorship, it is evident that the Constitution is what politicians and judicial interpretation says it is. The result of the inert electorates failure to discern the constituent fundamentals of constitutional democracy:

1. All legitimate votes count.

Elections see many thousands of votes wasted because voters have no second alternative vote for a candidate more certain to be elected – better than lowering the threshold to reduce waste.

2. The will of the majority in elections and referenda, is the very basis of democracy.

Referenda results are non-binding!

3. Irreversible policy proposals should be decided by referendums.

The raison d'être for opposition parties is diminished when hamstrung with irreversible policies of previous governments!

4. True proportional representation in parliamentary voting decisions.

There can be more MP's than their proportional vote entitlement.

5. Electorate MP's should represent at least 50% of the vote in their electorates.

The 2011 election produced 22 electorate MP's from less than 50% of the vote. Peter Dunn received 39.26%, with a majority of only 1646 votes - appointed Minister of Revenue! Adoption would make it suitably difficult for opportunists, mavericks and single-issue parties to enter Parliament and disrupt governance. A 6% threshold would be an added insurance.

6. Robust, non-ideological debate of government policies by proven achievers in a Senate.

To question and give sounder advice than the (selective) Select Committee recommendations to Parliament.

Those six pillars of democracy were set out in my presentation on the 2nd May 2012 to the Electoral Commission, tasked with the review of the MMP voting system. None have been included in the Commissions subsequent recommendations to the Minister of Justice.

Without those pillars, any proposals to address flaws in our un-written constitution are baseless. I repeat them in this submission to the Constitutional Advisory Panel, to demonstrate they overlap with issues raised in the review of MMP, and inseparable from the principles of a democratic constitution.

Subject matter of the Consideration of Constitutional Issues.

11.1.1 Size of Parliament

First, correct the false argument that justified the increase from 99MP's under first-past-the-post to 120 under MMP, to ensure no further unjustified increase in the number of List MP's, when in six elections, proportionality was achievable in Parliaments of 85, 99, 104, 81, 88, and 88:

	1996	1999	2002	2005	2008	2011
Electorate MP's	65	67	69	69	70	70
List MP's	20	32	35	12	18	18
For proportionality	85	99	104	81	88	88

11.1.2 Base the size of future parliaments on a logical formula:

1996 – around 2,500,000 on the electoral roll (38,461 per electorate MP with 65 electorates)
So, 2,500,000 divide by 80,000 = 31, add a constant of 80 = 111 MP's (more plausible than 120).
2011 – around 3,083,000 on the electoral roll (44,042 per electorate MP with 70 electorates)
So, as above 39 + 80 = 119 MP's (120, then plausible)

Future Projections

	Electoral roll estimate	Formula	Representation per electorate MP
2014	3,228k	120 (78E + 42L)	41,384
With no boundary changes, 46,114 with 70 electorates			
2017	3,377k	122 (80E +42L)	42,212 with 80 electorates
2020	3,546	124 (retain 122)	44,325
2023	3,725k	127 (retain 122)	46,562
2026	3,885k	129 (87E +42L)	44,655 with 87 electorates
2029	4070k	131 (retain 129)	46,781
2032	4,286k	134 (retain 129)	49,264

Accommodation would require back-benches around the rear, replacing the present individual seating – as the Westminster model.

Formula Logic

11.1.3a The fixed base of 80 seats, gradually increases the electorate per seat ratio. For example, the ratio between the 45 million or so on the UK electorate roll, to the 650 electorate seats is 69,230 (without scaling back, our 2011 result of 44,042 per electorate would equate to 1022 MP's). Prime Minister David Cameron has advocated only 500 electorates – increasing the ratio to 90,000 per electorate.

11.1.3b Applying the formula to the UK: $563 + 80 = 643$, virtually "spot on".

11.1.3c As already argued, 42 List Seats is more than enough to ensure proportionality. Thinking outside the square: IF more are ever needed, their numbers could be represented by notional seats, rather than permanently burden tax payers with 50 or so List MP's on the odd chance!

Central to my proposal is: list seats are first and foremost the means of achieving proportionality, by correcting the imbalance where parties achieve more MP's from fewer votes than others. That fundamental provision is lost in the ratio of list seats to electorate seat nonsense. That is not to deny the benefit of list seats:

- * Proven achievers can assuredly become un-elected MP's.
- * Ensures retention of most able MP's when the electorate turns against the party.
- * Can facilitate ethnic or gender representation.
- * Relieve Ministers of heavy workload.
- * Do research on behalf of the party.

More than 40 List MP's produces diminishing returns.

11.1.3d Boundary changes every 9 years, for 3 year term Parliaments, would be reasonable.

Further improvements should include:

11.1.4a List MP's should not be ranked - it prevents freedom to change party priorities.

11.1.4b The party selects List MP's. The party should have the power to dismiss them – not the present costly, protracted nonsense.

Length of term of Parliament and whether or not the term should be fixed.

11.2.1 Three years if the six pillars are not adopted. If adopted, five years.

11.2.2 An election should be called when three separate opinion polls show less than 40% support for the incumbent government. Voters will draw their own conclusions when governments call early elections.

Size and number of electorates, including changing the method for calculating size

11.3 As 1.1 and 1.2 above.

Electoral integrity legislation.

11.4 Legislate for true democracy as set-out above.

Crown-Maori relationship matters.

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

- 11.5 The spirit of the Treaty and the Constitution would be fully served if Maori were proportionally represented in all deliberative assemblies.

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

- 11.6 Mindful that the Treaty was signed when there was no universal suffrage to ensure equal rights, it is my opinion the Treaty embraces the principle of equal rights.

Bill of Rights issues (for example property rights entrenchment)

- 11.7 Property or any individual right should not be at the expense of the public good.

Other constitutional matters.

Written constitution

- 11.8 Yes provided:
- * It is approved by two-thirds of the vote in a referendum.
 - * It includes the six pillars of democracy.
 - * Readily understood and not finally edited by the legal, or political fraternity.
 - * All later amendments gain approval by two-thirds of the vote in a referendum.
 - * It embodies the principle of "democracy by the people for the people", under the Golden Rule: "do unto others as you would have them do unto you".

End of my submission on the Subject matter of the Considerations of Constitutional Issues (italics). But consider what other minds have said:

Bill of Rights

"We have accepted, so to speak, a second bill of rights under which a new basis of security and prosperity can be established for all, regardless of station, race or creed. Among these are:

The right to a useful and remunerative job in the industries or shops or farms or mines of the nation.

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living.

The right of every business man, large or small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad.

The right of every family to a decent home.

The right to adequate medical care and the opportunity to achieve and enjoy good health.

The right to adequate protection from the economic fears of old age, sickness accident and unemployment.

The right to a good education."

President Franklin D. Roosevelt's message to Congress, 11th January 1944.

Kenneth Lees has studied and submitted papers on election systems and their affect on decision making, since 1987. He was Deputy District Architect, MWD, Christchurch between 1982-88.



Contact Address: _

Whangarei

PROPORTIONALITY ARRIVED AT BY: LOWEST RATIO OF VOTES PER MP.

1991 ELECTION

		ELECTED MPs	LIST TOP-UP	TOTAL	*PLUS 20%	ACTUAL
LAB	80,120 19,517	41	0	41	49	49
NAT	120,633 (28,633)	22	10	32	39	39
ALL	135,452	1	7	8	10	10
ACT	145,402	0	7	7	9	9
GRV	145,300	1	4	5	7	7
NZF	87,426	1	4	5	5	5
UF	11,062	1	0	1	1	1
		67 + 32		99	120	120

METHOD DIFFERS FROM
EXISTING SYSTEM WHICH IS
SIMPLY BASED ON % OF
VOTE:

50% of vote = 60 SEATS.

