

4722

**Lorenzo Roberto Lombardi**

Dunedin

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Student ID: \_\_\_\_\_

## **Submission to the Constitutionary Advisory Panel**

### **Review of Māori Representation in Parliament**

New Zealand's democratic structure is unique due to the presence of the Māori seat. These seats are guaranteed to ensure that Māori views are being represented in Parliament. However, guaranteed representation through these seats often causes controversy due to some individuals perceiving it as a racially based preference towards Māori views, and breaching equality - which is what democracy, is meant to bring about. However, despite recommendations by the Royal Commission<sup>1</sup> to remove these seats, they are seen by the Māori as a symbolic touchstone to the governments Treaty of Waitangi obligations.

The problems that the Māori seats cause in our current political framework are:

- I. The Māori seats split New Zealand voters into different groups based on 'Tangata Whenua' or 'people of the land', and 'Tangata Tiriti' or 'People of the Treaty of Waitangi';
- II. The Seats are no longer necessary to provide effective representation of Māori interests in Parliament due to the adoption of the MMP voting system;
- III. Having special ethnic seats specifically for Māori breaches the concept of equality, flaws our democratic system, and incites indirect discrimination.

The argument is often made that these factors are outweighed through the symbolic importance of the seats in respect to the Government's Treaty of Waitangi obligations, and due to this, they therefore should be entrenched to guarantee that Māori seats continue into the future.

However, I submit that these arguments are not enough to outweigh the negative consequences that the Māori seats present. I submit, the obligations within the Treaty of Waitangi were not intended or created to allow leverage against the Government to ensure political rights for Māori, and that entrenchment should not be allowed, due to the Māori seats not fulfilling the requirements for entrenchment as under our legislation. Further, if the Māori seats were entrenched it would provide legal sanction and a precedent for separatist policy based on ethnicity; a daunting prospect for a nation that has historically embodied the values of egalitarianism and equality.

Therefore, I submit that the mandatory Māori seats should be removed from Parliament and we should strive to embody what Lieutenant-Governor William Hobson famously said in his Waitangi speech 'He iwi tahi tatou', or 'We are now one people'.<sup>2</sup>

### **History of the seats**

The Māori seats were initially only meant to be a temporary addition to reflect the inability for most Māori at the time to meet the property-ownership requirements to vote, due to how Māori viewed property rights. To solve this problem, in 1867 the four Māori electorates were created which provided four guaranteed Māori seats.<sup>3</sup> Due to the continued difficulties for the Māori to attaining voting rights, Parliament extended the Māori seats life indefinitely in 1876.<sup>4</sup>

<sup>1</sup> Royal Commission on the Electoral System, Report of the Royal Commission on the Electoral system, Towards a Better Democracy, Wellington, Government Printer, p 90-93.

<sup>2</sup> Claudia Orange "An Illustrated History of the Treaty of Waitangi" (Bridget Williams Books, Wellington 2004).

<sup>3</sup> Māori Representation Act 1867.

<sup>4</sup> Māori Continuance Act 1976.

At the present day under the MMP system, the Electoral Act 1993 provides the statutory requirements and formula which provides for varying seats through which we arrive at 7 Māori seats today<sup>5</sup>, however this was not without controversy.

The Royal Commission on the Electoral system when looking towards the MMP system felt that separate Māori representation was not necessary<sup>6</sup> as Māori, as well as all other ethnic groups could achieve fair representation without specific seats allocated to them. This could be attained through all political parties having to compete for the Māori votes through Māori friendly policies and having party-list Māori candidates, or through the possibility of the creation of a Māori party or parties for which Māori could vote to represent their interests<sup>7</sup>.

### **Without the Māori seats would there be fair representation of Māori within our current MMP Parliament?**

Under MMP members of Parliament that identify as being Māori has increased tremendously, the question now is whether they are represented proportionately and fairly within Parliament based on their population in the national sense.

In the 2006 census 14.6% of the population identified as being of Māori descent.<sup>8</sup> When looking toward the most recent election, 17.35% or 21 out of the 121 members of Parliament identified as being of Māori descent.<sup>9</sup> These facts show that due to the inclusion of the 7 Māori seats, Māori are currently over-represented in Parliament by 2.75%, and are therefore appear to be receiving a statutory advantage based on ethnicity. However, if the 7 Māori seats were to be removed then only 11.57% of Parliament identify as being Māori which results in an under-representation of 3.03%. However, I submit this is acceptable as under any system it is highly improbable that perfect representation to all ethnicities will be possible, what we should instead strive towards is fairness and equality when voting to give credibility to our democratic process.

When looking to whether this is fair, Māori compared to other ethnic minorities such as Asian and Pacific after removal of the Māori seats, currently have a 79.25% representation in Parliament, compared to 44% and 71% respectively<sup>10</sup>. So even without the current Mandatory seats, Māori are already the most represented ethnic minority in Parliament.

Phillip A Joseph also extensively analysed statistics from the 2002 and 2005 election and found similar statistics in regards to Māori representation in Parliament. Māori are overrepresented with the statutory seats, and without them they are underrepresented.<sup>11</sup>

Furthermore, only 3 additional Māori MPs would allow a 14% representation within Parliament which would be proportional to the Māori population. I submit that if the Māori seats were removed, the increased political party incentive to increase Māori list MPs in order to receive Māori votes would likely cause this representation to be achieved, fulfilling what MMP was meant to provide, which is a mixed-member-proportionate representation in Parliament. Some individuals may argue that having mandatory seats for Māori allows this, however this goes against the fundamental idea of democracy where all votes are equal. Furthermore, I submit that if the Māori population knew that there would be no guaranteed Māori seats, the Māori voting turnout may increase from the 2011 election turnout of 58.2%<sup>12</sup> I additionally submit that due to their combined voting power alone as an ethnicity they could receive significant representation through the MMP voting system in Parliament which goes against the representation safety-net that the Māori seats are there to provide.<sup>13</sup>

It is also argued that retention of the seats have the ability to reduce and undermine the purpose for which they were created. Phillip A Joseph argues that since we have Māori representation in the form of Māori seats, the numerically greater non-

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<sup>5</sup> Electoral Act 1993, ss 45, 76, 77, 78, 79, 269.

<sup>6</sup> Royal Commission on the Electoral System, Report of the Royal Commission on the Electoral system, Towards a Better Democracy, Wellington, Government Printer, 1986.

<sup>7</sup> Hon Sir John Wallace QC, 'Reflections on Constitutional and Other Issues Concerning our Electoral System: The Past and the Future' (2002) 33 *Victoria University of Wellington Law Review*, p 773-774.

