

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.

Ari Lewis
Auckland
New Zealand

806

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/05/2013 5:26 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Ari Lewis Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
Though I have not lived in this country long, I have already grown to love it a great deal and I believe whole heartedly that it is a place worth protecting on all levels, be they social, civil, economical and environmental.

Though there are many things about the way that New Zealand is governed that I do not fully understand, and that I believe I would like to see changed if I did understand them better, I think the constitution is an excellent place to start. Now I had the beneficial side of this fact explained to me once but I do not recall what the specifics of that were and am therefore of the conclusion that these benefits are outweighed by the negatives; the fact to which I refer is of course that New Zealand has no written constitution.

We have a series of documents which together are considered to be the 'de facto' constitution but we lack a single document to be defined as such like in the United States. This I think leaves New Zealand as nothing more than another self governing British colony.

Now ultimately I think that if we are going to write ourselves a single constitutional document then the first step toward doing that would be to cut formal ties with the British monarchy as our head of state, while maintaining our membership in the Commonwealth.
Fundamentally though, this I think is the first step toward rediscovering our national identity which is what a nations constitution is all about, defining a country and its people.

Albeit of me to expect this as part of the process here and now, having a single document for the purposes of constituting a country is a good first step in the process described above.

Sent on the 9 May 2013 at 17:25

2881

From: Don Lewis
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 4:39 p.m.
Subject: CAP Submission

I am completely in favour of abolishing these seats permantly.

Don Lewis Havelock North

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Franky Lewis
Whangaparaoa
New Zealand

4009"

From: Geoff Lewis
To: <ConstitutionalReview@justice.govt.nz>
Date: 29/07/2013 8:36 a.m.
Subject: Submission..

..Submission the the Constitutional Review Advisory Panel.

Comment: This review is a mixed bag of issues electoral, constitutional and those related to human rights.

(1) Size of Parliament.

Sufficient.

(2) Length of Parliamentary term.

Fours years a good idea, Five years better.

(3) Number of MPs.

Sufficient. Election date as currently.

(4)Size and number of electorates, including changing the method for calculating size:

Two issues, Maori electorates (see below) and the South Island quota. View on the former below, view on the later would require the input of South Islanders.

(5)Electoral integrity legislation:

All PMs should represent the views of their electorates and have the freedom to do so. This means the party 'whipping' system needs review.

(6) Maori Electoral Option, Maori Electoral Participation, Maori Seats.

The Maori seats should be abolished.

*Maori men have had universal manhood suffrage since 1867. New Zealand has had universal adult suffrage since 1893.

*The Maori Seats have survived as a result of post-colonial paternalism and political expediency.

*The Maori seats have retarded Maori political participation and political maturity by generations.

* It currently takes half as many votes to elect a MP in the Maori seats as it does in the General seats (about 25,000/50,000). Do Maori MPs vote half the time or get paid half as much because they have half the mandate?. This is an injustice to other citizens.

*No one else is represented on an ethnic basis.

*Maori are represented in the same manner as everyone else - by the people who are democratically elected, and whose job it is, to represent the whole community.

* Special seats for Maori should NOT be extended to Local Government. (Reasons above). People with special skills or cultural knowledge can be co-opted onto committees when necessary.

(7) The role of the Treaty of Waitangi in constitutional arrangements:

*The Treaty of Waitangi has NO PLACE in future constitutional arrangements for New Zealand other than as a facet of history.

*The ToW itself is not part of New Zealand law and never has been. The ToW was not ratified by the British Government.

*The principal effect of the treaty was toward off other colonial powers, notably the French, an act which ensured most of the early immigration came from Britain.

*The treaty can not be regarded as a 'founding document'. New Zealand had a 'founding event' - the arrival in the 1850s and 1860s of thousands of settlers, mainly from Britain, this changed the whole social and cultural structure of the population. The rights of these people are not made clear in the treaty in its 1840 form and are not equal to those of the native population. Any attempt to convey this to the contemporary world will create an injustice.

*Rights are a matter of citizenship, not of ethnicity. Any attempt to permanently enshrine rights for Maori that are not fully, equally and explicitly available to the rest of the population is UNACCEPTABLE.

(8)Written Constitution for NZ?

*A formal written constitution, formed in a similar way, say, to the US Constitution. Would need to have close to universal acceptance by the population. (Good luck!)

(9) Bill of Rights:

Following a thorough review of the Bill of Rights to ensure every citizen is treated equally, Human rights and freedoms should be entrenched law and defended by the State.

Cheers

GEOFF LEWIS
HAMILTON

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From: Heather"
To: <constitutionalreview@justice.govt.nz>
Date: 22/04/2013 6:04 p.m.
Subject: My submission to the NZ Govt. Constitutional Review Committee

My name is Heather Elizabeth Lewis (nee Pantin)

I was born on New Zealand.

I now live at Western Bay of Plenty, New Zealand.

I am married, and have 2 adult children. (A son aged 20 years, currently at Victoria University studying Law and Criminology and a daughter aged 17 years, currently at Otago University studying Health Sciences 1st Year.)

My husband is physically disabled and is a NZ Superannuatant.

I am also disabled due to a Mental Illness (Recurrent Major Depressive Disorder) but am also a NZ Superannuatant, because I am my husband's Carer.

My parents came to New Zealand in the mid-1950's, from England, when my father was offered the job of being NZ's first Marine Geologist. He explored and experimented in order to find a way of laying the first electric power cables accross Cook Strait, effectively, to bring the hydro-power from the South Island lakes to the cities of the North Island. And this he acheived with great success.

I only give you my background because although we are European New Zealanders in terms of ethnicity, we are kiwis none the less. We are extremely proud of our country and I am particularly proud of my father's acheivement and the part he played in helping to make New Zealand the go-ahead country it is today. However, it is also a multi-cultural country, and I strongly believe that we should embrace all cultures and all nationalities, if fact all who believe in the good of our country and who want to make it better. Irrespective of where they originally came from, or where their fathers or grandfathers came from.

We should all be equal. New Zealand should be a land of equality. Everyone should be treated the same. Noone should be treated special, or different, more or less. We are all human beings, put of this earth to live, love, and to get along with one another, so let us get along. All this arguing, treaty discussions, wants, rights, etc. brings division and disharmony and discontent. What is the purpose of that? Why have a society that harbours ill-feeling and grudges, on either side? We must put a stop to all this bitching and bickering, to all this nonsense about whose right is this and that.

I grew up in a family of 6; my parents who argued insisently and 3 other siblings who also argued insisently. I became the scap-goat. Then over the years, occassionly, I would try to assert myself and my so-called rights or whatever I felt agreeved about at the time. Did it help matters? No. Did it acheive harmony in the home? No. It made it worse! Did our relationships improve? No. They disintegrated before our eyes. Who suffered most as a result? Yes, me. Were the other 5 people bothered about making changes in the hope of improving things? No.

And my point is: Whichever side you think you are on (and let's face it, we ALL think we have rights), in the end, what do we really gain, if we continue to battle against each other? Surely, it is better to either walk away (which is what I chose to do re: my family of origin) and distance yourself from the disharmony, or at least distance yourselves psychologically from the disharmony by putting all these matters to one side and conscienciously telling yourselves you won't let them get in the way anymore. Ask yourselves: What is the alternative? If we continue as we are, we are looking at destroying our society, to the point that communities will only look for 'what's in it for them', before they decide whether they help anyone else - in fact we are already very close to this already. Kiwis were always very proud of the fact that they would drop their own workload to help out a neighbour; do we really want that to disappear?

I'll leave you with that thought.

In the meantime, my submission to the NZ Govt. Constitutional Review Committee is:

My submission regarding the NZ Constituional Review is that I want no change to New Zealand's unwritten constitution; it has served us will since the 1852 NZ Constitutional Act was passed, and I see no reason to have it changed now.

Equality for all,
 One People, One Nation.