2002 ELECTION

		ELECTED MPs	LIST TOP-UP	TOTAL	*PLUS 15%	ACTUAL
LAB	88,202 18,627	45	0	45	52	52
NAT	125,301 (20,252)	21	2	23	26	27
NZF	210,912	1	10	11	13	13
ACT	145,818	0	8	8	9	9
GRV	142,250	0	8	8	9	9
UF	135,918	1	6	7	8	8
JA	34,542	1	1	2	2	2
		69 + 35		104	119	120

2005 ELECTION

		ELECTED MPs	LIST TOP-UP	TOTAL	*PLUS 50%	ACTUAL
LAB	935,391 (30,171)	31	2	33	49	50
NAT	884,813 31 = 28,703	31	0	31	47	48
NZF	130,115	0	5	5	7	7
GRV	120,521	0	4	4	6	6
MAO	41,263	4	0	4	4	4
UF	60,820	1	1	2	3	3
ACT	34,469	1	0	1	2	2
JA	26,441	1	0	1	1	1
		69 + 12		81	119	121

NOTE: COULD INCREASE % TO
ACHIEVE 120

2011 ELECTION

		ELECTED MPs	LIST TOP-UP	TOTAL	*PLUS 85%	ACTUAL
NAT	1,058,646 42 = 25,205	42	0	42	57	59
LAB	614,927 (21,951)	22	2	24	33	34
GRV	207,370	0	10	10	13	14
NZF	147,544	0	6	6	8	8
MAO	31,982	3	0	3	3	3
MAN	24,168	1	0	1	1	1
ACT	23,849	1	0	1	1	1
UF	13,443	1	0	1	1	1
		70 + 18		88	117	121

NOTE: COULD INCREASE % TO
ACHIEVE 120

CALCULATION DEMONSTRATE
A DIFFERENT FLEXIBLE MATH

Handwritten signature/initials

APRIL 2012

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2011 – around 3,083,000 on the electoral roll (44,042 per electorate MP with 70 electorates)

So, as above..... $39 + 80 = 119$ MPs (120, then plausible)

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More MPs would require replacing the paired backbench seats with bench seating – as the Westminster model.

Formula Logic

11.1.3a The fixed base of 80MPs, gradually increases the electorate per MP ratio. For example, the ratio between the 45.6 million or so on the UK electorate roll to 650 electorate MPs is 70,166. Without scaling back, our 2011 result of 44,042 per electorate would equate to 1035MPs. Prime Minister David Cameron has advocated only 500 electorates – increasing the ratio to 90,000.

11.1.3b Applying the formula to the UK: $570 + 80 = 650$.

11.1.3c A constant number of 42 list MPs are more than enough to ensure proportionality. Thinking outside the square: IF more are ever needed, their numbers could be represented by notional seats, rather than permanently burden tax payers with 50 or more (un-elected) list MPs on the odd chance!

NZ HERALD OCT 1999.

Professor McLeay, a political scientist at Victoria University, said she fully understood why many New Zealanders wanted the number of members of Parliament cut.

However, such a move would be bad for the country because it would:

- Reduce the representativeness of Parliament with few women, Maoris, and people from ethnic minorities. ✓

- Reduce the quality of constituency representation. ?

- Reduce the pool of talent from which Cabinet is selected. ✓

- Increase Cabinet power. ?

- Reduce the effectiveness of select committees. ?

- And reduce the capacity of the electoral system to ensure each party receives its proportionate share of seats.

NONSENSE

Professor Boston, of public policy at Victoria, said the potential savings from cutting the number of members of Parliament had been exaggerated. The Parliamentary Service estimated that cutting members of Parliament

Central to my proposal is: list MPs are first and foremost the means of achieving proportionality, by correcting the imbalance where parties achieve fewer MPs from more votes than other parties. That fundamental provision is lost in a set ratio of list to electorate MPs nonsense, when, as six elections had shown, more than 40 list MPs produces rapidly diminishing returns! Around 40 list seats add a vital contribution:

- * Proven achievers can become un-elected MPs.
- * Ensures retention of most able MPs when the electorate turns against the party.
- * Can facilitate ethnic or gender representation.
- * Relieve Ministers of heavy workload.
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11.1.3d Boundary changes every 9 years- for 3 year term Parliaments- would be reasonable.

Further improvements should include:

- 11.1.4a List MPs should not be ranked - it prevents freedom to change party priorities.
- 11.1.4b The party selects list MPs. The party should have the power to dismiss them – not the present costly, protracted nonsense.

Length of term of Parliament and whether or not the term should be fixed.

- 11.2.1 Five years, if the six pillars are adopted, three if not.
- 11.2.2 An election should be called when three separate opinion polls show less than 40% support for the incumbent government. Voters will draw their own conclusions when governments call early elections.

Size and number of electorates, including changing the method for calculating size

- 11.3 As 1.1 and 1.2 above.

Electoral integrity legislation.

- 11.4 Legislate for true democracy as set-out above.

Crown-Maori relationship matters.

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

- 11.5 The spirit of the Treaty and the Constitution would be fully served if Maori were proportionally represented in all deliberative assemblies.

The role of the Treaty of Waitangi within our constitutional arrangements

- 11.6 Mindful that the Treaty was signed when there was no universal suffrage to ensure equal rights, it is my opinion the Treaty embraces the principle of equal rights.

Irrespective of what MP Taito Phillip Field has or has not done, the issue has exposed intrigue and failings that undermine the credibility of our parliamentary system.

Firstly, \$500,000 seemingly wasted on a restricted line of enquiry. Secondly, raising the question of whether National's real motive is to undermine Labour's majority more than uphold the standing and integrity of the House. Thirdly, the virtual immunity of recalcitrant MPs who transgress the values of the party they represent and, at taxpayers' expense, "tough it out" until the next election.

Why perpetuate the nonsense that an MP is beholden first and foremost to his electorate, when, like List MPs, the reality is "the party" selects, grooms and sponsors its potential MPs?

As MPs are invariably created by the party, it would seem sensible and prudent for a simple majority of its MPs to "black ball" and replace recalcitrant members with next on the party list; no ifs or buts or legal wrangles. One of the few potential benefits of MMP!

In the event of a party seeming too lenient and likely to undermine the standing of the House (further), then a two-thirds majority of all MPs should decide a members' fate.

N'ADVOCATE 2006 - Kenneth Lees Onerahi

the Maori roll

Given the all too frequent occurrence of learning from mistakes, surely the call by Hone Harawira MP for Maori to change from the general roll to the Maori roll, June 23, deserves serious consideration as to whether it will enhance or weaken our democracy?

Did, for example, any advocate for MMP ever envisage it could be exploited for sectarian ends, the antithesis of democracy? I think not.

Rather it was sold by Rod Donald and others as a means to enhance our democracy by wider ideological representation than under FPP.

In hindsight this simplistic argument has also proven to be hypocrisy when Donald was quoted in *The Christchurch Press* as saying Opponents of MMP had missed the boat.

How democratic was that, apart from the instability, when I, along with many, expected a further referendum on its suitability? An understanding not honoured.

Under MMP, Maori could, of course, hold the balance of power if more voted on sectarian grounds. That would surely collapse when Chinese, Indian, Pacific Island and European also decided to exploit the system; creating a veritable babel of indecision and instability.

Look around the world! Tyranny of the majority is an unwarranted argument where there is a whole raft of safe guards public opinion, Human Rights Commission, etc, all recognising equal rights irrespective of race, creed or colour: »

Bill of Rights issues (for example property rights entrenchment)

11.7 Property or any individual right should not be at the expense of the public good.

Other constitutional matters.

Written constitution

11.8 Yes, if:

- * Approved by two-thirds of the vote in a referendum.
- * It includes the six pillars of democracy.
- * Readily understood and not finally edited by the legal, or political fraternity.
- * All later amendments gain approval by two-thirds of the vote in a referendum.
- * It embodies the principle of "democracy by the people for the people", under the Golden Rule: "do unto others as you would have them do unto you".

End of my submission on the prescribed 'Subject matter of the Considerations of Constitutional Issues' (italics). But consider what other minds have said:

Bill of Rights

"We have accepted, so to speak, a second bill of rights under which a new basis of security and prosperity can be established for all, regardless of station, race or creed. Among these are:

The right to a useful and remunerative job in the industries or shops or farms or mines of the nation.

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living.

The right of every business man, large or small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad.

The right of every family to a decent home.

The right to adequate medical care and the opportunity to achieve and enjoy good health.

The right to adequate protection from the economic fears of old age, sickness, accident and unemployment.

The right to a good education."

President Franklin D. Roosevelt's message to Congress, 11th January 1944.

Kenneth Lees has studied and submitted papers on election systems and their affect on decision making, since 1987. He was Deputy District Architect, MWD, Christchurch between 1982-88.

Contact Address: lees.kenneth@gmail.com Ph: 436 3270
141, Church Street, Onerahi, Whangarei 0110

Unfortunately for us and elsewhere, democracy, after truth, is the world's most soiled concept which has come to mean what anyone wants it to mean, instead of being clearly defined.

True democracy is founded on people power arriving at a consensus.

The ideology closest to that consensus should govern. A goal frequently thwarted by flawed electoral systems.

Rather than further exploit our soiled democracy, Maori should contribute their role in ideological thought in preference to sectarian aspiration.

NORTHERN ADVOCATE 7/86, Kenneth Lees
Whangarei

Sir—All electoral systems reduce to only three forms of representation:

● Divide and rule mechanics of first-past-the-post; invariably from less than 50 per cent of the vote.

● The babel of unstable coalitions; reliant on representatives — elected by proportional and STV systems — struggling to reach consensus.