<sup>8</sup> Statistics New Zealand "Quickstats about Māori" (27 March 2007) Statistics New Zealand <<http://www.stats.govt.nz/>>

<sup>9</sup> Dr John Wilson "The 2011 General Election" (22 December 2011) New Zealand Parliament <<http://www.parliament.nz/en-NZ>>

<sup>10</sup> Ibid.

<sup>11</sup> Philip A Joseph, 'The Māori Seats in Parliament' May (2008) *New Zealand Business Roundtable*, p 11.

<sup>12</sup> Dr John Wilson "The 2011 General Election" (22 December 2011) New Zealand Parliament <<http://www.parliament.nz/en-NZ>>

<sup>13</sup> Andrew Geddis, 'Electoral Law in New Zealand: practise and policy', Wellington [N.Z.] : LexisNexis, c2007, p 104



Māori MPs are not burdened by the need to ensure Māori interests are protected.<sup>14</sup> This is further supported by the Royal Commission in their report.<sup>15</sup>

Therefore I submit that with the removal of Māori seats, a representative makeup of Māori within Parliament will become present, especially due to the inherent proportional nature of the MMP system. The removal of the seats will bring Māori issues into the national atmosphere and therefore the issues will have to be addressed by all parties in order to receive important Māori votes under a common roll, maximizing Māori voting power<sup>16</sup>. I submit this would also have the added benefit of removing a statutory advantage conferred onto an ethnicity which will bring greater credibility to future New Zealand elections.

### **Do the Māori seats confer an ethnic based advantage that un-justifiably flaws our democratic system?**

I submit that the Māori seats provide an unfair ethnic advantage within our Democratic system due to the seats breaching the democratic principle of equality. Furthermore, the statute providing for the Māori seats is currently a precedent for future ethnic-based provisions, and therefore it should be abolished.

Before MMP was introduced Māori were discriminated against unfairly in the democratic sphere early on through the stringent property requirements for voting, and then furthermore with the unrepresentative 4 seats in Parliament. However, the question is now whether in this present day the seats are still required to provide Māori with an effective means of representation within Parliament. I submit that the current arrangement has an impact of reverse-discrimination due to the Māori seats no longer serving the purpose for which they were originally created.

The case of *Telstra Corporation Ltd v Hursville City Council*,<sup>17</sup> stated that

“Discrimination means differential treatment [denoting] failure to treat all persons equally where there is no reasonable distinction to justify different treatment. The discrimination may be positive... or negative. Yet in Each case there will be discrimination”

Here I submit there is no reasonable reason to justify distinction in this present day, especially with our MMP system. Joseph argues that the Royal Commission predicted that Māori would be adequately represented due to the implementation of the MMP system and that the Commission did not anticipate that the number of Māori seats would increase, let alone still be present in our system, causing this current imbalance - resulting in reverse discrimination.<sup>18</sup>

Equality within the law as stated by our highest court at that time is “one of the building blocks of democracy”.<sup>19</sup> If without reason we are violating one of the building blocks of democracy, we are inadvertently removing the validity of the one system which requires its validity to have standing. In this day and age Māori have universal suffrage and the same voting rights as non-Māori on the Common roll - therefore I submit the Māori seats have lost their purpose and are now only fulfilling a symbolic role. One justification that is argued often is that separate Māori representation is a treaty right. However, Phillip A Joseph evidences and argues that the seats are “not a Treaty of Waitangi right; nor is it a right of entitlement under the common law doctrine of aboriginal title or under any equitable or fiduciary doctrine”, therefore the seats should not be seen as a treaty right for Māori and should be removed so as not to further skew the political arena.

I submit that although in the past the Māori seats were justifiable as an effective means to provide Māori with representation in Parliament prior to MMP; this is no longer the case in our political environment. I submit that sticking with the status quo due to convenience, and to avoid potential conflict is not reason enough to justify keeping in effect the Māori seats which provide an unfair advantage on a specific ethnic group through reverse-discrimination.

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<sup>14</sup> Philip A Joseph, ‘The Māori Seats in Parliament’ May (2008) *New Zealand Business Roundtable*, p 13.

<sup>15</sup> Royal Commission on the Electoral System, Report of the Royal Commission on the Electoral system, Towards a Better Democracy, Wellington, Government Printer, 1986, p 90-93.

<sup>16</sup> Philip A Joseph, ‘The Māori Seats in Parliament’ May (2008) *New Zealand Business Roundtable*, p 14.

<sup>17</sup> (2002) 189 ALR, p 752.

<sup>18</sup> Philip A Joseph, ‘The Māori Seats in Parliament’ May (2008) *New Zealand Business Roundtable*, p 15.

<sup>19</sup> See *Matadeen v Pointu* [1999] 1 AC 98, 109 (PC), per Lord Hoffmann.

## **If the provision allowing the Māori seats is not repealed, should the section be entrenched under the Electoral Act 1993?**

At present the Māori seats can be repealed through a majority vote in normal Parliament. Advocates for the retention of the Māori seats argue that they should be placed under the protection of the entrenchment section of the Electoral Act 1993.<sup>20</sup> If this were so, the entrenchment provision would require removal of the Māori seats through either; a 75% majority vote in Parliament or a majority vote in a national referendum.<sup>21</sup>

I submit that the provision securing the Māori seats does not fulfil the requirements needed for it to be placed under the S268 entrenchment provision. Joseph in his article states that entrenched sections “protect the integrity of the electoral machinery but do not insulate politically contestable issues from political debate”.<sup>22</sup>

As outlined above in my submission, I submit that the Māori seat provision is not an integral part of our electoral system and therefore does not meet the entrenchment requirements. It is a politically charged section through which our political parties are divided as to whether to keep or repeal.<sup>23</sup> Therefore I submit that it should not become entrenched due to it being a political issue, and not a section which is integral for the continuance of our electoral machinery.

## **Conclusion**

In conclusion, I submit that this panel should abolish the Māori seats. This is due to the above arguments that: the Māori seats are not required to establish effective representation of Māori, the Māori seats incite reverse discrimination and that the Māori seats split New Zealanders into two categories which is not conducive to our nation operating as one whole. I submit that abolishing the Māori seats will allow the integration of Māori issues into the mainstream political agenda which will be beneficial to Māori and the nation as a whole in the long term. However, abolishing the Māori seats will likely have noticeable political consequences and outcry from the Māori party and their supporters, which will likely result in social disorder. However, I submit that the decision must be made to abolish the seats regardless of the above issues, so we can move forward as a nation and finally live true to the words spoken by Lieutenant-Governor William Hobson in his Waitangi speech<sup>24</sup> ‘He iwi tahi tatou’, or ‘We are now one people’.