From, Heather Lewis

829

From: constitutionalreview@justice.govt.nz
To: [<constitutionalreview@justice.govt.nz>](mailto:constitutionalreview@justice.govt.nz)
Date: 12/05/2013 8:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: New Zealand Bill of Rights Act1990 Submission.doc

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

Full Names: JAMES ANDREW LEWIS Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB Postal City: Auckland Postal Region: Auckland Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: New Zealand
Bill of Rights Act 1990 Submission.doc

Sent on the 12 May 2013 at 20:58

New Zealand Bill of Rights Act 1990 Submission

James A. Lewis

Question 1.

Does the Bill of Rights protect your rights enough?

I answer no to this question.

According to section 3 of the New Zealand Bill of Rights Act (NZBORA), my rights and freedoms are protected against intrusion by the New Zealand government, and any private entity that is performing a public function or has been delegated a duty by law.

Nevertheless my rights and freedoms are not protected in society.

For example, in Employment law, a person is accorded rights, in fact some of which are the same rights contained in the NZBORA.

Compare Part 3 of the Employment Relations Act 2000 (ERA) with section 17 (NZBORA), but section 18 NZBORA is overridden by the criteria stated in section 20A of the ERA.

I question why some rights and freedoms are protected by government and private interference, but other rights are not. Should not all rights and freedoms that are affirmed by section 2 be guaranteed against both government and private interference?

Another example is where does one stand when accosted by a store detective, who wants to detain you and search you.

A Latin phrase jumps to mind, ignorantia legis nihil excusat, (ignorance of the law is no excuse).

An honest person will submit to such an invasion of their privacy and of their rights. People aware of their rights are right to ignore such requests.

Nevertheless ignorance of the law prevails. See http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10791237.

The public reaction to an altercation which took place in a Countdown supermarket was that the persons concerned did not have the right to the protection of sections 21 and 22 of the NZBORA. This reaction from the public to the situation that ensued also extends to the staff of that supermarket.

The correct response of the staff from that store would be to seek a search warrant from a judge then have it served upon the person whom is suspected of secreting Countdown property on their person or their property. Alternatively staff could solicit the New Zealand Police to invoke section 224 of the Crimes Act 1961 to search the suspected person or their property without a warrant.

From such extrapolation I feel that my rights and freedoms affirmed by the NZBORA are not protected enough.

To remedy this lack of protection I suggest the insertion of section 3 (c) NZBORA, which would require that all private entities must apply the rights and freedoms affirmed by NZBORA in any act done.

Question 2.

What other things could be done to protect rights?

First and foremost whenever rights need to be seriously protected the best avenue that affords that protection is education.

When a person is aware of their rights that person then has a choice to have those rights upheld or not.

For example, the New Zealand Road Code specifies what is required from a driver to prevent serious injury, death or damage to another person's property. Nevertheless it espouses the simple principle, which is when you have the right of way, give way, if that will prevent an accident.

However for that simple principle to work one must be aware to what extent rights are afforded.

This would put an onus on the Ministry of Education to implement a curriculum that would educate the population as to the extent of one's rights and freedoms.

If the general public were educated to what extent one has rights and freedoms, the situation that arose in the Countdown store cited in question 1 would not have arisen.

Question 3.

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

I believe that the NZBORA should be elevated to supreme law.

I believe that section 4 NZBORA should be repealed.

I also believe that section 5 NZBORA should be altered to remove the words "Subject to section 4 of this Bill of Rights".

Furthermore the following words should be added to section 5 NZBORA:

any justified limitation of rights and freedoms contained in this Bill of Rights must achieve a 75% vote of all members of Parliament before being able to receive the royal assent.

To add robust protection to the elevated status of the NZBORA the repealed section 4 should have a new section 4 inserted, which reads:

Any bill before Parliament purporting to alter or repeal any part or all of the NZBORA must first demonstrate by way of a simple majority vote by means of a national referendum that a mandate has been given by the people of New Zealand for that bill's introduction into parliament. Without such mandate, any bill passed into law that alters or repeals any part or all of the NZBORA must be deemed by the Judiciary branch of government to be invalid.

The reason why I suggest these things is because humanity suffers a cycle known as the pride cycle.

It starts off with a society that is industrious, humble and pliant to honest people placed in the governor's seat.

Eventually the people overwhelmed by their success due to their industry start boasting in their prowess. This results in the people rebelling against their governor's, who were placed by the voice of the people.

Eventually the people feeling constricted by the rules set when they were industrious and humble start placing governor's, who will alter those rules. Unfortunately inherent in human nature, when persons are placed in high power their ambitions turn to themselves rather than to the people.

Subsequently being brought low by the usurpation of such power, the people will suffer until such time that they become humble and pliant to reason, which completes the cycle resulting in the placement of honest people to govern.

For this reason the rules that govern us must be difficult to change but not impossible so as to accommodate the necessity of adaption when the need arises.

Question 4.

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

The Courts should have the power to decide whether legislation is consistent with the Act.

According to the pride cycle mentioned in question 3 politicians have agendas subject to their own whims rather than to the voice of the people except when such persons are honest in their intents.

Nevertheless insulation against a pride cycle is readily evident in the doctrine of stare decisis (to stand by decisions).

This common law doctrine allows a consistent interpretation free from political interference.

Furthermore this doctrine incorporates the passage of time. Therefore we can see in its application the unjustness of monarchs versus the craftiness of parliamentarians upon a scale of misery or satisfaction dependant upon the honesty of those who govern.

From such scale the pride cycle is neutralised to attain a median that enables the Courts to be best suited to determine whether legislation is consistent with the Act.

Question 5.

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

Without a shadow of doubt the people of New Zealand should be afforded the right to bear arms.

This is necessary because when errant politicians try to subvert the government to their hidden agendas we the people have a moral responsibility to resist such actions.

I refer to how the leader of the National Socialist Workers Party used the platform of democracy to alter that countries laws to enable greater power to pursue its ideology, which was to suppress opposition within and then later outside its dominion.

Referring back to question 3, the right to bear arms gives momentum to the supreme law status of the NZBORA.

It is unfortunate that in the United States of America that the argument for the retention of the right to bear arms is not readily evident given the recent misuse of firearms by deranged individuals. Nevertheless we have here in New Zealand legislation that controls the possession of firearms. Furthermore such legislation is preventative, for example the loss of that right once a protection order is issued.

Finally the NZBORA rights and freedoms are only accorded to natural persons, refer to *Irwin Toy Ltd v Quebec (Attorney General)* [1989] 1 SCR 927 at 1002-1004.

Therefore unborn foeti do not fall under the protection of the NZBORA.

The New Zealand Supreme Court reaffirmed this position in *Right to Life New Zealand Inc v The Abortion Supervisory Committee* [2011] NZSC 97, which declined leave to appeal in relation to section 8 NZBORA, saying that it was plain that section 8 was based on the premise of the "born alive" rule.

I now refer to the legal fiction of *nasciturus pro iam nato habetur, quotiens de commodis eius agitur* (one about to be born for now has from birth, how often it is put forth from its commodie) in which a foetus is deemed to be a person. The doctrine posits that it is common place that a foetus is often born. This proposes that life is the main focus. Therefore a foetus is a living entity, which does not lose its life by being born. Nevertheless it does not remove the fact that life can be lost at any time irrespective of whether it is a foetus or a living person.

I can only see this doctrine being developed for the protection of unborn persons. I believe that fathers or even parents of the applicant who want to prevent the termination of their unborn child or grandchild will resort to this legal fiction by designating that unborn child as their heir. I believe that this will make the unborn child a legal person, because it is in harmony with the Supreme Court's position of the "born alive" rule.

Even Queen Victoria was subject to this doctrine when the English throne was preserved for any issue of William IV through his consort Queen Adelaide.

Moral consideration should be considered with regard to the unborn child.

The maxim 'equity will not allow a statute to be used as a cloak for fraud'.

Why must the absence of specifically referring to a foetus in the NZBORA be used as a cloak to defraud it of its right to life?

One should also consider the aspect of consent to the intimate act that created life. If life was not envisioned then contraception is the appropriate choice. Nevertheless the intimate act without contraception must be deemed to be consent for that foetus' right to life.

Nevertheless non consensual acts that lead to conception need to retain the choice of termination.

Jeremiah 1:5 reads:

Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations.
(King James 1 version)

I believe that this scripture and the legal fiction of *nasciturus* introduce section 27 NZBORA observance of the principles of fundamental justice with respect to the unborn child.