● People consensus, representing over 50 per cent of the vote, achieved by voter compromise using a preferential process.

Politicians, protective of their power, have never advocated people consensus for any assembly.

FPP offers greater stability. STV avoids wasted votes and is claimed to be fairer but, like truth, has different connotations.

The first two governments under "fairer" MMP have collapsed short of the full term, yet we are denied a further referendum on its suitability. STV offers a too-simple choice: stability or fairness.

Until we are offered an electoral system that is both stable and fair representing people consensus, FPP is the better choice.

CH'CH PRESS 2003 KENNETH LEES
Cashmere, March 18

Fisticuffs in Parliament are an inevitable consequence when baiting opponents has been progressively allowed in what ought to be our highest debating chamber.

The public's real concern, rather than the inevitable flim-flam and apologies, should be how governance, through debate, can be improved.

What needs to be recognised is that whereas ideology exploits human nature and is divisive, the contemplative nature of philosophy, derived from achievement and experience, seeks to understand human nature and unify it. Those two natures cannot be reconciled under our present constitution, where there is no counterbalance to the impetuous nature of confrontational ideologues driven to stamp their authority in three-year election cycles.

The wisdom and decorum of an upper house would assuredly impart in its more youthful counterpart a model for debate and sound governance. The future demands it.

KENNETH LEES,
Whangarei.

WZ HERALD 27.10.07

Explanation for email: Recommendation to Hon Judith Collins Minister of Justice was acknowledged by her personally 20.9.2012. It offered here as evidence to support my paper.

MMP: Myths and Faults

Stripped of rigmarole, the Commissions preliminary proposals for improving the voting system fails to address substantive myths and faults of MMP:

1. Purporting to be proportional, the average number of wasted votes over six elections was over 105,000. The Commissions proposal for a 4% threshold would still have averaged over 74,000. My February 2012 submission for the right to express a second preference for both the party and electorate seats would, if 2nd preference votes were for a party certain to achieve more than the prescribed threshold, ensure every vote counted and MMP would be fully proportional. Moreover, those wasted votes do not reflect the true wishes of many more voters who voted tactically to ensure their vote was not wasted. It would be fair to assume that an average of around 150,000 voters were cheated of the democratic right to choose their real preference for parties in the 1996-2011 elections. A major flaw compounded by 22 electorate MPs elected with less than 50% of the vote in the last election!
2. The question as to the ratio of electorate seats to list seats is diversionary nonsense, as it leads the electorate to believe that there has to be a set ratio for proportionality. The same false argument used in the run-up to the 1999 citizens initiated referendum to reduce the number of MPs from 120 to 99, claiming MMP needed 120 MPs to ensure proportionality. The truth is: in six elections, proportionality could have been achieved in Parliaments of 85, 99, 104, 81, 88, and 88MP's. The judgement by 81.47% of votes for the reduction was better than the experts and vested interests! I submitted these calculations to the Commission on the 2nd May 2012. Central to my argument is the fact that list seats are first and foremost the means to achieve proportionality, by correcting the imbalance where some parties achieve more MPs from fewer votes than others. That fundamental principle is lost in the fog of an unnecessarily complex quota system for list seats, few will ever understand. Refer appendix.
3. The convoluted proposal on how to deal with overhang seats offers no credible democratic solution to the scenario where, for example, the Maori Party wins all 7 Maori electorate seats from only 3% party vote. Lost in the reasoning is the fact that to maintain MMP's true **proportionality in Parliament** on government policies; Maori, with 7 electorate MPs, should be restricted to voting on policies to match their true proportional representation. That would mean 4 or possibly 5 voting rights out of the 7, but allowing all Maori MPs full **debating** rights.

RECOMMENDATION:

As the Commissions proposals offer so little substantive means to address the myths and faults in MMP, they should be rejected out of hand to better prevent MP's adopting, what to me seems, sheer tokenism to the people - not what the people expected. This should be no surprise in our elected dictatorship that ignores voters wishes in referendums; the source of mistrust in politicians, no doubt a major factor in the low 73.2% turnout *too* vote in 2011.

Kenneth Lees - August 2012
(to Commission)

Background: Studied election systems and the related decision making process since 1987
1999 advocated government superannuation fund. Broadcast on National Radio.
(NZ Superannuation & Retirement Act dated 11 October 2001)
1997 submission on UK voting system was the only one to meet all four criteria
-rejected, despite Commissions proposal that met only three - also rejected!
Deputy District Architect MWD Christchurch 1982 -1988

Footnote

Both September 2012 and March 2013 extended versions of this paper were rejected by the NZ Herald.

copyright material removed

PROPORTIONALITY ARRIVED AT BY: LOWEST RATIO OF VOTES PER MP.

2010 ELECTION	ELECTED MP%	LIST TOP-UP	TOTAL	*PLUS 20%	ACTUAL
LAB $\frac{41}{19,97} = 19.97$	41	0	41	49	49
NAT $\frac{32}{28,633} = 32.27\%$	32	10	32	39	39
ALL $\frac{8}{3,411} = 3.411$	1	7	8	10	10
ACT $\frac{7}{7,454} = 7.454$	0	7	7	9	9
GEN $\frac{5}{5,460} = 5.460$	1	4	5	7	7
NZF $\frac{6}{4,515} = 4.515$	1	4	6	5	6
UF $\frac{1}{0,564} = 0.564$	1	0	1	1	1
	67 + 32		99	120	120

NOTE:
MY PROPOSAL ACHIEVES
THE SAME RESULT AS THE
UNNECESSARILY COMPLEX
STAITE-LAQUE SYSTEM
CURRENTLY USED.

2002 ELECTION	ELECTED MP%	LIST TOP-UP	TOTAL	*PLUS 15%	ACTUAL
LAB $\frac{45}{13,627} = 13.627$	45	0	45	52	52
NAT $\frac{21}{22,832} = 22.832$	21	2	23	26	27
NZF $\frac{11}{11,328} = 11.328$	1	10	11	13	13
ACT $\frac{8}{7,788} = 7.788$	0	8	8	9	9
GEN $\frac{8}{7,633} = 7.633$	0	8	8	9	9
UF $\frac{7}{7,247} = 7.247$	1	6	7	8	8
JA $\frac{2}{1,854} = 1.854$	1	1	2	2	2
	69 + 35		104	119	120

99 minimum number
for proportionality;
top-up thereafter
a matter of opinion

2005 ELECTION	ELECTED MP%	LIST TOP-UP	TOTAL	*PLUS 50%	ACTUAL
LAB $\frac{31}{32,584} = 32.584$	31	2	33	49	50
NAT $\frac{31}{28,708} = 28.708$	31	0	31	47	48
NZF $\frac{5}{4,532} = 4.532$	0	5	5	7	7
GEN $\frac{4}{4,199} = 4.199$	0	4	4	6	6
MAO $\frac{4}{1,632} = 1.632$	4	0	4	4	4
UF $\frac{2}{2,120} = 2.120$	1	1	2	3	3
ACT $\frac{1}{1,200} = 1.200$	1	0	1	2	2
JA $\frac{1}{0,924} = 0.924$	1	0	1	1	1
	69 + 12		81	119	121

* NOTE:
REGARDLESS OF WHAT %
IS USED, SEAT ALLOCATION
IS ALWAYS PROPORTIONAL.

2011 ELECTION	ELECTED MP%	LIST TOP-UP	TOTAL	*PLUS 35%	ACTUAL
NAT $\frac{42}{25,208} = 25.208$	42	0	42	57	59
LAB $\frac{22}{24,897} = 24.897$	22	2	24	33	34
GEN $\frac{10}{9,814} = 9.814$	0	10	10	13	14
NZF $\frac{6}{5,854} = 5.854$	0	6	6	8	8
MAO $\frac{3}{1,269} = 1.269$	3	0	3	3	3
MAN $\frac{1}{0,939} = 0.939$	1	0	1	1	1
ACT $\frac{1}{0,948} = 0.948$	1	0	1	1	1
UF $\frac{1}{0,538} = 0.538$	1	0	1	1	1
	70 + 18		88	117	121

* NOTE:
COULD INCREASE % TO
ACHIEVE 121 SEATS.

APRIL 2012



and/or

Should the one electorate seat threshold be kept or changed? Why?
If you recommend change, what should it be and why?

Abolished, but not for the Maori parties – refer later proposal. When MMP was introduced, minor parties needed a waiver to enable them to have greater representation in order they could function and be seen as viable political alternatives, to enable them to grow. Having nurtured the seed, they should now be treated equally with the adoption preferential voting, which would overcome the severe coercion to vote tactically to avoid the prospect of wasted votes which distorts proportionality!