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<sup>20</sup> Electoral Act 1993, s 268.

<sup>21</sup> Ibid.

<sup>22</sup> Philip A Joseph, ‘The Māori Seats in Parliament’ May (2008) *New Zealand Business Roundtable*, p 19.

<sup>23</sup> Report of the MMP Review Committee: Inquiry into the Review of MMP [2001] AJHR I 21A, p 5.

<sup>24</sup> Claudia Orange “*An Illustrated History of the Treaty of Waitangi*” (Bridget Williams Books, Wellington 2004).



4188

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 2:06 p.m.

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

Full Names: Christopher William Long Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Auckland Postal Post Code: Postal Country:  
New Zealand Submission: Parliamentary sovereignty assumes that the current government is a direct/good representative of the citizens. I believe that this is a false assumption which is potentially dangerous to the well being of society, hence I believe that a constitution which is superior to the current government is important. Or in other words I believe we should have a constitution which is supreme and entrenched law, and I think that the courts should have the power to review or strike down legislation where it is in conflict with the constitution.

A clear and concise constitution provides a good touchstone for ensuring that no future entity strays too far from the values which we have agreed underpin our society. This document can play an important role even though in practice upholding a constitution or protecting rights is often a balancing act between practicalities/ideals and multiple conflicting rights etc., and often involves referring to multiple laws and previous court rulings.

Overall the Bill of Rights Act forms a good foundation for a constitution, however I would like to bring to your attention a specific area that I think will be vitally important going forwards and hence deserves bolstering:

If the constitution is to provide any meaningful protection for our societies values in the future, privacy and freedom of information/communication must be instilled at the core of Information and Communication Technology because these will ultimately supersede our current form of governance.

The constitution must also consider jurisdiction from the perspective of the citizens it affects rather than the location of the other entities involved, because as society and business globalises under the umbrella of the internet it becomes increasingly easy for an entity to operate out of whichever legal framework it chooses.

To expand on my philosophy behind these statements:

I believe historic lessons have demonstrated that no centralization of power can perpetually resist the pressure for corruption or misuse. Hence principles such as individual liberty (the privilege of free speech / association, the privilege of dissent) and the accountability of government (limited power, transparency) have been instilled at the core of democracy in order to maintain the required balance of power between the government and the governed.

The exponential advance of information and communication technology means we are being presented with new opportunities and challenges surrounding how best to operate our method of governance, and how best to uphold these basic principles our governance is founded on. The system we refer to as 'The Internet' (which includes communications infrastructure such as ISPs and Cellular providers) is in its infancy still, but even now it seems clear that as time goes on it will expand to encompass such things as the ability to participate in government, the ability to trade or own, the ability to move about, and all forms of communication. Or to say it another way, for all intents and purposes the internet will eventually become our method of governance and our right to exist in society in any meaningful form.

Consequently the way we treat privacy and freedom of information within this medium will determine the survival of democracy.

Two further short notes relating to the requested feedback:

Firstly, while the Treaty of Waitangi is significant for New Zealand, to include it in the constitution seems to say all New Zealanders have equal rights, except Maori which have extra rights. (regardless of what the treaty actually says it is generally used to this effect). It seems obvious that including this type of principle in the constitution is going to be at the least problematic.

Secondly, none of the questions about electoral matters come close to addressing the short comings of the way we currently practice representative democracy, and neither did the referendum on our voting system in 2011. Our current system of democracy is based on a centuries old model. In light of the structure of society today and the options which are available to us today, it is archaic, inefficient and does a poor job of accurately representing the population. This is another large and important topic, but it is beyond the scope of the feedback requested.

Regards,

Chris Long

Submitted on the 30 July 2013 at 13:57



4089

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 6:48 p.m.

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

Full Names: Jennifer Vivienne Lona Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City: Postal  
Region: Tasman Postal Post Code: Postal Country: New Zealand Submission: I  
passionately hope that New Zealand will be a leader in increasing the sustainability of our culture and  
finding ways to take better care of the environment that we all fundamentally rely on to have a high  
quality of life.

I hope that we will continue to have a secular country where people are free to make their own  
religious choices but do not have the right to force any of these views on other people.

I hope that we will make wise decisions taking future consequences of current-day actions into  
account and based on truly scientific studies, rather than having knee-jerk reactions and aiming to  
provide the masses with instant gratification.

I hope that thorough education of both young people and adults will be given strong emphasis.

I hope that we will realise that the low population is one of the reasons why New Zealanders are  
relatively free to enjoy stunning scenery and high levels of personal freedom and space, and therefore  
we will not aim to increase our population by millions more  
- all competing for the same resources.

I hope many things, but these are the ones I care about the most.

Thank you for letting me make a submission.

Jenny

Submitted on the 29 July 2013 at 18:47

226

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 11/04/2013 11:24 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission  
**Attachments:** Constitution Conversation.docx

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

Full Names: John Michael Long Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal  
City: Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New  
Zealand Submission: Submission Upload: Constitution Conversation.docx

Sent on the 11 April 2013 at 23:23





## Constitution Conversation

Thank you for providing us, New Zealanders, an opportunity to participate in the "Constitution Conversation".

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

I'll start right off with a contentious statement which may either capture your attention or alienate you. I can only hope for the former.

#### NEW ZEALAND DOES NOT HAVE A CONSTITUTION

It is clear to me that this process is not about whether or not to create a single document. Although this is listed as an option, all sources on this site clearly indicate that that decision has already been made. They all refer to "The Constitution" and what it does and its history, etc., as if such a document actually exists. I've not even come across a comprehensive list of documents which are said to comprise this "constitution".

Emeritus Professor John Burrows says it is "a set of rules about how a country is run, who runs it, and how people are protected against abuse of power". (The *Magna Carta* forms part of New Zealand's "constitution? You've GOT to be kidding.) How is a citizen supposed to know, for example, the difference between legitimate use of authority and abuse of power? I am not even aware that any overall index exists which might help to guide citizens toward such information.

To claim that New Zealand has "a" constitution is simply double-talk. It is most distressing to note that this double-talk seems to be the language of this discussion. Before this first question can rightly be considered, it must be admitted, at least from a dissenting perspective, that there currently IS no constitution in New Zealand and the language which pretends that one does exist must be mollified.



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

Sir Tipene O'Regan described the current morass as "mixture of laws and evolution which we adjust as we go" which, of course, implies that a real constitution would be less easy to adjust.