This will enable mandatory relevant considerations to be imposed on the Abortion Supervisory Committee when determining the applicant's right to terminate.

829a

From:
To: <constitutionaireview@justice.govt.nz>
Date: 12/05/2013 9:52 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission
Attachments: Electoral MattersSubmission.doc

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

Full Names: JAMES ANDREW LEWIS Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Mangere Postal City: Auckland Postal Region: Auckland Postal Post
Code: Postal Country: New Zealand Submission: Submission Upload: Electoral
Matters Submission.doc

Sent on the 12 May 2013 at 21:50

Electoral Matters Submission

James A. Lewis

Question 1.

How many members of Parliament should we have?

Parliament should have 99 members.

In 1999 the voice of New Zealand wanted the reduction of 120 members of parliament to 99. This voice was heard via a national referendum where 81.47% of the population wanted this reduction.

Barbara Stewart's bill in 2006 proposing the implementation of this referendum went through to the select committee. Who cited public misconception of MMP as a reason against its passing, have failed New Zealander's aspiration for better government; when the 2011 referendum endorsed the continuation of MMP.

Question 2.

How long should the term of Parliament be?

Three years is adequate for a term of Parliament.

Three years is too long for a badly run government. Any longer will exacerbate the misery caused by bad government.

Question 3.

How should the election date be decided?

The election date should be set in legislation and then that legislation should be promoted to supreme law status by way of double entrenchment.

This will remove any question of choosing a date that best suits the incumbent government to perpetuate a badly run government.

I cite Sir Robert Muldoon's statement of not allowing the opposition a chance to prepare when he announced that a snap election will take place on 14 July 1984.

Question 4.

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

The number of electorates should naturally reflect the size of permitted Parliamentary seats as submitted in question 1.

Question 5.

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

That member in effect should be deemed to have abdicated the mandate in which the

seat is held.

For example at election time that candidate for parliament proffers representation according to the party that person represents. The party concerned has a published manifesto for public dissemination. When the member cedes from such party policies by parting their company from that party, they are in effect ignoring the mandate endorsed by their electorate or party vote.

By abdicating that mandate the member should be deemed to have resigned that seat. This in effect should call for a by-election or list member being promoted to take that seat dependant upon how that departing member attained to that seat.

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Kristin Lewis
Waiheke Island
New Zealand

886

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 2:34 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Michelle Lewis Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
waikanae Postal Region: Postal Post Cod Postal Country: New Zealand
Submission: Response to each question:

1. No I do not think the constitution should be written into a single document. I consider that the current system that separates politics and community from interpretation of the constitution is healthy for a democratic society.
2. I do not consider our constitution (whether written as a single document or multiple documents as at present) should have any higher status. It is just how we do things. It should be within all we do.
3. The courts should decide whether legislation is consistent with the constitution (whether written as a single document or multiple documents as at present). Our constitution is a non-political way of doing things. It is democratic. Permitting politicians to decide who are not legal experts would be damaging for the entire country. I would oppose such powers of politicians extremely strongly!

Sent on the 21 May 2013 at 14:33

1320

Received 30 May 2013 MA LEWIS

TAURANGA

My submission regarding the NZ
Constitutional review is that I want no
change to New Zealand's unwritten
constitution it has served us well
since the 1852 NZ Constitutional Act
was passed, our founding document
there is enough racial hatred &
violence in the world we don't want
it here in New Zealand.

41

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/03/2013 11:51 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

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

ANSWER: (a) The original intention of the treaty, that the natives (Maori) be deemed equal partners under NZ law) should be upheld. Any and all past "proven" transgressions against the natives should be recognised and reimbursed by negotiation with the crown.

(b) Every citizen, either born or naturalised should be deemed a New Zealander regardless of their original ethnicity and treated equally under the law.

(c) New Zealand should "formally" declare itself a multicultural society discarding all pretense towards bi-culturalism with its attendant bias towards any ethnic group. "A HOUSE DIVIDED AGAINST ITSELF CANNOT STAND"

Question 2:

Do you think the Treaty should be a formal part of the constitution? NO.

Why? the Treaty document was drafted in 1840 by non legal, well meaning colonial settlers to convey to the natives their intention that the natives would be recognised, and protected as equal partners (along with the colonial settlers) under the laws of mother England and her colonies.

This document (termed a "Treaty" by the non qualified laymen authors) was an expression of their aspirations and was prompted (at the time) due to Britain's past history of appalling treatment of natives in other colonised countries. Their document was never intended to be a "formal contract" between the natives and the British Govt on how NZ was to be governed going into the future.

Now, in modern times this simple aspirational statement of intent has been "glorified", "hyped" and expanded via miss-interpretation (by academic students, mostly Maori) to represent a formal contract with the crown and Maori. A contract that elevates Maori's claimed possessions and entitlements to a status never contemplated by the original authors of the treaty. Even, (according to some) this is the "founding document" by which NZ must be governed, a gross embellishment by academics of a simple historical aspiration which has never been openly debated by NZ citizens.

Making the Treaty of Waitangi part of NZ's constitution will enshrine bi-culturalism in NZ, elevate the Maori chiefs to a status higher than our constitutently elected Parliament with power to delay legislation, even to the point of Maori chiefs holding "veto" over legislation passing through parliament.

Sent on the 6 March 2013 at 11:49

1644

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 8:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Pamela Lewis Organisation Name: personal point of view Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Mount Maunganui Postal Region: Bay of Plenty Postal Post Code:
Postal Country: New Zealand Submission: Please lets stick with the status quo. NZ is too
small to have a written constitution or upper and lower house. Need less politicians and Parliament
term should be 4 years. The Treaty of Waitangi has served the purpose for which it was originally
signed..

All the tribes have now been recompensed for any (perceived) historical wrongs (along with all the
many many advantages which the colonists have also provided for them and their modern day
offspring)cLets stop looking to the past and look to the future and

ALL MOVE ON AS ONE NATION of NEW ZEALANDERS- not separate groups based around race
with special priviledges, tokenisms in parliament, law shcool. med school etc. All that is doing is telling
this singled out race that they are inferior and cant make it on

their own- perpetuating the myth that they are not as good. It used to be like that for we women- we
only stood up and were counted as equal when we were treated as equal and NOT have tokenism.

In conclusion-lets have one vote, one electoral roll, one class of citizenship and one law for all. Thank
you

Sent on the 26 June 2013 at 20:28

5064

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:18 p.m.

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

Full Names: Thomas Lightfoot and Patricia Wilson Organisation Name: N/A Email Address:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Bay of Plenty Postal Post Code:
Postal Country: New Zealand Submission: New Zealand does not need a written
constitution and we strongly oppose any legislation or reference to The Treaty of Waitangi should one
be drafted now or in the future.

Submitted on the 18 June 2013 at 11:23

ConstitutionalReview - <http://www.ourconstitution.org.nz/> form submission

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/03/2013 2:32 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation.

Full Names: Judy Lightstone

Organisation

Name:

Email:

Phone:

**Postal
AddressA:**

**Postal
AddressB:**

Postal City: Auckland

**Postal
Region:**

**Postal Post
Code:**

**Postal
Country:** New Zealand

Submission: 1. Does the Bill of Rights Act protect your rights enough? NO

Why? SEE QUESTION 2

2. What other things could be done to protect rights? INCLUDE THE RIGHT TO BE SAFE FROM VIOLENCE - ESPECIALLY DOMESTIC VIOLENCE, AND THE RIGHT TO PROTEST PEACEFULLY

Do you think the Act should have a higher legal status than other laws (supreme law)? YES Why? IT SHOULD BE INBEDDED IN THE CONSTITUTION BECAUSE IT IS OF FUNDAMENTAL IMPORTANCE TO LIVE IN NZ

Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts? THE COURTS Why? THEY ARE FREER FROM POLITICAL MANIPULATION AND MORE LIKELY TO BE FAIR

What additional rights, if any, could be added to the Act? THE RIGHT TO BASIC NEEDS SHOULD BE INCLUDED SUCH AS RIGHTS TO FOOD, SHELTER, FREE MEDICAL AND MENTAL HEALTH CARE, AND WATER. THE RIGHTS OF THE EARTH AND RESOURCES TO NOT BE DESTROYED. Why? BECAUSE IF

29

ConstitutionalReview - <http://www.ourconstitution.org.nz/> form submission

From:
To: <constitutionalreview@justice.govt.nz>
Date: 1/03/2013 2:46 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation.