RECOMMENDATION:

Voters *permitted* to express their 1st and 2nd preference for candidates/parties in both the constituency and party votes if they wish. This is not as troublesome as it might seem: with about 70% first preferences votes certain for Labour and National, that will leave only 30% preference votes to be distributed. Adoption would avoid vote splitting and, provided voters for minor parties gave their 2nd preference votes to either of the two main parties, avoid wasted votes.

PROVEN VIABILITY:

Under Wellington's new preferential voting system to elect its Lord Mayor, Celia Wade-Brown was elected with fewer 1st preference votes than Kerry Prendergast, yet won on total preference votes.

Submitted 37 Feb 12

Letters to the Editor
The Press

7 March 2005

Referenda

Sir,

Does Brian Hartley - letter 7 March - and others who disparage referenda, do any unbiased research?

Switzerland, often derided for the use and frequency of referenda, is one of the world's richest economies. Indicating people power is no hindrance to wealth creation and its corollary sound governance.

Here, we have not yet embraced people power; preferring instead the "nanny state" where 3year term governments can virtually go unchecked on the gamble that: policies can become so entrenched they are nigh impossible to reverse, and the electorate have short memories of who did what and whose fault was it.

Healthy democratic ^{opposition} ~~debate~~ is three pronged: parliamentary opposition, an unbiased upper house and listening to the people.

Between 1971 and 2000, Switzerland adopted only 5 of the 85 initiatives put to referenda. Proof that the people are more discerning than Hartley's put-down of referenda " nothing more than the flash pulse of the people".

Yours sincerely, Kenneth Lees

PS You will note the recent strength of PEOPLE POWER around the world. I enclose another copy of my letter to the BBC in 2003, which I sent to The Press some months ago. Are you going to allow NZ to ignore the wider aspects of that power and how it can be implemented?

5. A PARTY WINS MORE SEATS THAN ITS PARTY VOTE ENTITLEMENT

We support the existing system whereby 120 seats are distributed proportionately, and parties retain any extra electorate seats won above their proportionate share of votes.

The alternatives to retaining "overhang" seats are either –

(a) to deprive one party of the proportionate share of seats to which it is entitled, or

(b) to disqualify a candidate who has won an electorate contest for their seat

Retaining "overhang" seats in excess of 120 is far better than either alternative. !

* But why should Peter Dunne have any Parliamentary Vote at all when he received only 13,443 votes where as the average for all MPs was 19811?

6. THE RATIO OF ELECTORATE SEATS TO PARTY LIST SEATS

We propose a higher ratio of Electorate to List Seats, by using Preferential Voting.

The critical factor affecting the ratio of Electorate to Party List Seats is the method of electing Electorate MPs. First-Past-the-Post (FPP) elections award a disproportionate number of seats to the leading party, especially when it has a large lead over the next party. Consequently a relatively large pool of List Seats is required to restore overall proportionality for Total Seats. When one major party has lost significant support to third parties, the resulting shares of Electorate MPs has been very far from proportional. Second preferences would tend to favour the major party formerly supported, reducing the disproportionality in Electorate seats.

We propose that Electorate MPs are elected by Optional Preferential Voting, so that the overall results of the Electorate contests is less disproportionate than is delivered by FPP. This change would allow the Electorate/List ratio of seats to move from the present 70/50 towards about 90/30, which has the additional benefit of reducing the size of electorates. Optional rather than compulsory preferential voting is recommended, so that no votes are rendered invalid due to lack of lower preferences. Although votes may no longer count once preferences have been exhausted, that also sends a message to the Electorate Candidates.

CONTRADICTION!
-- floor votes are few seats

copyright material removed.

1961

*Italian Embassy,
14, Three Kings Yard,
London, W.1.*

23 APR 1993

Dear Sir,

With reference to your kind letter dated 15th April addressed to H.E. the Ambassador concerning the Italian electoral system we wish to inform you that the reform of the electoral system in Italy is one of the subjects receiving urgent political attention as proved by the results of the popular referendum which took place few days ago.

The reform of the Italian electoral system which has partly been achieved through the previous referendum of 9-10 June 1991 concerning the so-called "single" preference, will be completely implemented with a new regulation, reflecting part of your suggestion, to be adopted as a direct consequence of the recent referendum.

With best regards, *Yours truly*

Mr.K.LEES

(979)

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

- **NZ Listener** – 16/5/13 '*Goodbye, good faith*', and 9/5/13 '*Listing badly*'.
- **NZ Herald** – (letters to the editor) '*Voters are not stupid*' & '*Greens not democrats*' & '*Reforming parliament*', by Kenneth Lees.
- **Christchurch Press** – '*MP numbers*', by Kenneth Lees.

4177"

From: <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 30/07/2013 12:59 p.m.
Subject: CAP Submission

My Submission to the Constitutional Advisory Panel

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

Robert Lees

Auckland
New Zealand

26th July 2013

RE: Submission To The Constitutional Review Panel

This submission is addressed to the 12-member Constitutional Review Panel.

We have been told that the role of this group is to listen, record and consider people's views on a range of constitutional issues however from what I have found in the media certain members of the group have tended to advise rather than listen. They have tended to concentrate their views not on the reasons we should change the way we operate under our present 'constitution' but rather how a new constitution should be developed and what it should become. They are strong on the how and when but do not appear to address the important question of 'why'.

It is not possible to make a submission to this so-called Review Panel without pointing out the compromised positions of the majority of the members of the Panel. The Panel is ideologically and racially biased and the irony of the closing of submissions and the Zimbabwean elections occurring on the same date is noted. In short the Review Panel has been hijacked by a number of its members.

Sir Tipene O'Regan has recently been reported as describing certain people who oppose his views on the 'Maori influence' in the constitutional debate as "extremist groups" and 'Nazi sympathisers'. The fact that he has not been removed from the Panel and remains a Co-chair is disturbing. His name change (in midlife) heralded a financially rewarding path as a part Maori expert in things Maori, a path that could only be enhanced by the Treaty forming the basis of any constitution.

Deborah Coddington has been on a radio program extolling the virtues of having a constitution developed with the Treaty of Waitangi as its basis. I would suggest exposing her preferences in such a forum is hardly showing, in her words, "an ability to engage everyday New Zealanders in the constitutional review." She is a part time co-host of a radio show with a host partner who believes "if the farmers want to give us (part Maori) justice they should hop off their farms and give the farms back." (Willie Jackson on Seven Sharp).

Dr Ranginui Walker's views about the so called 'pakeha dominance' of our country are well known. I first heard him rally against the 'colonisers' over 40 years ago and have witnessed no softening of his stance over time. The fact that he is a current member of the Waitangi Tribunal is of concern as is his place on this review panel. He will be a divisive influence on the panel as illustrated by his quote (from

Struggle Without End) "(Maori) know the sun has not set on the empire that colonized them. They know too it will set on the colonizer even if it takes a thousand years. They will triumph in the end because they are tangata whenua." Naturally the grievance industry has formed part of Dr Walker's income and there is no reason to expect this would end if the panel sought (as they clearly will) to introduce a Treaty based constitution.

Hon Sir Michael Cullen has been reported as claiming; "On the issue of sovereignty I believe that it is pushing things too far to argue that the chiefs willingly transferred what the British at the time, and we today, would understand by the term sovereignty." It is perhaps significant that in the same year he was appointed to the Constitutional Review Panel he repudiated his stance of supporting the monarchy and now has the view that New Zealand should move towards becoming a republic, a view that failed to deter him from accepting a knighthood. Sir Michael's past experience as Minister in Charge of Treaty of Waitangi Negotiations probably allowed for an easy transformation into the principle Treaty Claims negotiator for Ngati Tuwharetoa. Sir Michael is already profiting from the grievance industry and constitutional change will no doubt lead to further opportunities.

Dr Leonie Pihama has claimed that the use of the term holocaust is an appropriate and valid description of the impact of colonial genocide on Maori. (tangatawhenua.com) She believes the treaty is "a crucial document which defines the relationship between Maori and the Crown in New Zealand." (<http://www.rangahau.co.nz/research-idea/27/>)

Professor Linda Tuhiwai Smith's book Decolonizing Methodologies: Research and Indigenous Peoples claims; "We assume that when 'the truth comes out' it will prove that what happened was wrong or illegal and that therefore the system (tribunals, the courts, the government) will set things right. We believe that history is also about justice, that understanding history will enlighten our decisions about the future. Wrong. History is also about power. In fact it is mostly about power." Her stance within the framework of reviewing the constitution that "it's a privilege for us to be asked to participate in a conversation about the constitution..." will be interesting when measure against her views on history and power.

Hinurewa Poutu seems to have missed the mandate of the review panel that they are to listen, record and consider people's views when she reveals, "Our goal is to go around the country to ask people what role the treaty will play in the future." (Interview YouTube)

I believe that the views expounded by these 7-members of the panel will make any report by them highly suspect and not capable of fairly and openly assessing the range of views submitted.