Consolidating the various laws, traditional documents and customs into a real Constitution is a prerequisite to determining its legal rank. Otherwise some of these various traditional documents and customs may outrank some laws and not others.

Once a Constitution is assembled, it MUST be the supreme law of the land. Otherwise there is absolutely no point in having it. If Parliament is not subject to the Constitution, then it is nothing more than a set of suggestions. Like a referendum today, it may simply be ignored by Parliament and we've wasted a lot of time.

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

The Courts, of course. Otherwise Parliament would be their own judge and would tend to rule in their own favour. HOWEVER, it must be a relatively EASY process to change the Constitution. Changes should be voted upon by referenda after being drafted by Parliament, by the Prime Minister (without the voice of Parliament), or by the Governor General. In this age of effortless electronic communication, referenda could be taken far more easily than the current kerfuffle. I could anticipate several constitutional amendments taking place per year – especially at first. And it is important that the Constitution is kept up-to-date with the real world and with the ever-changing will of the people.

The real test will be how to get Parliament to relinquish some of its absolute power to the Judiciary for the good of the Nation and all New Zealanders.

1679

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 27/06/2013 6:37 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Barry Edward Longdill and Esme Elaine Longdill Organisation Name: Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Whangarei Postal Region: Northland Postal Post  
Code: Postal Country: New Zealand Submission: We don't believe in separatism in New  
Zealand and feel that the constitution should be based on ONE NATION ONE PEOPLE.

Sent on the 27 June 2013 at 18:37



3548

**From:** Ronald Lonie  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 13/07/2013 9:44 a.m.  
**Subject:** CAP Submission

Houses for Maoris will not only upset all "non Maori," It will cause tribal tension as to which tribe gets the best!

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tribalism can never create democracy

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Ron

2301

**From:** Ronald Lonie  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 4:54 p.m.  
**Subject:** CAP Submission

PLEASE, DEMOCRACY ONE NATION ONE PEOPLE, ONE LAW

~~Ron and Margaret Lonie.~~



1986

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/06/2013 4:58 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Kathleen Elizabeth Lonsdale Organisation Name: Email: k  
Phone: Postal AddressA: Postal AddressB: Acacia Bay  
Postal City: Taupo Postal Region: Postal Post Code: Postal Country:  
New Zealand Submission: I believe the laws as they have evolved over years in Great Britain and  
New Zealand have provided us with a system of standards and safeguards that are sound for our  
country.

If we set a constitution it will be difficult to alter and will severely restrict future adaptations to the  
changing social and economic development of our society.

Constitutions that stand in Fiji, the former Soviet Socialist Republics and many other countries have  
done nothing to prevent attacks on their systems.

Sent on the 30 June 2013 at 16:57

5197

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 8/08/2013 11:44 a.m.

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

Full Names: Barry & Alison Looner Organisation Name: We are builders Email:  
Phone Postal AddressA: Postal  
City: Whitianga Postal Region: Coromandel Postal Post Code: Postal Country: New  
Zealand Submission: This bill will be divisive amongst all the people who reside in NZ Maori have  
no special rights they are bleeding the life blood out of this country and are totally racist

One people one law, NZ is the Next south africa,

Blood will be drawn

Submitted on the 10 June 2013 at 20:31

5060

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:15 p.m.

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

Full Names: john charles looner Email: Phone: Postal  
AddressA: Postal City: palmerston north Postal Region: manawatu Postal  
Post Code: Postal Country: New Zealand Submission: democracy shold be based on  
citizenship not ethnicity . i reject any reference to the treaty of waitangi or its principles in any  
constitutional document

Submitted on the 19 June 2013 at 09:19



2978

**From:** Ursula Loots  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>  
**Date:** 10/07/2013 1:51 p.m.  
**Subject:** CAP Submission

New Zealand is a beautiful country inhabited by New Zealanders, irrespective of creed, descent, skin colour or political views. That at least is how it should be. A country divided by personal dynamics has no chance of achieving success, moving forward in its development and becoming a force to be reckoned with on the international playing field. A country where the governance is determined by a minority has an even lesser chance of success. A minority ruling breeds unhappiness, discontent and dissatisfaction. As an ex-South African I speak with authority.

New Zealand is a democracy and parliament representatives are chosen democratically by all New Zealanders on their ability as a person. That is the guarantee that democracy gives us, if we have the motivation nothing stops us from becoming a peoples representative in parliament. To place a person in parliament based on who his descendants were, makes a mockery of democracy, in facts it nullifies democracy. Law-making power should reside with the elected members of parliament and not with unelected judges and lawyers.

Democracy and freedom of speech give me the opportunity to have my say, no matter how valuable or invaluable. That is what democracy is about - everyone has the chance to make a stand and be heard. Revoking democracy and handing governance of this beautiful country over to a minority group, thereby making second-class citizens of the majority will be the end of New Zealand as we know it

Regards  
Ursula

.....  
Ursula Loots, BA (Law), Dip Drama, MLIS, RLIANZA

4298

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/07/2013 10:42 p.m.

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

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Full Names: Joanne Elizabeth Looyen Organisation Name: Individual Email:  
Phone: Postal AddressA: Postal  
AddressB: Postal City: Wellington Postal Region: Wellington Postal Post Code:  
Postal Country: New Zealand Submission: I support the treat of Waitangi as our founding document. I support the declaration of Human Rights and believed that the UNDHR should fully be part of the BORA. This should be our overriding legislation. When the legislation contravenes the BORA it should not be able to pass into legislation except in exceptional circumstances such as NZ being invaded or a major civil defence emergency. I do not support an upper house. There should be strong enough checks and balances in law. Passing law under urgency should be restricted to absolute reasons for urgency, such as the budget or a threat to life. I think the select committee process mostly works well and provides transparency that is a requirement of a functioning democracy.

I support independent commissioners being able to report direct to parliament but their reports need to be taken more seriously. As much information as possible should be released - supporting the principles of the OIA and privacy legislation.

I think NZers should be more aware of the political system and civics must become part of the school curriculum.

I do not support government run by referendum but when petitions are presented they should be a signal of the direction people support.

Submitted on the 30 July 2013 at 22:41

4415<sup>1</sup>

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 11:40 a.m.

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

Full Names: Anita Lord Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Papamoa  
Postal Region: Bay Of Plenty Postal Post Code: Postal Country: New Zealand  
Submission: My aspirations for New Zealand would be that my 3 children grow up in a country that is not divided by race and that the negativity towards Maori because of the divisions in our society then disappear. Because of the Maori party seats, Maori rugby teams, Maori foreshore rights....New Zealand has become a racist country. There should be no specific places in our education specifically for Maori, you should have to earn your place regardless of your race. We do not want to bring in apartheid.