Full Names: Judy Lightstone

Organisation

Name:

Email:

Phone:

**Postal
AddressA:**

**Postal
AddressB:**

Postal City: Auckland

Postal Region:

**Postal Post
Code:**

Postal New Zealand

Country:

Submission: 1. Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution? THE MAORI VERSION OF TE TIRITI SHOULD BE EMBEDDED IN THE NZ CONSTITUTION AS A FOUNDATIONAL DOCUMENT

Do you think that the Treaty should be made a formal part of the constitution?
YES Why? TO ENSURE OUR INDIGENOUS PEOPLE MAINTAIN A KINSHIP TO AND ARE GUARDIANS THIS LAND, AS PAKEHA HAVE DONE A POOR JOB OF IT

Sent on the 1 March 2013 at 14:43

ConstitutionalReview - <http://www.ourconstitution.org.nz/> form submission

29

From: ...
To: <constitutionalreview@justice.govt.nz>
Date: 1/03/2013 2:50 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation.

Full Names: Judy Lightstone

Organisation

Name:

Email:

Phone:

Postal

AddressA:

Postal

AddressB:

Postal City: Auckland

Postal Region:

Postal Post

Code:

Postal New Zealand

Country:

Submission: 1. Do you think our constitution should be written in a single document? YES
Why? BECAUSE CURRENTLY WHOEVER IS IN PARLIAMENT HAS
TOO MUCH UNCHECKED POWER

2. Do you think our constitution should have a higher legal status than other
laws (supreme law)? YES Why? OTHERWISE IT DOESN'T HAVE TO
POWER TO OVERRULE PARLIAMENT OR THE MINISTERS

3. Who should have the power to decide whether legislation is consistent with
the constitution: Parliament or the Courts? THE COURTS Why? SEE
ANSWER TO QUESTION 1

Sent on the 1 March 2013 at 14:49

2601

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 5:26 p.m.
Subject: CAP Submission

Greetings

There should be no Maori seats or any other ethnic mix

We are all citizens of one Country (New Zealand)

that,s it end of story

Cheers
Neil Lilley
Christchurch

1131

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 1:27 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: vlcsnap-2013-03-03-11h13m17s112.png

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

Full Names: diana louise lilly Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I would like to ask about our rights under the employment act of winz ,our rights over
the internet say if the government doesn't like a link we post will it still appear on our page .Our rights
as smokers to make the choose ? and can you never bring full
body scans into our airports the radiation off something like that would be astounding more damage
then good
Submission Upload:

Sent on the 6 June 2013 at 13:27



637

From: Andrew Lim
To: <constitutionalreview@justice.govt.nz>
Date: 25/04/2013 9:35 a.m.
Subject: From Andrew and Peter Lim - Constitutional Submission
Attachments: Constitutional Conversation submission.docx

Dear Constitutional Advisory Panel,

This is our submission to the ongoing Constitution Conversation. We wish you well and all the best. We hope there will be a written Constitution that all New Zealanders will be proud of. Hope you have had a happy ANZAC Day.

Yours respectfully,
Andrew and Peter Lim

Constitutional Conversation submission

New Zealand needs a codified constitution so that we can have a document which clearly outlines our rights and expectations as citizens and sets the rules by which our government operates. Most other countries including Australia, the United States, Canada, and many of our Pacific neighbours have written constitutions. So why can't we have one? If we do, it should be brief, succinct, and easy enough for ordinary people to understand.

While a written Constitution should recognize the relationship between Maori and the Crown outlined in the Treaty of Waitangi, it should also acknowledge that New Zealand is a multicultural society that is home to many different ethnicities, cultures, and creeds. While the Constitution should incorporate the Bill of Rights of 1990, it should also include other provisions which are listed below.

Other Ideas:

- It should enshrine New Zealand's status as a nuclear-free country. All nuclear weapons should be banned from New Zealand territory and waters.
- It should protect the life of the unborn foetus since life begins at conception.
- It should protect the rights and well-being of animals from being wilfully mistreated, tortured or subjected to cruel experiments.
- Citizen-initiated referendums should be made legally binding if it has been specifically endorsed by a plural majority of eligible voters.
- People should not be subjected to discrimination on the basis of race, gender, nationality, class, age, and religion.
- All citizens and residents should be entitled to free education and free healthcare.
- It should ensure that there is always proportional representation in Parliament for all races and parties.
- The Constitution and its principles should be taught in schools and to all permanent residents and naturalized citizens.
- We Human beings seem to want to have control over every aspect of life and death. The decision to live and die is a very big decision which should not be left for us to decide. We should protect the sanctity of life at all stages.

- Shift parliamentary term from three years to four years.
- Make prostitution illegal
- The Government should take steps to protect the environment.
- It should recognize children as the future country and steps should be taken to ensure that all policy protects the welfare of our children.
- Protect the right of workers and guarantee employers the right to fair employment conditions.
- Everyone has a right to work but within humane conditions.
- It should guarantee to dissent without causing harm to others.

We hope the Constitutional Conversation panel will take our recommendations into account and will discuss them. While not all our recommendations will be incorporated into a written constitution, we believe that New Zealand should have a written constitution that it should be proud of and is applicable to everyday life. The Constitution should also balance rights and responsibilities. Thank you very much for your time and efforts and we wish you well.

Yours respectfully,

Andrew Lim

Peter Lim

978

J.M.Lincolne.

Nelson.

May 12th, 2013.

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

Complaint: CAP Meeting, Nelson. April 27, 2013.

Dear Secretary,

Enclosed is my brief summary of the Meeting which contains my brief blocked presentation. At the end of the summary you will notice that in 1983 when I was about 52 I commenced researching early NZ history both here and in Australia. The Mitchell Library in Sydney has a very comprehensive coverage of early NZ, and when you think about it that's understandable, as New South Wales was the nucleus of New Zealand's beginnings. During the past 30 years I have built up a good library and documentation of early material, and written many public letters on related issues. Today, I'm rather shocked that past events are being presented in such a contrary manner, in order to appeal to a receptive section of society, that the end result is actually "fraudulent history". Even worse is the fact that many fraudulent events are being incorporated into government policy, and being taught in various educational institutions.

An example is to be found on page 8 of the Submission Guide – Treaty of Waitangi. Here it states that the 1840 Treaty, - ...*enabled the British to establish a government in New Zealand*. This is quite incorrect and should have read, - *enabled the British to establish a government in New Zealand over the natives!* On January 30th Hobson declared two Proclamations of Law to resident British subjects. The first stated that on that day (30th) Britain had established government over all resident British subjects, and rule had commenced. The British Government wanted a controlled and planned form of settlement for the ongoing migration to New Zealand from Europe. The second stated that the British government had taken over all land owned by British subjects for examination. On February 5th 1840 Hobson convened a meeting of local natives. Hobson outlined the unstoppable nature of European migration, and that on a previous occasion the natives had asked Britain to govern/protect them. Britain offered the Natives British government and

protection but made it clear that they would also be subject to restraint. Hobson then gave two days for consideration. However, on the following morning most natives wanted to sign the Treaty as it was, to which Hobson agreed stating that it was to be a signing session only.

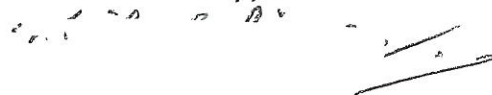
Soon after the conclusion Captain Robertson left with despatches for the New South Wales Government. *This is outlined in the Sydney Herald of Friday February 21st 1840.* Page 8 of the Guide needs to be corrected before further copies are circulated.