It is my submission that there shall be one law for all:

1. I reject references to the Treaty of Waitangi or its principles in any constitutional document.
2. I ask that such references be removed from all existing legislation.
3. I ask that race-based Parliamentary seats be abolished.
4. I ask that race-based representation on local bodies be abolished.
5. I ask that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished.

I submit that it is not possible for a fair and equitable constitution to be formulated out of the desire of one group in New Zealand to develop a document that favours this group and its descents forever?

I submit that it is not possible for a fair and equitable constitution to be developed out of a push by tribal interests and part Maori vested interests to incorporate the Treaty of Waitangi and the so called "principles" into the documents?

I submit that the Treaty does not contain any principles and that the part Maori claims for supremacy that are built on these nonexistent 'principles' are without foundation.

I submit that rather than having a highly conflicted group helping to make up the Constitutional Review Panel the government would have benefited from setting up a truly independent Review Panel to look at the Treaty and the grievance industry to assess the relevance of both entities.

Rob Lees
26th July 2013

3990

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 10:15 p.m.

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

Full Names: Rachel Lees-Green Organisation Name: Email: : Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: "Do you think our constitution should have a
higher legal status than other laws (supreme law)?"

-- Yes, our constitution -- including the Bill of Rights Act -- should have a higher legal status than other laws to ensure that unconstitutional legislation (especially legislation that breaches people's rights) can be overturned.

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

-- It is not essential to have the constitution in a single document, but it would help to improve people's understanding of what is in our constitution and would make it stronger, symbolically if not in a practical sense.

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

-- I think the Courts should make decisions about the consistency of legislation because are less likely than politicians to have short-term or selfish viewpoints when making decisions. On the other hand, the Courts are not elected representatives and therefore are not accountable to the people of New Zealand, so there should be some capacity to control or overturn their decisions, e.g. by referendum.

"What additional rights, if any, could be added to the Bill of Rights Act?"

-- The Bill of Rights Act should cover the rights of the environment as well as the people of this country (like the Rights of Nature in the Constitution of Ecuador).

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

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

-- I think the Treaty principles should be made a formal part of the constitution, because the Treaty of Waitangi is an important part of the history and foundation of Aotearoa-New Zealand.

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

-- The size and number of electorates should be adjusted to ensure that each electorate contains approximately the same number of voters and therefore that every person's vote is worth the same amount.

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

-- If a list MP leaves their party then they should lose their position in Parliament because their seat was allocated to the party not to them as an individual. On the other hand, electorate MPs should be allowed to retain their seat in Parliament.

Submitted on the 28 July 2013 at 22:14

3962

From: Graeme Leggett <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 28/07/2013 4:37 p.m.
Subject: Equality

The Panel,

How can the constitutional review panel ever fairly represent the views of all New Zealanders when you have an unfair representation of Maori on the panel? 50% Maori representation when Maori don't make up 50% of the population of New Zealand, only around 15%. New Zealanders want equality not race-based preferment. Abolish the Maori electoral option. Abolish the Maori parliamentary and local government seats. Abolish the Treaty of Waitangi Tribunal. The treaty of waitangi should have no role in New Zealand's constitutional arrangements. Why isn't there a referendum held on these issues? New Zealand is heading rapidly towards a state of apartheid if we continue with all the unfair race-based programmes that are occurring today and we were once proud to be a democracy, one man one vote. All New Zealanders are equal and how have we come to where we are today when a very small minority can dictate to the vast majority? Regards, Graeme Leggett /

4511

From:
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:24 p.m.
Subject: CAP Submission

I have come to believe that New Zealand needs to enshrine basic rights and freedoms in law. Not a toothless law, such as the current Bill of Rights, but a law (perhaps a strengthened Bill of Rights) that is entrenched and binding. By "entrenched", I mean that it would require at least a two-thirds majority in Parliament to amend it; by "binding", I mean that no new laws could be passed that contravened the Bill of Rights. (There could be a grace period of perhaps 10 years to amend existing legislation to make it compliant with the Bill of Rights.)

I am a firm believer in "if it's not broke, don't fix it". Unfortunately, it has become clear that our current arrangements are indeed broken. We have recently had several examples of Parliament passing legislation, often under urgency or with inadequate time for public debate, which undermines or removes rights and freedoms. Sometimes this has been done in response to a judicial decision that does not suit the present government (as in the case of the payment for care of disabled people when that care is provided by family members). Sometimes it has been done in response to commercial pressure (as in the Andarko amendment). Whatever the reason, we have learned that our basic rights can be taken away by a wafer-thin majority of Parliament. And if this government is prepared to do it, we can be confident that future governments will do the same, if given the chance.

In my opening sentence, I referred to "basic rights and freedoms". There needs to be an opportunity for public debate about what constitutes basic rights and freedoms. We need to start with civil and political rights - the right to access the justice system and to a fair trial, freedom of association, freedom of the press and of speech, the right to participate in peaceful protest (at sea as well as on land!), the right to strike, freedom from unjust arrest etc. Then we come to social and cultural rights, such as freedom of religion, the right to marry and raise a family, the right to clean water, to health care, to education. All of these, and more, deserve to be protected in law, for us and for future generations of New Zealanders.

Thank you for the opportunity to contribute to the constitutional conversation. I look forward to the report and to the next steps in the process.

Julianne Leggott

Wellington

513

From:
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 7:44 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jared Kiwi Fukofuka Leha Organisation Name: Email: _____
Phone: _____ Postal AddressA: _____ Postal AddressB: _____ Postal
City: Auckland Postal Region: North Island Postal Post Code: _____ Postal Country: New
Zealand Submission: The number of members we have should be in proportion to the population
today in the current zones that is applied in MMP with exceptions to social development that are
struggling where more MPs would be required, eg. Housing crisis another ministerial
rep to increase demand for planning work. Because the current eg. we are still behind schedule and
the constitution should state we need to speed up this process if it has occurred.

Term in parliament should remain the same 3 years but only 2 elections in a row by the same
coalition if in Cabinet because I feel that Labour in the 2000s misled the people where laws changed
hands without proper referendums in place.

Election date should be decided by the people on a date that preferable remains the same like a
holiday because it can stop some from voting just because the location is not right eg. at the pub.

The factors that should be taken into account if let's say ethnicity is a dominant then more
representation for this larger group should be possibly counted, therefore bigger electorate area
applied. Factoring religious areas when churches, temples, synagogue
are avail then these areas need smaller electorate area because unless the number of votes are
present then these areas cannot say be waited upon for future believers.

When members leave their party then I believe a parliament vote by the beehive in total should be
spent by house of representative to decide whether you person should remain in the house of
representative as this argument will go on for ages.

Sent on the 17 April 2013 at 19:43

513a

From: Jared Leha
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 4/07/2013 7:01 p.m.
Subject: Elected MPs leave party

To whom it may concern. I do not agree with the laws allowing an MP to remain in parliament when their own constituent don't want them on party lines. When we elect a person to represent the people in a political party it is on the politic party list and they must remain as a party politician and not as an independent , divided from their own party. Exactly this causes attention to focus away from the people of New Zealand , Asia Pacific . 2013

Jared Kiwi Fukofuka Leha

Sent from my iPhone

232

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 11:16 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robert Leishman Organisation Name: Email: Phone:
Postal AddressA: , Postal AddressB: Redwood Postal City:
Christchurch Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 1:- The treaty should play no role in the constitution.

2:- No I don't think the treaty should be made a formal part of the constitution because Maori are pushing this country into "separation". They have to be made to realize that we are all part of New Zealand with equal rights & they are not special people with privileges over those of European or other decent. Maori came here years ago, fought, killed & ate the people they found here & then said this is our land. Europeans came here, fought & won the land back from Maori who through the treaty have been allowed to be part of New Zealand but not to hold the country to ransom over "dreamed up" wrongs of the past. These people had no written language & therefor all their history has been passed down as they think it happened & therefor should have little credence in modern times.

There should not be special Maori seats in Parliament.

Let us all live together with equal rights in this beautiful country. I have lived in NZ for over 80yrs & in all that time Maori have had equal opportunity to become educated & do well but a lot haven't bothered.

I can assure you that a majority of citizens of this land share this view but are not making themselves heard.

Sent on the 12 April 2013 at 11:16

933

From: John Lekner
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.g...
Date: 28/05/2013 12:27 p.m.
Subject: CAP Submission
Attachments: Democracy and the Constitutional Review.doc

Good afternoon!

Please find attached my submission.