I would like to see our country run without the treaty of Waitangi. It has run its course and it needs to have an end otherwise it will never end and racial disharmony continues to grow.

Submitted on the 31 July 2013 at 11:40



1311

Tauranga.

17.5.13

My submission regarding the N.Z.  
Constitutional Review is that I want  
NO change to New Zealand's

unwritten constitution. It has  
served us well since the 1852

N.Z. Constitutional Act was  
passed, our founding document.

It may require some alterations in  
the future, but NOT a race  
based constitution.

Equality for all.

(Mrs) Ada Lord

1086

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/06/2013 12:24 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Name: Janice Lord Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Fairfield Postal City:  
Dunedin Postal Region: Otago Postal Post Code: Postal Country: New Zealand  
Submission: My aspirations for Aotearoa/NZ are that we will grow in national identity and value what makes us unique as a country and people. I think Maori culture and language should be cherished and promoted and all NZers should be proud of this unique aspect of NZ. NZ supports the UN Declaration of the Rights of Indigenous People, so just as we set an example to the world in conservation of our flora and fauna, I would also like to see us become a world leader not only in recognising indigenous rights but also cherishing maori language, culture and worldviews and welcoming Maori partnership in governance. My ancestors were early british settlers and so were treaty partners with Maori. Our Treaty is a unique document that I am very proud of and I want it to continue to underpin any new constitution. Sure we have a very large number of ethnic groups in NZ now but Maori culture and the treaty are unique should remain at the core of our nationhood.

Sent on the 5 June 2013 at 12:24

2826

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 3:39 p.m.  
**Subject:** CAP Submission

Very simply

" New Zealand democratic rights should be based on citizenship not race"

ABOLISH MAORI SEATS

Regards

Lorraine



2270

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 3/07/2013 3:41 p.m.  
**Subject:** CAP Submission

To whom it may concern,

I wish to submit that I would like to see all special Maori seats abolished and all references to the Treaty of Waitangi removed from legislation and to see that all New Zealanders are treated equally under the law.

We all grow up in New Zealand and have the same opportunities in education and life and it is up to individuals to make what they will with these chances and not give one section of the population special treatment at the expense of others.

Regards M Loudon

823

**From:** Michael Love  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 12/05/2013 9:17 a.m.  
**Subject:** 'CAP' submission

To: The Constitutional Advisory Panel  
c/o Ministry of Justice, Wellington

My submission regarding the NZ Constitutional Review is that I want no change to New Zealand's unwritten constitution which has served us well since the 1852 NZ Constitutional Act was passed and is our founding document.

It may require some alteration in the future, but not a race based Constitution. There must be absolute equality for everyone to achieve one people, one nation.

Yours sincerely,

Michael Love  
Tauranga

823a

**From:** Michael Love  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/07/2013 8:26 a.m.  
**Subject:** CAP Submission

I wish to submit that Maori Seats in Parliament should be abolished

Michael Love  
Tauranga



3963

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/07/2013 4:53 p.m.

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

---

Full Names: Jenny Loveday Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Palmerston North Postal Region:  
Postal Post Code: Postal Country: New Zealand Submission: If a member of Parliament parts  
ways with the party from which he or she was elected, and the member obtained their seat in  
Parliament as a list MP, the member should have to lose his or her seat. The member would not have  
become an MP if he or she had  
not been a member of the party, as the member was not individually voted for by an electorate. The  
member's reason for being in Parliament is entirely related to his or her belonging to that party, and  
parting ways with that party entirely removes the justification  
for the member being in Parliament.

If a member of Parliament was voted in as an electorate MP, it is more difficult to determine whether  
the member was voted in because of his or her party affiliation or because of his or her own individual  
merit as a politician. For this reason, if an electorate  
MP parts ways with his or her party, I don't believe the member should have to lose his or her seat.

Submitted on the 28 July 2013 at 16:52

3963a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 9:24 p.m.

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

---

Full Name: Jenny Loveday Organisation Name: ERN Phone:  
Postal AddressA: Postal AddressB: Postal City: Palmerston North Postal Region:  
Postal Post Code: Postal Country: New Zealand Submission: Three things that are important  
to me about New Zealand are:

1. That we are an equitable nation. I am concerned about the growing gap between the rich and the poor in New Zealand, and I believe it is important for the government to play a role in reducing inequality. In particular, children need to have access to adequate healthcare, housing and education.

2. That our natural environment is protected. New Zealand is a beautiful country and we have so much to be thankful for, with our green countryside, forest, (mostly) clean water, and clean air. However, these things must not be taken for granted and must be protected. I believe the NZ government needs to protect our natural resources and environment.

3. That our government is transparent. New Zealanders need to be able to trust that our government is truly democratic and is accountable for its actions. Deals made in secret with big business corporations, and law changes rushed through under urgency threaten our trust in our government.

Submitted on the 31 July 2013 at 21:23

3626

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 16/07/2013 12:18 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Natasha Loveday Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Wellington Postal Region: Wellington Postal Post Code: Postal Country: New Zealand  
Submission: Polygamous unions made in other countries (i.e India) should not be forced to dissolve  
upon immigration to New Zealand

Sent on the 16 July 2013 at 07:57

3965

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 28/07/2013 5:12 p.m.  
**Attachments:** Constitution submission.docx

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

---

Full Names: Simon Loveday Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Palmerston North  
Postal Region: Manawatu Postal Post Code: Postal Country: New Zealand  
Submission: Submission Upload: Constitution submission.docx

Submitted on the 28 July 2013 at 17:11





## **Constitution submission**

Simon Loveday

---

Palmerston North

### **What are your aspirations for Aotearoa New Zealand?**

That Aotearoa New Zealand would be a place that recognises the potential inherent in people of all ages and races, and provides the opportunities for them to prosper in ways that enhance the cohesion and wellbeing of our whole society. We should recognise the intrinsic value and uniqueness of tikanga Maori and te reo Maori, and work to redress past injustices to the point that Maori can move beyond a grievance mentality towards reaching their full potential. We should recognise that wealth does not trickle down from the richest to the poorest, and strive towards being an equitable society in which all children can grow up healthy and well-educated.

I hold these views because I have seen the harm done by a 'money is king' mentality through the 80s and 90s – bringing NZ to being much less equitable than we used to be. I have seen racially divisive political rhetoric incite people against one another. I have seen the harm done to both Maori and Pakeha by the 'grievance industry' and feel that a much better future is possible.

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

-

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

No. It is too hard to cover all bases properly in a single document.