Being 81, not only do I believe the Facilitator [Jack] was rude, but outright insulting. When I told him of the time, research and effort I had put into my paper, and the lengths I had gone to, to time my presentation, and arrive at the meeting's opening; as well as sit patiently listening to numerous speakers, quietly waiting for his signal to me to speak, - his gruff reply was "Put it in writing and send it in." To this I replied that New Zealand's 'Bill of Rights' gave me several rights to "expression", particularly **Oral Expression**. His response to this was again "Put it in a written submission." It was obvious that the Facilitator had lost the main purpose of the meeting, which was for, - Nelsonians to hear what other Nelsonians thought about the 'Constitution' enquiry.

My objective was to alert the 130 or so present, to some of my findings, and to the dangers that could arise from a compounded constitution. The genuine "**1840** Treaty of Waitangi" is not so much of a concern as are all the **belated artificial interpolations which have been coat-hangered on to the document**, - for the ongoing benefit of whom? If a **lie** is misinterpreted enough it will gradually be given credence; even find its way into a constitution, whereby to offend the lie will be met by punishment. Today this is the direction in which New Zealand is heading; - the 'prime example being that as at **1840** "**taonga**" did not mean "**treasures**"!

In conclusion, I should like my complaint upheld, [there were others who were not happy], and that the Facilitator/Chairman [Jack?] not be given that position again during these Constitution discussions.

Yours faithfully,



CONSTITUTIONAL ADVISORY PANEL, NELSON. 27/4/2013.

Mid April 16th I received a kitset, for Constitutional Advisory Panel visit to Nelson (27th). A Civic Education organizer urged me to attend, speak. I said I would cover aspects of the Human Right's manual, [Government ratified], New Zealand's Bill of Rights; topic - "gender and religion". It was accepted. I would be invited to speak from the floor. My presentation was practised at six minutes. I was again assured of speaking rights.

At the meeting commencement the Wellington Justice Department facilitator [chairman?] invited a group of Maori attendees to give a welcome, to CAP chairman Professor John Burrows and the audience. This consisted of an incantation ritual, song, then echo singing requiring the audience to stand, give echoes. On completion there was a noticeable vacuum, I approached the Wellington facilitator to present a poem dedicated to the intrinsic nature and freedom of "Water". He said, "No!" On a second request he put it to the audience who said "Yes". After the poem I outlined my presentation and the facilitator said I would be given time.

The professor outlined the CA Panel's membership consisting of six Maoris, six non-Maoris; a very out of proportion representation. Its distortion was extracted from the government by the three person party leader. The professor said that contrary to news that the Panel was touring the country, it was so cash strapped it only went where it was invited. This was in marked contrast to a generous \$ 12 million cash payment to a small local tribe.

The facilitator outlined the programme, emphasising he would stick to it. The first section was to be a Nelson panel team of four, each given eight minutes, followed by an hour for floor presentations. After the team presentation "Question Time" was opened by the facilitator. At first this went quite well; questions were asked and panel team members gave answers. However, gradually things began to "turn to custard" whereby those invited to question stood and gave opinions/statements. As this progressed the oratory became longer and longer and eventually "Rafferty" took the chair. As a result of the facilitator's failure to rein in the lengthy speeches which were not questions, time concertinaed and took out the formal presentation hour. A Nelsonian should have chaired the meeting.

The facilitator realising that the afternoon break was upon him, quickly asked a Maori supervisor to bless the cakes, biscuits coffee and

tea. This was extraordinary, as not consulting or knowing the denominations of the audience, he was out of order. I approached the facilitator about my presentation of 'gender and religious' aspects, he assured me I would be given time after group discussions. Many of the audience now departed.

During kitset group time, it was obvious the kit contained errors. The claim that the 1840 Treaty of Waitangi – "enabled the British to establish a government in New Zealand" omitted, - "over the natives", as government over British subjects, their land, property had already taken place in January.

"Maori electorates are according to numbers on the Maori roll", seems wrong and should be, - according to "each electorate's population".

"New Zealand is a representative democracy", should read, - "is a Constitutional Monarchy".

At the rapid conclusion of the meeting I asked the facilitator why he had excluded me. His rude response was to point me to a corner of the hall and tell me to go and call out to the departing to come, listen to my presentation!

My intended presentation was "gender and religion". In the gender area of a Maori "religious welcome", Men are considered "gods". In the case of Corrections' officer Bullock's humiliation, instead of being protected under one regulation she was sacked under another. Swiss Ambassador Krupski while visiting a Swiss National was taken to a Marae, sat in the back, while her chauffeur had speaking rights, front seat VIP treatment. At a Naval base, visiting Danish MP Krarup was offended by the religious welcome. This is a case of how outsiders view New Zealanders. The Auckland deputy Mayor was relegated to a back seat welcome.

The RM Act incorporates "Maori Values" such as rock, aphid, cloud worship. This is "Animism" which is becoming New Zealand's insidious State Religion to be enforced by punishment. A pilot was punished [\$3,750] for not paying homage to a pile of ice, snow, rock (M^t Cook). The PuPu springs will be next.

All religions are "culture"; Maori ones are no more special. Racism applies itself both ways.

J.M.Lincolne. April 30th /2013.

[The writer commenced research in 1983 when he discovered present day meanings didn't match past statements.]

J.M.Lincolne.

Nelson.

July 30/2013

9789

Constitutional Advisory Panel
C/o Ministry of Justice.
DX SX1008.
Wellington.
Dear Secretariat,

Re **Electoral Issues**: Something needs to be done about New Zealand's electoral system. The recent debacle over the country's Security Bureau Bill whereby a one man party MP, Peter Dunne, was almost able to veto the votes of 59 MPs favouring the Bill, is serious enough for the MMP system to be replaced. ** See attached paper JML*

I recently went to hear a speaker associated with Whakatu Inc. Although the listeners thought he was a "Maori", He said his mother was French, He also had Scottish forebears. He admitted that today "Maori" was the wrong word to use. Mark Solomon is also a good example, as are Stephen O'Regan and Peter Sharples. There are a good many examples. Some forms ask:- *Which ethnic group?* - NZ European/Pakeha/Caucasian: Maori: etc. **This is wrong and should read, "Pakeha/Maori/NZ European/Caucasian. Ethnically the word Maori is becoming obsolete and should be replaced with Pake-ori [Pakeori] to reflect the true makeup of NZ's present day society.**

The Maori seats should now Morph into the mainstream open electorates. Apart from the Maraes, many of which are modern constructions decked with all the comforts of western society, it is very hard to identify what is actually **"Maori Culture"**. People of Maori descent are now so immersed in most facets of Western Culture that they should look upon themselves as New Zealanders like the rest of us. In supermarkets, sports fields, homes, tastes, furniture, comfort, Hospitals, illnesses, cars, boats, transport, likes/dislikes, - there is **no difference**. Language is perhaps a difference, but even that has a missionary base, and has obviously been constructed out of English ideas and concepts. A lot of so-called cultural concerns in society, are **really social issues**. A Western Cultural heritage is **Money \$**, a powerful means of exchange, control, and influence, which Maoris now greatly value, and know they can't go without. Many of today's Maoris can't swim; they are no longer of **the open range, and certainly don't lead an indigenous life-style**. There is no need for a Maori Quota System, and any elevations to Council Positions etc, should be by way of **democratic voting, and not on the basis of "Race"**.

The **Bill of Rights**, and the manual on New Zealand's obligations to "Human Rights certainly need to be upheld. A few years ago there were accusations that 'white people' were claiming superiority over 'brown people' and this was considered as being **racist**. However, what do we have today? For some peculiar reason Labour have created a **superior brown people** known and titled as **The Tangata Whenua!** Now we have a "shoe on the other foot" situation where the so-called Tangata Whenua are looking down their noses on white people, and view themselves as a superior class. However, why is it that a so-called Tangata with far greater numbers of **European Forebears** still wants to call himself a Tangata Whenua, a Maori? Why has the word Tangata become so **'twisted'** for back in the early days a tangata was a **slave** or a **lowly servant**?

A few years ago a teacher who was a sixth generation New Zealander was asked by a brown student, "Mr where do you come from?" The teacher replied, "New Zealand", I was born here." The student said, "No you don't, I'm a New Zealander, Where do you really come from?" Even when the teacher explained that he was of many NZ generations, the brown student still insisted he wasn't a New Zealander. About 18 months ago a tv programmer was interviewing groups of Northlanders who were of Maori extraction. When the programmer spoke to a girl of about 11/12 years, during

17/14

J.M.Lincolne.