John Lekner

Democracy and the Constitutional Review

I write as a citizen of New Zealand, concerned for our long-term future. I am opposed to the incorporation of 'the principles of the Treaty of Waitangi' in any constitution, if such 'principles' give different rights and responsibilities on an ethnic basis. My reason is that a race-based constitution is divisive, and would have negative effects on social harmony, and, more fundamentally, on our democracy.

There is a serious problem with any constitution that vests special rights in a particular section of the population. The remaining part of the population necessarily has fewer rights. The part of the population whose rights have been curtailed resents that fact. This resentment leads to them to have less respect for the law, especially for the laws which deprived them of rights.

Democracy functions by the cooperation of people who are willing to be good citizens. We antagonize such good will at our peril. There are plenty of current examples, some extreme, of the very unfortunate and corrupting effects of the lack of democracy.

The granting of special rights on an ethnic basis acts against harmony between ethnic groups. Even groups that gain from special privileges are disadvantaged in the long term, because the **fundamental principle of democracy, equal rights and responsibilities for all**, has been violated.

Democracy has been hard-won, in centuries-long struggles against monarchs and tyrants and dictators. We should treasure it, and realize that it gives the best hope of a fulfilling life for all. Please consider the virtues of democracy in your deliberations.

John Lekner

Wellington

28 May 2013

433a

From: John Lekner
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.g...
Date: 3/07/2013 11:06 a.m.
Subject: CAP Submission: on Maori seats

My view is that the time has come to do away with race-based political distinctions in New Zealand. Let us all work together, as one people, one nation. This means doing away with Maori seats in Parliament. Better for all concerned, especially the Maori people.

Sincerely

John Lekner

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.

Sue Lennox
Lower Hutt
New Zealand

1436

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 4:33 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Constitution.doc

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

Full Names: David John Lenny Organisation Name: Email Address:
Phone: Postal AddressA: Postal
AddressB: Postal City: Auckland Postal Region: Postal Post Code: Postal
Country: New Zealand Submission: See attachment Submission Upload: Constitution.doc

Sent on the 18 June 2013 at 16:32

Submission to the Constitutional Advisory Panel

What's Wrong with the Present Constitution?

The 2005 Constitutional Inquiry headed by Peter Dunne found that our constitution worked satisfactorily and it is difficult to know what has changed since then to invalidate its findings. Why fix something which isn't broken?

Written Constitution and Supreme Court

I support continued parliamentary supremacy and strongly oppose a written constitution whose meaning and legality will be determined by a supreme court.

In my limited experience, members of Parliament come from a variety of backgrounds and are readily accessed by the public to whom they are held accountable every three years. The public can also make submissions to select committees.

By contrast, Supreme Court jurists responsible for determining the constitutionality of laws are few in number (and fewer still if some have to recuse themselves because of prior involvements), unrepresentative, unelected, and unaccountable. The court itself can be accessed only by those with deep pockets and legal standing in particular issues. Interest groups with a passionate interest in single issues will organize and initiate legal challenges, but the general public which might also have a more diffuse interest is usually not represented in these legal contests. If American experience is a guide, a supreme court hears only some of, and not promptly, issues which affect the public.

The Treaty

Similar criticisms apply even more so to giving to the Waitangi Tribunal the task of interpreting the principles of the Treaty of Waitangi in any constitution. Given the racially selective basis as to who can make submissions to the Tribunal, the frequent failure of both Tribunal members and the government legal team to thoroughly question testimony, and the attempts by the Tribunal to act as political advocate rather than a dispassionate court, it is impossible to have confidence in its role as an inventor and interpreter of Treaty principles.

Even though the Maori version of the treaty is quite unexceptionable in itself, the Treaty is unfit to be included in a constitution. When one compares the Treaty with the much more detailed and specific Universal Declaration of Human Rights or the American constitution, which was preceded in the initial constitution, Bill of Rights, and subsequent amendments by extensive public discussion and thorough democratic ratification, the Treaty is a far too cursory and vague basis for a modern state, and an obvious invitation to judicial activism as unelected judges and tribunal members attempt to wring specific meanings out of its generalities and impose their own political or social convictions on the public without the inconvenience of seeking public support.

Approving a New Constitution

Should a new constitution be approved by Parliament, it must be approved by public referendum. A major step like this requires the clear and demonstrated support of the New Zealand public.

David Lenny

3528

From: "Leo & '
To: <constitutionalreview@justice.govt.nz>
Date: 12/07/2013 11:38 a.m.
Subject: CAP Submission

Dear Sir I thought we were all New Zealanders and we have many different races that make up our population, so, why do we have separate seats for a particular part of that population? It doesn't make sense. We are all New Zealanders Thanks Leo

To Professor John Burrows, Co-Chair, Constitutional Advisory Panel, Secretariat, C/-
Ministry of Justice, DX SX10088, Wellington:

1812

SUBMISSION

My Name: Bill Leonard

Name of Organisation: ~~Civics Education Action Group - Nelson~~

or _____

Postal or email address: Nelson

I ask that a constitutional document, singular and comprehensive:

- GENERAL/TE TIRITI • Uphold the version of Te Tiriti O Waitangi which the Māori chiefs believed went to England as they intended as the overriding document of Aotearoa New Zealand.
- GENERAL/TE TIRITI • Be held subordinate to no other law or document except Te Tiriti O Waitangi as it was intended by Māori.
- 1/ BILL OF RIGHTS • Have laws appraised and tested against it by the Courts, who will be better suited in legal matters than most Parliamentarians.
- TE TIRITI REP. • Ensure Māori representation by providing that the basis for the number of Māori seats in Parliament (ratio of Māori Roll voters to other voters) be entrenched, and that local-body councils are populated similarly.
- ELECTORAL • Provide that the size of Parliament membership be dictated by the national population such that no member can represent more than 30,000 people.
- ELECTORAL • Have that Parliamentarians and local-body representatives maintain 3-year terms to allow for the changeable whim of voters, and that election dates must be fixed so that the incumbent may not necessarily be advantaged.
- ELECTORAL • Hold that party-vote proportion must be restored after a list M.P. parts ways with her/his election-time party, by adding members from parties' lists where necessary.
- 1/ OF RIGHTS/ ELECTORAL • Have that the rights listed in the Bill of Rights Act are included and declared inalienable, and that the right to initiate legislation be included therein. Hold that the right to vote be competence-tested, not age-tested.
- GENERAL • Have in any Preamble and elsewhere, New Zealand be declared a secular, sovereign democracy with citizens' participation by way of citizen-generated and electorally binding referenda.
- 1/ OF RIGHTS • Hold that capital punishment cannot be utilised in New Zealand.
- ELECTORAL • Limit local-body election voters to their district of residence.
- GENERAL • Hold that
The South Pacific Nuclear-Free Zone Treaty signed in Suva, Fiji in 1985 and the New Zealand Nuclear-Free Zone Disarmament and Arms Control Act of 1987 be appended to any constitution, with the inclusion (as have the Palauan Islanders done) of clauses against use, testing, storage or disposal of nuclear, toxic chemical, gas or biological weapons intended for use in warfare, plus transit of the same through our Territories.
- GENERAL • Hold that
New Zealand follow the example of the Philippines Constitution in stating it "renounces war as an instrument of national policy" and there also be carried a clause requiring not less than three fourths of votes cast in a referendum for military docking, military bases and engagement in war, except as ratified by a majority of votes by the people in a plebiscite held for that purpose.

Please take this submission forward to your Secretariat by 1 July 2013.

My name can cannot be used in publications.

Signature

2113.

From: "Leonard, Kevin" .
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 3/07/2013 8:29 a.m.
Subject: CAP Submission

I believe the Maori seats should be abolished, as should ALL race based selection criteria in New Zealand.

I am also opposed to the new constitutional review.
Kevin Leonard

Southbridge

2464

From: "anthony and lois"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:18 a.m.
Subject: CAP Submission

We believe the Maori seats should be abolished because NZ has a multicultural society all should be treated equally and voted in on there merit not racial superiority. Lois and Anthony Leonard

Quick Submission 3057

Your name:

MARIANO GIOVANNI MARIO LEONTI

Name of the organisation you represent (if applicable):

Postal address or email address:

WAIKANA E

New Zealand

New Zealand is projecting a clean and green image to the world and takes advantage of this to market products to the world. I believe that by tolerating child pornography and not implementing a bill of rights fully they are sending the wrong message to the world and this will damage exports if people overseas become aware that child abuse and suicide

is very high in this country they will change their mind about our image. Making laws that protect all rights of individual, economic and social ones included, will reinforce the pure image of NZ. I often wonder if we make people aware that NZ was the first country in the world to give women the vote. Let's be proud again by giving the whole population their rights to seek a remedy by ratifying the optional protocol on economic and social rights. This will allow us to be truly honest when asking people to support NZ by buying our products and technology.