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

-

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

The courts. There is a conflict of interest in Parliament, and the drive to be re-elected as well as the media soundbite culture distorts a clear discussion. The courts also have specific legal expertise which are in short supply among MPs.

### **Does the Bill of Rights Act protect your rights enough? Why? What other things could be done to protect rights?**

-

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

Yes, so that if there is a conflict between the Bill of Rights and an Act of parliament, the Bill of Rights is not breached by the Act. Parliament currently has

too much power to write laws that infringe on the Bill of Rights, and the mechanism for avoiding infringement is too weak at present.

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

-

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

-

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

As guiding the spirit of legislation and public affairs, but not being legally binding.

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

No. The English and Maori translations have fundamental differences. The Treaty was written hastily without proper legal planning, and translated hastily. Maori chiefs being asked to sign it had a fundamentally different understanding of property rights to that of the Crown, and this was not recognised by the Crown representatives. The Treaty is an important document, but legal enforcement of the text is fraught with difficulty.

**How should Māori views be represented in Parliament? How could Māori electoral participation be improved?**

This is a question for Maori to answer (I am Pakeha). Ongoing research at Massey University is examining Maori electoral participation.

**How should Māori views and perspectives be represented in local government?**

This is a question for Maori to answer.

**How many members of Parliament should we have? Why?**

150, so that there are enough MPs for the select committee process to function well, and so that electorates do not become too large.

**How long should the term of Parliament be? Why?**

Four years. The current 3-year term breeds too much focus on getting re-elected and creates a parliament that is too adversarial – parties spend too much time attacking each other and digging dirt, and not enough time actually formulating and implementing policy that is good for the country in the long term.

The products of a 3-year election cycle are dramatic swings in policy and extensive restructuring of public service institutions with each change of government, as well as cancellation of policies and programmes on party political grounds, e.g. the current National-led government slashed funding to the Healthy Eating, Healthy Action (HEHA) programme set up by the previous



government, in spite of evidence that HEHA may be effective in the long term. This constant restructuring wastes money and talent, and obscures a view of what works and what doesn't.

**How should the election date be decided? Why?**

By the electoral commission or a similar body independent of parliament and the executive. Allowing the Prime Minister to set the election date gives an unfair advantage to the incumbent party.

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

-

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

They should stay in Parliament, but perhaps with reduced privileges or powers. If they were expelled from Parliament on leaving the party, that would give too much power to the party leadership to intimidate their MPs.

**Other comments**

The latest National-led government has taken major steps towards undermining local democracy and intimidating locally-elected councils. This needs to be strenuously resisted, because local people understand local conditions better than MPs in Wellington, and are most affected by council policies. Communities should have the right to decide their own path on issues like what council spends rates money on - core services like roads are only one part of the council's mandate, and councils should be free to spend money on non-core services like free community events and other local initiatives to enhance community wellbeing, if that spending is supported by the local community.

MMP needs to be amended to eliminate the rule whereby a single electorate MP can bring in more party MPs 'on their coat-tails'. We have had too many instances of minor parties wielding king-maker powers (i.e. the 'tail wagging the dog') and electoral game-playing by both major parties, which undermine the integrity of the system and discourage people from voting.





2921

**From:** Tony Loveday  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 8/07/2013 4:52 p.m.  
**Subject:** CAP Submission

I think Maori seats should be abolished

Whatever reason they were set up for no longer holds with Maori having equal chance to stand on the national scene either for one of the existing parties or have their choice of setting up their own party

There should be one vote one man (woman) both in national and local body politics

I thought this was supposed to happen with the current set up after the first 3 year term but they are still there

Tony Loveday

## 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.

John Lovell  
New Plymouth  
New Zealand



1080

**From:** Chris Lovell-Smith  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/06/2013 10:37 a.m.  
**Subject:** CAP submission

Aspirations: I want NZ to become the fairest, most honest, most caring society in the world.  
Future running: Elected governments, by MMP, with the recently proposed changes put in place i.e. changes to threshold, 'coat-tailing', 'waka jumping'

NZ Constitution: Yes, we should have one – for clarity, convenience, transparency, and to keep governments honest. Yes, it should codify the supreme law. There seems little point in having one otherwise. The Courts should have the final say on legislation. There have been a couple of recent examples where 'bad' law has been passed by the legislature.

The Bill of Rights: Should include the right to privacy, and should clarify property rights in terms of Treaty of Waitangi and indigenous rights vs traditional 'western' property rights. Bill of Rights should be linked to or form part of the constitution, so would have the same force in law. See above re Courts and legislation.

Treaty of Waitangi: Should have an important, but not overriding role in the constitution. Other groups within the overall population should have equal treatment, in general. The opportunity should be taken to define what exercising rangatiratanga means within the constitutional framework and the bill of rights.

Maori representation: As a non-Maori, I think these questions should be debated and settled by Maori. However, as a generalisation, I find it hard to see how the principles of fairness, honesty and transparency can be met while having two electoral systems.

many thanks  
Chris

Chris Lovell-Smith

DUNEDIN

## 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.

Dr Rosemary Hope Lovell-Smith  
Auckland  
New Zealand

3 582

**From:** Bill Lovelock  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 15/07/2013 1:56 p.m.  
**Subject:** CAP Submission

Sir, My thoughts on special Maori seats and special treatment for minority groups is that it should all be discontinued, it is undemocratic and therefore should be illegal. Bill Lovelock.



1271

**From:** "Jim Loveridge"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 12/06/2013 1:03 p.m.  
**Subject:** Constitutional Review

Things we should all be doing for the future, if we don't have the courage to carry out these there won't be a New Zealand worth living in.

All immigrants who come to New Zealand must be less than 40 years old & in good faith become a New Zealander & assimilate themselves into New Zealand.

No members of the Islam faith (Muslims) allowed as immigrants or refugees & no Sharia permitted at any time.

There can be no divided allegiance, any person who says they are a New Zealander but something else also, isn't a New Zealand at all & must leave the country.

We have room for but one flag, the New Zealand flag & one language & that is the English language.

Every immigrant who comes to New Zealand shall be required within three years to learn & speak English or must leave the country. English should be the only language taught or used in society & in all schools.

We can have no "50-50" allegiance in New Zealand. Either a person is a New Zealander & nothing else, or they are not a New Zealander at all.

There is no room in this country for hyphenated New Zealanders. The one absolutely certain way of bringing New Zealand to ruin & of preventing all possibility of it continuing to be a nation, is to permit it to become a tangle of squabbling nationalities.

It is not acceptable that any future people may settle in New Zealand with little or no intention of abandoning their native culture, or, increasingly, no intention of abandoning their native language & native

political allegiance.