Nelson.

July 30/2013.

Constitutional Advisory Panel
C/o Ministry of Justice.
DX SX1008.

Wellington.

her reply she said that she, - "Hated Pakehas". One now has to ask the question of, **from where did she form that attitude, - an adult?**

←---R a c i s m---→

The C A P should be well aware that 'racism' is alive in New Zealand & is a two way affair!

"Racist/ Gender/Religious Discrimination" is now out of control in New Zealand:- The three mentioned above are often found together. The Resource Management Act contains a **"Maori Values"** Supplement which very few people have read or even heard of. There are many officials in local bodies and central government who fit the observation. In the supplement **"Tangata has now become mankind!"** The surprising thing is how the document ever got into print. Since when were the **Public** and **Iwi** separate social groups? Are there Public parks and Iwi parks? And what about rest rooms, toilets, halls, hospitals, schools, universities, sports halls/grounds, state houses, museums, hotel bars, buses, trains, planes, taxis, ferries, roads, etc, etc.

The term **"Public & Iwi"** is divisive and definitely **"Racist" against the "Public"**.

The supplement refers to Maori worship of rocks, clouds, worms, possums, wasps, lichen, fungus, even dirt; **all have "family trees"**, even horrible water monsters [taniwha] that tip over canoes and eat Maoris. These are Maori Values that the supplement wants to impose upon New Zealand's Public. Because the document is a "State Law" it has to be a testament of **State Religion**, for it espouses **"The Worship of Animism"**, a sort of Stone Age Culture which is bordering on the weird.

The **"State"** seems to be quite tangled up and confused when it comes to some of its internal laws and "pretend acceptance" of Human Rights and The Bill of Rights. **If it is for Animists and all then it must apply to them, and be seen to be applied them.** Until such matters are corrected then there should be no notions of trying to construct a **Constitution**. The concern is that if the State carry on with the present **"She'll Be Right"** attitude then the Public could end up saddled with a real "hotchpotch" of a Constitution. The Government have to clear the decks of racial divisiveness first.

Because important "Rights" need to be sorted out, whereby no race or Maori convert has preferences over other New Zealanders, the Constitutional Advisory Panel should be recessed.

Clause 116 of the Australian Constitution states:- *"The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance....."* NZ's Bill of Rights & HR contain similar Public protections **which must be applied!!!**

Public Functions:- A good many public functions are now opened by Maories with Maori Animistic ceremonies. Surprisingly these are not done **"patriotically"** but a fee is charged. Often when the ritual is completed the participants disappear out the back-door.

During one of these rituals at a Government Correction Centre a White female officer was told to sit at the back because Maori men were considered as **Gods**; when she stood by her rights, according to law, a Maori officer **"docked her in"**. The Corrections Dept rather than addressing the Gender/ Religion issue as in their code, sacked her on the grounds that she had spoken without permission. When the Greater Auckland City Council held its opening, female

2, /
4

J.M.Lincolne.

Nelson.

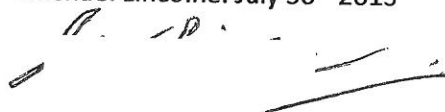
Constitutional Advisory Panel
C/o Ministry of Justice.
DX SX1008.
Wellington.

councillors/officials were ushered to the rear while a Maori Animistic ritual took place. A similar situation took place at the opening of a new wing at the Nelson Hospital. At the Auckland Naval base there is a **Temple of Animists**, also known as a Marae. During Maori rituals which seem to dominate the base, a cursed [Tapued] area is for Snr **Male** officers only, while **Female** officers are excluded from the area. If there are speaking rights **Females** are restricted to the **Temple Porch**. The naval base is Government property so that the Government condones this Animistic ritual. The Swiss Ambassador, Marion Krupski when taken to a Marae was confined to the rear, while her chauffeur was given **pride of place** in the front with full speaking rights. **What an insult. Marie Krarup**, a Danish MP, earlier this year made a visit to the Naval Base and was quite offended when the welcoming - Animists poked their tongues at her. When I was young in the 1930s my parents told me ~~to~~ never to poke my tongue out at anyone as it was offensive and an insult. When one reflects, this must be how others see New Zealanders.

Sometimes, when some of the people who are involved in the practices are approached, and asked why they are not adhering to the Law, their reply is, - "It is Maori custom and **Culture**." However, when it is pointed out that **Religion is Culture** there is a look of puzzlement. It is obvious they don't realise the linkage, that when they are imposing their culture on **Society** they are also imposing their **Religion**. When a helicopter pilot flew over Mount Cook, the Conservation Dept charged him with entering restricted 'airspace'. However, when the matter went to court the judge said it was a religious offence and fined him \$3'750. Ngai Tahu copied the notion of Mt Cook as a god from the Nepalese after Hillary/Tensing climbed Everest. It certainly isn't an **authentic** Custom and Tradition, and like a lot of **so-called Maori culture** has been "**copied**" in recent times. As can be seen from the above the State have to do a "**lot**" of tidying up before any thoughts of a written Constitution are contemplated.

Yours faithfully,

Michael Lincolne. July 30th 2013



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To Constitutional Advisory Panel July 30/2013

A CONSTITUTION? AN MMP PROPOSAL. 2013.

The recent resignation of a National List MP, the death of a Maori electorate Labour MP, exposes the weakness of the Party Vote. While the replacement of the former is decided by a handful, the whole of the Ikaroa Rawhiti electorate must be consulted.

The CAP should consider a Parliament of 120 seats with 80 being electorates, and 40 being party seats. It isn't good franchise for the electoral seats to be counted twice which leads to over representation.

The electoral seats should be paramount, contested every four years, while party list seats are contested every two years, with voters choosing any four candidates from the party list of their choice. With equal franchise all voters can choose any one of the present dual electorate systems.

The rigid inflexible electorate set population numbers should be abolished so that The Chatham Islands have a seat in Parliament, and the Te Tai Tonga seat is for the South Island only. The West Coast electorate should be confined to the West.

Auckland should be declared a "city state" so that they can apply their own taxes to develop their urgently needed infrastructure.

The New Zealand electoral system needs a "major" overhaul.

J. M. Lincolne.

May 27th /2013.

July 30/2013.

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[Type text]

J.M.Lincolne.

Nelson.

Constitutional Advisory Panel
C/o Ministry of Justice.
DX SX1008.
Wellington.
Dear Secretariat,

978 b) 1/4

The CAP asks for views on, - **The role of the Treaty of Waitangi in our constitution.** However, as no date is given the question arises, **Is it the 1987 one, the 1985 one, the 1975 one, or the authentic 1840 one?** A few months back a leading newspaper contained an article on the constitutional issue, and although "**The Treaty**" was mentioned **19 times** nowhere was there a **date** given. **Whatever happened to 1840?** A 1975 Act detached it, a 1985 one further detached it, Professor Kawharu's tampering further detached it, so today it's **just the Treaty** really attached to nothing; A treaty with no origin! Today we refer to a "**Detached**" treaty with no real significance. The 1840 Treaty did not refer to treasured articles, neither did it refer to "partnership". In 1840 there was an **English translation of the Maori text** which the Professor ignored, in order to slot his 1987 idea of modern values into the document. His tampering is really a **fraud**. The 1840 Treaty of Waitangi is **not a Statute of Law**. Therefore, it and all the **detached** appendages which have been **coat-hangered** on have **no place in a New Zealand Constitution!** The 1975 act should have really been called - "**The 1975 Act of Maori Principles**". **Professor Kawharu's tampered attempt is Not a Treaty.**

The 1840 Treaty is certainly not New Zealand's Founding document. The 1840 document established Land Titles for the natives which they never had. It advised the natives that the British had established government in New Zealand, and offered the natives the opportunity of becoming British subjects of the day, but at the same time making quite clear that they would have to behave according to those British laws. The 1840 Treaty made the "keeping of the Peace" mandatory. It made it clear that British settlement had been going on for some time and that from 1840 on, settlements, villages and towns were to be all planned, as would harbours, roads etc. The Natives were given ample time to add, but being satisfied signed "unconditionally".