Privacy and Confidentiality

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

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

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

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.

Mariano Leonti
Waikanae
New Zealand

2695

Nelson,

1 July 2013

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

Re 'Constitution Conversation'

I wish to make the following submissions on the proposal to establish a constitution as a single document:

1. I see no need for this: that many other countries have them is no argument.

(a) a single written constitution is too open to a range of contradictory interpretations, and very difficult to modify - the American one is a significant case in point. Our current system is much more flexible and has a reasonably successful history.

(b) If however it is decided to go ahead with the scheme, do not rush it. We have had a good deal of highly idealistic legislation passed in recent years (the Resource Management Act and the Privacy Act are cases in point) in which far too little thought has been given to details of implementation, with the result that the legislation has proved cumbersome, costly, often ineffective and indeed unjust.

2. The Treaty of Waitangi had exactly the same weaknesses. Its purpose was excellent, to protect the Maori population from gross exploitation by the numerous Europeans and others who came to this country in pursuit of wealth. Authorities however relied only on the introduction of British infrastructures, in the hope that the Maoris would quickly adapt to them. Some indeed did, but it takes a great deal of time, instruction, and practice, for a change of administration of such magnitude to be assimilated.

A further weakness of the Treaty was its legitimising of the effects of Te Rauparaha's wars of conquest, with resulting injustice to all those tribes who were dispossessed by them, and known later as 'Landless Natives'. At the end of the nineteenth century some effort was made to rectify the situation with grants of land, but often in impractical places - another example of the frequent failure on the part of governments to provide workable solutions to major problems.

Moreover, as time went on, neither Maoris nor Europeans really observed the principles of equality before the law, and in many ways still do not.

If the Treaty is to be incorporated into any form of constitution it must be seriously reconsidered, if not renegotiated altogether.

3. Our current system of Maori representation enshrines a principle of inequality totally against the aims of the Treaty of Waitangi. The reasons are understandable: democracy is a system of government which requires both a solid effort on the part of electors to grasp sophisticated concepts and also the provision of excellent and unbiased information. It is not surprising therefore that many New Zealanders of whatever ethnic origin prefer to take no part in it. Separate representation or else the use of various forms of protest are seen as more effective.

Already at the end of the nineteenth century a number of Maori members of parliament showed themselves extremely capable at handling the British form of democracy. This remains true. I therefore hope that separate representation will ultimately cease to be felt in any way necessary.

4. Indeed perhaps it is more necessary now to rectify another major imbalance in New Zealand society, that between the productive, largely rural sector, and urban dwellers, who are predominantly consumers. Cobbett in the eighteenth century named London the 'Great Wen', or 'Ulcer', on similar grounds- perhaps we should bestow the same title on Auckland and Wellington, whose contributions per head to our export income for example are about a third of those of smaller regions like Nelson.

5. Perhaps a longer term for Parliament or changes in numbers of representatives would be beneficial, but what is more necessary is for the process of government to be taken more seriously than at present by electors and parliamentarians alike.

Yours sincerely, /

Nola M. Leov

1840

CONSTITUTIONAL ADVISORY
PANEL
C/O MINISTRY OF JUSTICE.

DEAR SIR,
I WISH TO PROTEST
AT THE WAY THIS PANEL HAS
BEEN SET UP, & THE PREVIOUS
WAY IT IS CONDUCTING THIS
WHOLE PROCESS

1) WITH MAJOR REPRISALS ENTING
14% OF THE POPULATION WHY
HAVE THEY GOT EQUAL VOTING
POWERS.

2) WHY ARE YOUR TOWN MEETINGS
NOT FREELY ADVERTISED.

3) WHY ARE THEY BEING HELD
IN THE MIDDLE OF THE WEEK
DURING THE DAY, WHEN EVERY ONE
IS ^{AT} WORK.

4) A CONSTITUTION MUST BE
BASED ON EQUAL RIGHTS, SO
HOW CAN THE TREATY BE
INCLUDED.

5) I DISAGREE WITH THE
UNDEMOCRATIC WAY YOU ARE
CONDUCTING THIS PROCEDURE.

I. R. KIEP/DEIR

TAURANGA

PHONE

2343

From: John Lester
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 7:58 p.m.
Subject: CAP Submission

Time to abolish all racist seats No need for maori seats. Unfair to all other racial groups. Just say NO
John Lester
neison

2666

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 11:58 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Sean Robert Lester Organisation Name: The University of Otago Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Auckland Postal Region: Auckland Postal Post Code:
Postal Country: New Zealand Submission: Maori Seats must be abolished in order to provide free
and fair representation in Parliament. No race should be given preferential treatment. If a Maori MP is
to be elected, it should be under the same conditions as everybody else.

Sent on the 5 July 2013 at 11:57

3534

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 12/07/2013 1:07 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Tim Lester Organisation Name: New Zealand Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: I am opposed to any fundamental change to the current constitution arrangements in NZ as proposed by the constitutional advisory committee. The reason I am opposed is mainly due to entrenching Treaty of Waitangi principles as the principles are vague, undemocratic and will disadvantage me, my family and future generations based on race and/or cultural identity.

Removing decision making from elected representatives (elected democratically by NZ citizens) and given to unelected 'judges', with their own bias and special interests, is fundamentally wrong and not in the best interests of country such as NZ.

New Zealand needs to be regulated democratically and not distorted via notions of one's cultural identity! The democratic goal is one of equal opportunity....not equal outcomes...to me, attempting to run the country by focusing on equal outcomes breeds an ethos of entitlement as opposed to 'one of 'work hard to play hard'.

Again - we do not need an artificial and politically motivated constitution. What we do need is more effort placed into rewarding hard work and endeavour (i.e. equal opportunity), not neo socialist communism which is basically what your proposed constitution is advocating.

Tim Lester

We, New Zealanders of all backgrounds, having founded and developed our society in equality, fairness, and comradeship, oppose any laws which establish or promote racial distinction or division. There shall be one law for all.

- We reject any reference to the Treaty of Waitangi or its principles in any constitutional document
- We ask that such references be removed from all existing legislation
- We ask that race-based Parliamentary seats be abolished
- We ask that race-based representation on local bodies be abolished

· We ask that the Waitangi Tribunal, which has outlived its usefulness, be abolished

Sent on the 12 July 2013 at 13:06

4140¹

From: "Ian Levien"
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:25 a.m.
Subject: Submission

To the Review Panel:

It is my belief that in a democracy all citizens should be treated equally and that we should all, if of voting age, have the opportunity to vote on whether we want to have our constitutional arrangements changed.

To date we have not been given this opportunity and until such time as the will of the people has been canvassed, work on the constitutional review should cease.

Sincerely,
Ian Levien

2242

From: [redacted]
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 2:57 p.m.
Subject: CAP Submission

Dear Sirs

I would like to submit the following on the future of Maori seats:

The Maori seats should be abolished because democracy should be based on citizenship not race. The race-based Maori seats have no place in modern-day New Zealand.

Because of their large population here, are we going to introduce Pacific Island seats and Chinese seats? What about South African seats and British seats? The whole concept of dividing people by race is wrong.

There should be one electoral roll and one type of vote - all citizens should be equal.

Yours sincerely

David Levin

5239

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:43 p.m.

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

Full Names: David Levin Email: Phone: Postal AddressA:
Postal AddressB: Postal City: Auckland Postal Post Code:
Postal Country: New Zealand Submission: I oppose any laws which establish or promote racial
distinction or division. There shall be one law for all.

Therefore...

I ask that references to the Treaty of Waitangi be removed from all existing legislation and any constitutional documents.

I ask that race-based Parliamentary seats be abolished.

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

I ask that the Waitangi Tribunal, which has outlived its usefulness, be abolished.

Submitted on the 12 June 2013 at 09:31

156

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 5:58 p.m.
Subject: constitution

My submissions to "ou constitution.com.nz are as follows

* I strongly believe that if a proposed Constitution is based on a false treaty created in the 1980's should not go ahead

* I am disturbed that the tv programme that promotes the new constitution is fronted by " part "Maori persons, this seems rather pointed to me.one name

* Another point that i cannot agree with is that " Aotearoa "preceedes" NewZealand" on the website - - i am an enthusiastic Newzealander and i believe that there is only one name for our country and that is NEWZEALAND

* On downloading " www.ourconstitution.com.nz" i find that it is biased to Maori grahics and inferences .

* I have always been of the opinion we are " one people" and i am led to believe that Queen Victoria conveyed to Maori in 1840 that they were british citizens "no more no less" there was no mention of a partnership or of compensation, however i understand that there was some issues that maori had and they were settled some 40yrs later.

* If this proposed Constitution is based on on the false treaty ,circa 1985, the Government in my opinion will have a fight on its hands.