Politicians:

only 100 off, must be a New Zealander & of no divided allegiance, all elected, no list members, first past the post elections only, none allowed under 35 years age, must have minimum 10 years working experience in the private sector, terms limited to a maximum of 3, all expenses transparency, no perks, or on retirement &/or loss of seat, no superannuation level that exceeds what average New Zealander is entitled to.

100 days before any new legislation can come into effect & only if a petition of 250k plus legitimate signatures is not received within that time. Should one be so received a full binding referendum must be held within the next 100 days.

Borders:

Closed !, \$10,000 bounty paid on all illegals notified to immigration & are then deported.

Culture:

A NZ Constitution written for every NZ Citizen having equal rights, no racism, no special privileges, no Treaty Waitangi, original undamaged document not found & all interruptions are known to be suspect & have been used in many illegal & fraudulent claims.

Drug Free:

Mandatory Drug Screening before Employment &/or Welfare, 1 fail possible job/welfare loss, 2 fails definite job/Welfare loss, 3 fails no Welfare ever again.

No Welfare or Vote :

to Non-Citizens, Non-Tax Payers, People serving any type criminal conviction sentence in NZ at the time of an election.

We the people need to get rid of the freeloaders & have a Country that is for all New Zealanders. Only 67% will accept this; it should be 100%. What will we do? "The problem with socialism is that eventually you run out of other people's money." -- Dame Margaret Thatcher correctly said that, so can we handle the

truth !!, bad luck if we can't, because the truth is the truth & the truth never changes.

regards,

Jim Loveridge

Tax Payer, New Zealander



1888<sup>1</sup>

WANGANUI.

16-6-2013.

TO THE SECRETARIAT.

I STRONGLY OPPOSE ANY LEGISLATION OR  
~~OR~~ REFERENCE TO THE TREATY OF WAITANGI  
IN ANY CURRENT OR FUTURE LEGISLATION.

IF IN FUTURE, A WRITTEN CONSTITUTION IS  
DRAFTED I AM STRONGLY OPPOSED TO ANY  
RACE-BASED LEGISLATION.

SIGNED,

C. M. LOW

2578

**From:** Jane Low  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 4/07/2013 3:32 p.m.  
**Subject:** CAP Submission

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Re: Maori seats.

I would like to forward a submission to abolish maori seats

Jane Low

3667

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 17/07/2013 9:18 p.m.  
**Attachments:** constitution.PeterLow.doc

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

---

Full Names: Peter Alan LOW Organisation Name: Email:   
Phone: Postal AddressA: Postal AddressB: Postal City:   
Christchurch Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: Submission Upload: constitution.PeterLow.doc

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Submitted on the 17 July 2013 at 21:17



*Tena koutou,*

The main focus of this submission is the Human Rights.

But let me first cast a kind of vote on some other issues

WRITTEN. Yes, I would like NZ to have a written Constitution in a single document.

SUPREME. Yes, I would like the Constitution to be supreme law, i.e. have a higher legal status than other legislation, with the judiciary (not Parliament) having the right to decide if a new law is constitutional or not, and indeed to strike it down.

TREATY. Yes, I would like the Treaty of Waitangi (Maori and English texts) to be included.

MMP. Regarding the MMP electoral system, I would like to see the recently recommended reforms implemented, notably to prevent a list member from staying on in Parliament after leaving the party through whose list he or she was elected.

I register the above four "votes" without giving my reasoning on those matters. But I'm sure you know the standard arguments from other submissions.

---

RIGHTS. On the matter of the Bill of Rights 1990, I support its entrenchment in a written Constitution. I support the explicit inclusion of the power for judges to provide remedies in the case of the Bill of Rights Act being violated. One important reason for this is to strengthen a rights-based approach to social questions in this country, irrespective of who holds political or financial power.

I also hope that additional rights might be included, now and in the future, notably in social and economic areas. Basically, I consider that one of the principal duties of government is to ensure that all citizens enjoy all their human rights, that is to say all the freedoms, entitlements and immunities spelt out in the developing international discourse of human rights.



I am a South Island Pakeha. As such I am pleased that New Zealand is generally seen as a place where human rights are respected and fulfilled. But I don't think they are sufficiently protected. Indeed I consider that we are falling behind Europe in this respect. The EU and the European Court of Human Rights (based in Strasbourg) can offer good models of this.

There is an important new document that deserves to be better-known: the **Charter of Fundamental Rights of the European Union**, agreed in 2000 and more recently incorporated into the EU Constitution. This is so far the top Human Rights document of the 21st century.

[www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)

Many of the Charter's articles list civil and political rights, similar to those in the European Convention, the UN's ICCPR of 1966, and of course our own Bill of Rights Act 1990.

Besides this, certain of the Charter's articles focus on economic social and cultural rights. This seems to me an excellent model — and not a very radical one — for protecting and strengthening economic and social rights, such as the rights to work, to accessible health care, to adequate housing and to education. The EU wordings may even be useful for incorporating economic, social and cultural rights into our Bill of Rights Act. I draw attention, for example, to Article 14 (education), Article 35 (health), and Article 37 (the environment).

I note that some of the Charter's articles are “modern” rights formulated in response to challenges in new technologies, for example 3.2 (bio-ethical) and 8 (data-protection). Any updating of our Bill of Rights would do well to consider these.

I note also, with approval, that some of the articles concern citizens' rights rather than universal human rights.

To conclude, let me ask you to count me among those who hope that New Zealand will ratify the Optional Protocol for the UN's ICESCR,

including opting in to its inquiry and inter-state mechanisms; and will create human rights education initiatives so as to increase awareness of economic, social and cultural rights.

Thank you,  
Peter Low (17 July 2013)



3667a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 23/07/2013 9:37 a.m.  
**Subject:** [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Peter Alan LOW Organisation Name: Email:  
Phone: Postal AddressA: Postal AddressB: Postal City:  
Christchurch: Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission:

Submitted on the 17 July 2013 at 21:18





3696

**From:** Joseph Lowcay  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 19/07/2013 10:12 a.m.  
**Subject:** CAP submission

Hi,

Here's my thoughts on the constitution of NZ.

We have one of the best constitutional arrangements of any state there is. A strong parliament, head of state with no power, no upper house and fused legislature and executive make for a transparent government that gets important jobs done in a timely manner.

Also it's important we don't entrench a constitution. Our constitution made up of unwritten conventions, ordinary acts of parliament and the Treaty of Waitangi is inherently flexible. It's important that our constitution is able to be adapted as the world changes.