The first organised settlement of New Zealand took place in 1814, and for the **26 years** up to 1840 the **King James Bible** was the master copy founding document. In that quarter century period it brought about better behaviour, a multitude of skills, the Introduction of the "**Culture of Literacy**" with schools, reading and writing, hygiene, clothing, better comfort, travel etc. The King James Bible certainly paved the way for the establishment of the 1840 Treaty. The Bible was the **foundation** on which the 1840 Treaty was established, and it is a gross misrepresentation for "**The Treaty**" to claim all the successes.

Enclosed is my support of the King James Bible; the 1840 English translation of the Native text; and, a document, - **Honour The 1840 Treaty.**

Yours faithfully,


Michael Lincolne. July 29/2013.

To C.A.P. — 29/7/2013.

New Zealand's "Founding Document" 1814.

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The King James Bible.

For 26 years the King James Bible was the inspiration for the early civilizing of the natives of the time. From 1814 onwards the Missionaries were the advisers, educators, medics, technicians, employers, builders (roads, bridges, houses, shelters carts, ships,), farmers, social workers, peace makers. The King James Bible was the text for the development of reading and writing skills. *The King James Bible introduced the "Culture of Literacy"*. It was also the foundation for a code of behaviour, mutual respect, and cooperation as a vehicle towards civilization, and higher standards of living. It created a dignified burial service for a ll. It introduced individual rights and freedoms. It trained natives to be New Zealand teachers. It even set examinations to create qualifications and standards. It was the King James Bible that was instrumental in enthusing the first social workers to build the first "Model Farm" of several hundred acres to train young natives in the arts of agriculture, horticulture, building, flour-milling, animal husbandry, etc. Some chiefs were eager that their children master the English Language, as well as learn a trade. Thanks to the King James Bible pupils were becoming fluent in reading and writing. Besides there being several schools, five infant schools were active, as at May 1833. The King James Bible brought about the introduction of a pre-1840 printing press. It was the King James Bible that was the spearhead and foundation stone of civilizing New Zealand. It is the King James Bible that is the Founding document of New Zealand, and n o t the so-called 1840 Treaty of Waitangi!

It is the King James Bible that should be given an honoured place in New Zealand's House of Parliament. It should be large enough to be seen from any quarter of the chamber, and be seated on its own prominent lectern. At Parliamentary openings, and on ceremonial occasions, suitable passages could be read by invited clergymen. A "Bill" should be passed giving the King James Bible the distinction it rightly deserves.

Twenty six years after the King James Bible made its first impact, the 1840 "Peace Treaty" of Waitangi sped the "Portability" to New Zealand of English men's customs, traditions, rights, and privileges, especially that of roaming and foraging the shorelines and seabeds. And, down through the numerous decades all New Zealanders, irrespective of ethnic origins, have had this traditional customary right enshrined by on going usage.

Therefore, it ill becomes any incumbent Government to say there is nothing in written law, to allow New Zealanders to enjoy their birthright, in order to tamper with the law and give favour to an ever greedy minority. Customs and Traditions are what they are in practice, and they are not the exclusive domains of someone who accidentally happens to be of distant native descent. .

The 1985 Treaty of Waitangi Act is invalid for it back dates claims to a period when New Zealand, as a Government, did not exist (1840); - A period where the governing authority was the Assembly of New South Wales. The New Zealand Government didn't assemble until May 24th 1841. Therefore, all Waitangi Day commemorations should include the Governor of New South Wales as the "Guest of Honour"!

J.M.Lincolne. :February, 2012.

July 29/2013.

"The 1840 Peace Treaty of Waitangi."

Below is an 1840 Translation of the 1840 Maori Text into English which was published at the same time.

Note that 'taonga' translates into 'property'.

There was no need at all for Professor Kawharu to tamper with the 1840 Treaty in 1987 and change 'property' into 'treasures' and then put Hobson's name to it. This is fraudulent history, and the professor's translation is not a Treaty! He must have known that an 1840 Treaty translation was also published and made known.
J. M. Lincolne. April 26/2013.

A Translation of the Maori Text

Here's Victoria, Queen of England, in her gracious remembrance towards the chiefs and tribes of New Zealand, and in her desire that the chieftainships and their lands should be secured to them and that obedience also should be held by them, and the peaceful state also; has considered it as a just thing, to send here some chief to be a person to arrange with the native men of New Zealand, that the Governorship of the Queen may be assented to by the native chiefs in all places of the land, and of the islands. Because too many together are the men of her tribe who have sat down in this land and are coming hither.

Now it is the Queen who desires that the Governorship may be arranged that evils may not come to the native men, to the white who dwells lawless. There! Now the Queen has been good that I should be sent, William Hobson, a captain of the Royal Navy, a Governor for all the places in New Zealand that are yielded now or hereafter to the Queen. She says to the Chiefs of the Assemblage (Confederation) of the tribes of New Zealand, and other chiefs besides, these laws which shall be spoken now.

Here's the first: Here's the chief of the Assemblage, and all the chiefs also who have not joined the Assemblage mentioned, cede to the utmost to the Queen of England for ever continually to the utmost the whole Governorship of their lands.

Here's the second: Here's the Queen of England arranges and confirms to the chiefs, to all the men of New Zealand the entire chieftainship of their lands, their villages, and all their property.

But here's the chiefs of the Assemblage, and all the chiefs besides, yield to the Queen the buying of those places of land where the man whose land it is shall be good to the arrangement of the payment which the buyer shall arrange to them, who is told by the Queen to buy for her.

Here's the third: This, too, is an arrangement in return for the assent of the Governorship of the Queen. The Queen of England will protect all the native men of New Zealand. She yields to them all the rights, one and the same as her doings to the men of England.

(Signed) W. Hobson
Consul & Lieutenant Governor.

Now here's we: Here's the chiefs of the Assemblage of the tribes of New Zealand who are congregated at Waitangi. Here's we too. Here's the chiefs of New Zealand, who see the meaning of these words, we accept, we entirely agree to all. Truly we do mark our names and marks.

This is done at Waitangi on the six of the days of February, in the year one thousand eight hundred and four tens of our Lord.

Maori Version.

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Ko WIKITORIA, te Kuini o Ingarani, i tana mahara atawhai ki nga Rangatira me Nga Hapu o Nu Tirani, i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te ata noho hoki, kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga tangata maori o Nu Tirani. Kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini, ki nga wahi katoa o te wenua nei me nga motu. Na te mea hoki he tokomaha ke nga tangata o tona iwi kua noho ki tenei wenua, a e haere mai nei.

Na, ko te Kuini e hiahia ana kia wakaritea te Kawanatanga, kia kaua ai nga kino e puta mai ki te tangata maori ki te pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau, a WIREMU HOPIHONA, he Kapitana i te Roia, a Nawa, hei Kawana mo nga wahi katoa o Nu Tirani, e tukua aianei amua atu ki te Kuini; e mea atu ana ia ki nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani, me era Rangatira atu, enei ture ka korerotia nei.

Ko te Tuatahi.

Ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua.

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otia ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua, ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru.

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) WILLIAM HOBSON,
Consul and Lieutenant-Governor.

July 29/2013

On January 30 1840, at Kororarika(Russell) Captain Hobson, RN decreed two 'Proclamations' which began - *"By His Excellency William Hobson, Esquire, Lieutenant-Governor of the 'British Settlements' in progress in New Zealand."* Hobson was now the resident New South Wales Government Administrator of 'British Settlements in New Zealand'.

Tribe Ngapuhi's claim that they gave permission for white people to be in New Zealand is outright propaganda!

At the February 5/1840 inaugural Treaty meeting of 200 natives and 100 Europeans, Hobson began, - *"England was, thank God, a free country. Englishmen could go to any part of the world they chose; many of them had come to settle here. Her Majesty always ready to protect, also had the power to restrain her subjects; and Her Majesty wished the Chiefs of New Zealand to give her the power to protect as well as restrain them (the natives).* On February 6 when the signatories signed up to 'Article the Third' they made a pledge to become Law abiding "British Subjects".