* A democratic constitution should be for all citizens of a country, couched in such a way that no person/s or group/s be able to influence or have

the right to challenge the government, nor should they have any more rights than the average citizen

* Regarding the partership between the Government/Maori, it has created more problems than it has solved.

The views of mine, expressed above are in my opinion only, and may not be the views of others.

To summarize it is my opinion that this proposed Constitution may not be, in the best interests of New Zealand

G.E.Jorey

3714

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/07/2013 10:26 a.m.
Subject: CAP Submission

we do NOT want special medical services of any kind for Maori Eddie
Jorey Levin

4307"

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 11:18 p.m.

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

Full Names: Piripi Walker and the Walker whanau Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: UPPER HUTT Postal Region: Wellington Postal Post Code:
Postal Country: New Zealand Submission:

Submitted on the 30 July 2013 at 23:17

4307a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 11:19 p.m.

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

Full Name: Ian Russell Lowars Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Nelson Postal Region: Nelson Postal Post Code: Postal Country: New Zealand
Submission: The Constitution should be in written form and should incorporate Treaty of Waitangi Principles where necessary, so that there is one source document applicable to all New Zealand citizens. It must be supreme law to prevent parliament making partisan changes to suit whoever is in power. Courts must be the arbiters of legislation - that is necessary to provide independent oversight of parliament.

The Bill of Rights should also have the power of supreme law for the same reason and should also be interpreted by the courts, rather than parliament.

Submitted on the 30 July 2013 at 23:18

4307 b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 11:18 p.m.

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

Full Names: Piripi Walker and the Walker whanau Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: UPPER HUTT Postal Region: Wellington Postal Post Code:
Postal Country: New Zealand Submission:

Submitted on the 30 July 2013 at 23:17

I submit that this “Constitution Conversation” process is a fundamentally flawed process and that it should not be utilised to change the New Zealand constitution- that is, any of its documents including the Bill of Rights in any way.

Any process which looks at changing our constitution, should have begun with a simple question to the citizens of New Zealand on the fundamental values they want to underpin their constitution, and the process itself should have been developed/designed from there.

Instead, a politically motivated, governing party-stipulated, “conversation” on the constitution has been undertaken (you have stated that its existence came out of negotiations between National and the Maori Party in 2010). The way this “conversation” has been marketed to the “submitting” public I believe is very clearly directed, to achieve specific purposes around political party objectives.

While you have two questions “What are you aspirations for Aotearoa New Zealand” and “How do you want our country to be run in the future” on the front of your submission booklet and these questions are open-ended and broad, the rest of the book is full of very specific questions. While you call these targeted questions “guides” I would suggest they are not simply that- they are questions that have been designed to gather a number of “yeses” or “nos” from the general public around some very specific and big questions about our Constitution. This is problematic as I believe most New Zealanders still have little or no knowledge of the Constitution, how it is applied, any issues identified around its benefits, ease of use, practical application and any issues with its utilisation so far that could even prompt a review of it to take place. Moreover I feel the supporting documentation lacks detail- and falls short in adequately educating the general public enough for them to be able to answer the “guiding” questions.

In your supporting documentation on your website, you suggest that the Constitution is a difficult document to understand via Constitutional Lawyer Sir Geoffrey Palmer's comment: (this has been copied and pasted directly from page 6 of the downloadable booklet):

“It’s difficult to characterise the nature and quality of New Zealand’s constitution and the reason for that is it evolves remorselessly; it changes before your very eyes. It’s highly flexible... It’s like the hunting of the snark. The snark is both imaginary and elusive and the New Zealand constitution is neither readily accessible nor easily understood.”

SIR GEOFFREY PALMER

Former Prime Minister and constitutional lawyer

This is then followed in the booklet by two very short summary pages of information under the titles “What does our constitution look like in practice?”(page 7) and “Should our constitution have a higher legal status than other laws” (page 8). This is then followed by the specific questions:

Q Do you think our Constitution should be written in a single document. Why?

Q Do you think our Constitution should have a higher legal status than other laws?(Supreme law) Why?

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

Other questions in the submission guiding material include:

Does the Bill of Rights Act protect your rights enough? Why?

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

Without access to detailed input from legal, human rights and indigenous law experts etc to inform us about what works/does not work well with our constitution documents currently, or to give advice on any issues or areas identified as problematic so far, how are we, the general public supposed to answer such questions?

That's presuming we found out this "Conversation" was in process in the first place.

And all within a time-line of six months?

So I find this whole process undemocratic actually, and alarming.

Furthermore, the support material you provide to the public gives a confusing account of what this "Conversation" process is actually about and what it is setting out to achieve. While there are two over-reaching questions: "What are your aspirations for Aotearoa New Zealand, and "How do you want our country to be run in future" on the front of the submission guide, to make us feel like it is an open, preliminary, "conversation"; in contrast you also state on the Constitution Conversation website via a response to a Facebook Q&A session by Constitutional Advisory Panel Co-chair Sir Tipene O'Regan:

"The Constitutional Advisory Panel has been set up by the Government to get the opinions of as many New Zealanders as possible on some important questions about our constitution. They include such matters as whether we should have a written constitution (currently we have one which is partly written and partly not, and the written part is spread over a lot of documents); whether the Bill of Rights protects our rights enough; whether elections should be held every 4 or 5 years rather than every 3 as they are now; and the role of the Treaty of Waitangi in our constitutional arrangements. The Panel is currently getting submissions from as many people as it can. It will then report to the government on what the people think, and give advice based on what it has heard. It will then be up to the Government what happens next."

The whole process is very "leading" and as a citizen this smacks to me of not being an open dialogue with the citizens of New Zealand. The move to examine the constitution has not come from the people. As far as I am aware the current leading parties were not voted in on reviewing the constitution during election time, so therefore any move to change it in the near future has to include extensive and very open dialogue with the New Zealand people to give them ample time to examine, get advice and participate in such an examination.

From my own interpretation of your "supporting material" and from Sir Tipene's explanation above, this is not simply a "Conversation" as there appears to be a clear agenda here by central government.

The submission guide is full of questions that are very specific to clearly direct feedback. I presume any closed "yes" "no" responses to these questions may therefore have a big place in the panels recommendations to government, otherwise why would such questions

be there. It is this I find most alarming.

One open question to all of New Zealand about what values they see as most important to underpin their constitution, was the ONLY way a process like this should have been designed,- if we are to be a truly open, transparent, consulting and democratic society.

It is clear to me this is an attempt to gather support by government on an agenda they have already tabled. I, like many other citizens would be outraged if, down the track this "Constitution Conversation" is referred to in any way by the current National-lead government as a "consultation" process- and if it in any way gets utilised as justification for making ANY constitutional changes- to any aspects of the Constitution including the Bill of Rights.

Furthermore, from questioning my friends and contacts lately, I get the sense that most people are not even aware this "Conversation" is taking place, - and that six months is not long enough for a country to discuss its constitution effectively.

I found out about this process via Facebook in June. I notice the Facebook page has only gathered just over 6000 "Likes" in the six months your conversation has been running. You may think this is not significant, but as a regular Facebook user I would suggest this is not a good sign that this conversation has reached enough people, and questions whether it has been advertised effectively. The small number of "likes" is a good indication that the many thousands of Facebook users in New Zealand, are either not really aware about this conversation (and its implications), or that they in fact, like me, do not "like" the way this "conversation" has been conducted.

I contacted the Facebook page questioning as to why there has not been wide-spread media coverage on the Constitution Conversation and a national mail out about it (to reach a wider cross-section of society, which is done on very important issues such as electoral enrolments for example). While this question was not answered by Facebook administration, it was intimated to me that there had been an issue in getting national media across the board to pick up on the issue. (Comment on Conversation Facebook page 18/6 at 10.02am).

I therefore feel we need more time on this issue to gain adequate feedback from New Zealand. Six months is not enough.

In summary:

My submission is, that the current constitution in its entirety remain unchanged until a better consultation process is developed and undertaken- one that runs independently of the political agenda of individual parties as much as possible- one that is lead by "the people" of New Zealand, and includes transparent, extensive, external advice to the New Zealand public from experts in the fields of constitutional law, human rights, the treaty of Waitangi, electoral matters and parliamentary process and any other issues pertaining to our constitutional documents. And that this process is widely advertised, and lengthy enough to include as many New Zealanders as possible.

To the selected panel : I acknowledge the intelligence, integrity, and wide range of skills you bring to this "Constitution Conversation" process you have been tasked to undertake. I believe that as closest to the process, you are the kaitiaki of this process for us. May you

have the strength to voice any concerns strongly on behalf of us, the people to uphold integrity, fairness and transparency.

Thank you for efforts and your time.

Robyn Langridge
Motueka