Looking forward to the future there is one constitutional change that should be addressed, that of having a resident head of state. I am in favour of keeping a constitutional monarchy. An unelected head of state that is free from politics and serves for a long period of time is inherently stabilising. A political, elected, corruptible president is not. I suggest that we choose a hereditary monarch to be resident King or Queen of New Zealand. I think of the children of Lady Davina Lewis as possibilities because of their relation to our current royal family and Maori. However when the times come there could be many ways of choosing a monarch.

Sincerely  
Joseph Lowcay  
Palmerston North

1793

no 516/13

Te Puke

**Submissions**

**Secretariate, Constitutional Advisory Panel**

**C/o Ministry of Justice**

**DX SX10088**

**Wellington**

**Enclosed are 4 letters written to the Editor of Bay of Plenty Times which constitutes my submission.**

**Yours sincerely,**

**E.J. Lowden**

Te Puke.

At the request of the settlers and Maori, New Zealand in 1840 became a British colony enshrined in the Treaty of Waitangi under which the Crown claimed sovereignty over the whole country.

Maori are now attempting "to impose their customary law over us all, despite the fact that the Crown and Maori have a duty to "act reasonably and in good faith"

Several Statutes and Acts which when put together represents our constitution. These are summarized in the Bill of Rights which over the years have served us well. There is no reason why we should have a written constitution.

The real importance of the Bill is that every piece of new legislation presented to the House must be accompanied by a legal opinion that it complies with the Bill of Rights, which does not recognise the existence of the Treaty.

Our courts need to balance our rights against the rights of others and in the interests of "our whole population".

The intent of Maori is in conflict with the Bill.

~~EWEN LOWDEN~~

Te Puke.

Te Puke.

I suggested in a previous letter that Maori claims to ownership of fresh water be decided by the courts, believing the case would not be successful. The only ones who have benefited are the legal fraternity.

Maori was given the right to purchase shares in our power generators and enjoy the dividends year after year. Obviously they can afford to throw one million dollars down the drain.

The Maori Party as a condition of their "confidence and supply agreement" with the government demanded a constitutional review, in the hope that the Treaty was given greater legal recognition. It chose a biased review committee in the hope that the Treaty of Waitangi was written into a "new treaty based Constitution".

The result of the review will inevitably not convince any government to endorse the recommendations, because of public backlash.

The recent actions of Maori are only causing racial distrust.

When are the rank and file of Maori going to question the decisions of a few, with agendas that are costing millions of dollars, with no benefit to them?

EWEN LOWDEN  
Te Puke

Te Puke.

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The intent of Maori is in conflict with the Bill.

EWEN LOWDEN

Te Puke.



## Te Puke

It is widely believed that Moriori were the first inhabitants of this country, and Maori slaughtered or enslaved them. It is surprising then that they are now seeking United Nations recognition that they were the aboriginal inhabitants of this country.

Conquest does not entitle Maori to now claim to be the original inhabitants any more than the colonial settlers can.

In 1877 Chief Justice Prendergast described the treaty "as a simple nullity" having no legal status in domestic law which Maori are now intent on changing.

The Treaty was just a colonial document written in haste to stave off the threat of French colonisation, and to meet a request from Maori, and the settlers to create law and order.

Should the left wing of the UN found that Maori were the original inhabitants it is doubtful whether any government would act upon any further privileges that such a finding may give.

The extravagant Maori claims led by a few militants, in recent years, only persuades the majority of the general public that "enough is enough".

EWEN LOWDEN

Te Puke

1294

My submission regarding  
the New Zealand's constitutional  
review is that I want NO  
change to New Zealand's  
unwritten constitution since  
the 1852 N.Z. act was  
passed

'Equality for All'

Heather Lowe

Tauranga

## 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.

Michael Lowe  
Wellington  
New Zealand

1989

**From:** Thomas Lowensteyn <l..  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 30/06/2013 7:26 p.m.

L.S.

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I strongly oppose any legislation or reverence to the Treaty of Waitangi in the New Zealand constitution

T R Lowensteyn

OPOTIKI



100k

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 1/06/2013 9:42 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission  
**Attachments:** PELowrie\_submission.odt

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

Full Names: Peter Edwin William Lowrie Organisation Name: na Email:  
Phone Postal AddressA: Postal  
AddressB: Postal City: Postal Region: Lower Hutt Postal Post Code: Postal  
Country: New Zealand Submission: Submission Upload: PELowrie\_submission.odt

Sent on the 1 June 2013 at 09:41

## ■ CONSTITUTION CONVERSATION

The following is the submission by Peter Edwin William LOWRIE  
On the subject contained in the head of this document.

1.A body appointed by the deputy PM and other MP's can hardly be considered independent. An official is beholden to the hand that feed, or in this case pays it. For a body such as this to be truly independent it must be

1.A. divorced from the Parliament and

2.Elected by citizens

2.I am dismayed that the advertising for this constitution has been focussed on one group. There has been a significant lack of advertising of this initiative on TV stations other than the Maori Station. Thus this conversation is bound to be myopic and moribund by post-colonial viewpoints of dubious quality.

3.That laws by which our legal rights are enshrined are guaranteed by the existing head of state, namely Her Majesty the Queen.

1.We do not need to tamper with this.

2.Most Nzr's are not in favour of becoming a constitutional republic

3.If it were to become one I have little confidence such a constitution could be maintained

*Illustration 1: Authorised Digital  
Signature*

as republics are more difficult to maintain than are democracies.

4.If NZ was to adopt a constitution I can think of none better than the one enshrined in the constitution of the United States of America in it's entirety including the right to bear arms.

This is the end of my submission.

1862

To :- Submissions,  
Constitutional Advisory Panel,  
C/O Ministry of Justice DX SX 10088  
Wellington.

We the undersigned wish to voice our concern and to state  
that we are opposed to a written constitution based on  
Treaty of Waitangi Principles.

We feel that such a constitution would decrease equality and  
be divisive to our New Zealand Society. We prefer the Status  
Quo where Parliament is sovereign.

Name	Address	Signature
PATRICIA LOYE		
Judith Bell		
John Tait		
Harriet		
NIGEL KEHA		
Shirley O'Keefe		
Steven & Shirley Wilson		
Audrey & Kevin Buckley		
Shirley Don Millman		
MARY & GARRY LAMBERT 30		
JOHN POOTS		
Lorna Templeton		
BETH WALLACE		

2660

**From:** "Lu and Joan"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 11:20 a.m.  
**Subject:** CAP Submission

Maori seats in Parliament should be abolished as they only enhance separatism. All seats should be available to all New Zealanders, regardless of ethnicity.