On Saturday February 8 Captain Robertson departed on the 'Samuel Winter' with despatches for the New South Wales Government. Some extracts can be read in 'The Sydney Herald' of Friday 21 1840.

A few years later a long time resident British Subject, and a notable figure at the 1840 Treaty signing, Henry Williams, stated, - *We gave them but one version, explaining 'clause by clause', showing the advantages to them of being taken under the fostering care of the British Government, by which act they would become one people with the English, in the suppression of wars, and every lawless act; under one Sovereign, and one Law, human and divine.* [Life of Henry Williams / Hugh Carlton.]

In July 2002 the New Zealand Government, by way of the Associate Minister of Justice, stated, - *There is no single authoritative or legally sanctioned set of "Treaty principles" and the principles are not prescriptions. ...the word **partnership** is not mentioned in the Treaty.*

In June 1987 a Professor Kawharu altered aspects of the English version by joining his translation of the Maori text, thus changing "property" into "treasures". However, he blundered by claiming Captain Hobson signed it off in 1840, instead of dating it June 29/1987 with his own signature! In August 1998 the Crown law Office stated, - *Professor Kawharu's translation is simply that. It is not a treaty.* At present there are the 1975 Treaty, -1985 Treaty, -1987 Treaty, and the 1840 original; but there is only one Treaty signed by Hobson and that's the genuine authentic 1840 Treaty of Waitangi, the rest being frauds. Make sure you always measure things with the authentic 1840 Treaty.

J. M. Lincolne. February 7/2013.

July 29/2013.

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.

Heather Lindauer
Bay Of Islands
New Zealand

4490²
From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 8:55 p.m.
Attachments: CONSTITUTIONAL REVIEW.doc

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

Full Names: Warren Alexander Lindberg Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: CONSTITUTIONAL REVIEW.doc

Submitted on the 31 July 2013 at 20:55

CONSTITUTIONAL REVIEW

Aspirations

I'm seventy years old. I've traveled overseas a bit, but have never lived anywhere else. I grew up in a typical rural Pakeha family. We were farmers, but not wealthy.

We took for granted the benefits of living in a small community where everyone knew everyone else and helped each other out. Even the Catholics helped build the local Protestant church.

We took for granted that we should pay our taxes and enjoy the benefits that were returned to us via the universal family benefit, and even a government subsidy for me to attend boarding school because the nearest secondary school was a long bus-ride over rough roads, and I always threw up in the bus.

In short, we enjoyed a society based on fairness and mutual support.

The blot on the landscape was that our property was on confiscated land (a fact we only learnt many years later), and the few Maori families in the area were labourers on what had once been their birthright.

My aspiration is for a constitution that enshrines those values that I took for granted in my youth, and incorporates the Treaty of Waitangi as our founding document, and which is based on respect for the rights of Maori, as well as the rights Pakeha took for granted.

This implies a form of government that protects the fundamental human rights to which our then government made a significant contribution.

Single or multiple documents

I don't think it matters too much if our constitution is not enshrined in only one document, but there needs to be something more coherent and accessible for the general public than the current muddle of partisan legislation, capricious common law and monocultural precedent and convention.

Supreme law

However we craft our constitution, it should be the result of a sufficiently robust process of public engagement to warrant the status of supreme law.

This would bestow on Aotearoa a framework of law to protect our shared values and provide the opportunity for disputes to be resolved by fine judicial argument rather than be left to politicians driven by other values and ill-informed populist whim.

NZ has some fine constitutional lawyers, a tradition of judicial activism, and leading the

world in translating human rights values in practical international action, but a lack of robust defence of these values at home.

MMP has improved the legislative process in some ways, but it is far from sufficient to provide the checks and balances required to ensure the incumbent political party cannot impinge on our values and rights to achieve some short-term self-interested benefit for its supporters at the expense of the many – or indeed against the rights of minorities. We now have a Supreme Court worthy of its title. It should be empowered to provide the balance to parliamentary misuse of power.

Bill of Rights Act

The BORA is a significant step towards the protections that I value, and to which NZ ascribed as a party to the International Covenant on Civil and Political Rights.

However, as you well know, the BORA is not entrenched, so lacks the legal weight that should be due to such an important expression of our values and rights.

Furthermore, it does not address the equally important International Covenant on Economic, Social and Cultural Rights, which NZ espoused in the development of the UDHR. And, of course, as you well know, international agreements of this nature have no weight in our Courts unless implemented in domestic law. It is shameful that we have resiled from our commitment to these rights.

Every day in my professional life I yearn for the issues I encounter to be addressed by rigorous argument in a Court committed to the protection, promotion and fulfilment of these values and rights.

Treaty of Waitangi

I had never heard of the Treaty until I studied history at university, and learnt about its promise and its betrayal. Even then, it had no reality for me until I found myself teaching in a south Auckland school (Otara) in the late 1960s through to the 1980s, and living in that community. There I was confronted with the consequences of the ongoing betrayal on a daily basis. It required confronting my own assumptions and perceptions to recognize how I could either ignore this history or work to ensure we did not perpetuate it.

The most profound recognition was how I had personally benefited – albeit in ignorance – both from the promise to me of citizenship in Aotearoa-New Zealand, and from its betrayal of Maori.

In this regard, I have been doubly privileged: to have learnt about the Treaty and its aftermath in the rarefied environment of university history class, and the reality of struggle and discrimination, generosity and sacrifice of my Maori neighbours, families and friends, and the wasted potential of talented youngsters whose right to education and

health was continually neglected by a blinkered system.

This was around forty years ago. A lot has changed. There are both government and community, Maori and Pakeha, Treaty training projects, ad work by the Human Rights Commission. There is also some institutional recognition of the power of Maori communities to deliver their own services provided they get enough resource to support their efforts; and another generation growing up with different attitudes.

But it is should not be surprising, however, that many of my generation wonder what the Treaty is about; think, because it's only Maori who make a fuss about it, they must want something special and undeserved; and resist any sort of constitutional status for it.

I believe it is time to assert the proper status of the Treaty as an honourable agreement and that, although there is a history of its being dishonoured, it still provides Maori with a touchstone for the assertion of their rights as indigenous people of this land, and for the rest of us, our right to citizenship and duty to ensure the Treaty is no longer dishonoured.

The Waitangi Tribunal offers a way forward for the recognition of its history, public education of its importance and adjudication of historic and contemporary disputes about the its application.

Maori representation

So long as Maori feel the need for reserved seats in the Parliament and wish to retain the seats we should do so. Democracy is, as I think Churchill described it, the least worst political system. One of its weaknesses is that minorities are always disadvantaged by majority rule. This is especially so for the indigenous population; so unless and until Maori choose to be integrated into the majority, their right to separate representation should be preserved.

Local body elections demonstrate this graphically. Maori rights to representation needs to occur in local as well as central government. How this can occur should be negotiated with Maori.

Parliamentary term

Three years is hopelessly inadequate. It promotes and sustains the short-termism of all governments and obstructs the development and implementation of strategic policies to address 'wicked' problems.

Six years is too long for a government that's losing steam and/or public support. Four years would be long enough to achieve something useful and for the public to form a better impression of how well it's delivering. Applying a precautionary principle, we should try moving from three to four at least as soon as possible, and see if we find performance improves.

Party hopping

The whole point of MMP was to supplement the number of MPs elected in local constituencies with a pool of list members chosen by the parties to supplement their elected talent – in whatever way they see fit.

The departure of an MP should apply the same principle. If elected by a constituency, the same constituency should have the right to replace that member. If a list member departs that person should be replaced by the next on the party list.

If an elected member falls out with his or her party, the matter should be referred back to the constituency that elected that person; if a list member falls out with her or his party, the party should replace that member.

If any member falls out with their party they no longer have any mandate to remain in the Parliament.

Head of State

Just as I believe we should have our own written constitution, our own Supreme Court adjudicating on our government's protection, promotion and fulfilment of its obligation to our people, I believe we should abandon (respectfully) the British Crown and appoint our own Head of State. Since we stopped importing British Governors-General, we seem to have been able to find amply qualified New Zealanders to fill the position with dignity and respect for our unique cultural differences. I see no good reason to retain a foreigner representative of our colonial origin and not our contemporary independent reality.