

1695

From: "Tony Ludbrook" :>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 1:38 p.m.
Subject: Submission
Attachments: Constitutional Review Submission.docx

Attached please find my submission.

Tony Ludbrook

Constitutional Review Submission

Antony Peter Rex Ludbrook

Taupo

Phone:

New Zealand's Constitution

1) The constitution should be written as a single document. This would put us in line with almost all countries throughout the world. Having the opportunity to merge the various acts into a single document will enable us to look closely at these acts and be certain that the spirit of the acts reflects the requirements of New Zealand for the 21st century.

2) The constitution should not be supreme law. The current system of checks and balances functions appropriately.

3) The courts should decide whether legislation is consistent with the constitution. Parliament and MPs do not, in most instances, have the expertise to interpret the law. In addition, their interpretation is likely to be impartial and dependent on various agendas.

Bill of Rights Act

1) The Bill of Rights should not be supreme law and should be interpreted as would any other legal issue.

2) The power to decide whether legislation is consistent with the act should remain unchanged as the current system has checks and balances functions well.

3) The Bill of Rights should encompass ethnic or racial equality. Currently this does not exist and one ethnic group stands out as privileged in comparison to all other ethnic groups.

Treaty of Waitangi

The Treaty of Waitangi should have no role in the Constitution and should have no formal part in it. The Treaty is a thing of the past when Maori existed as a unique race. Over the 170 years since the treaty was signed we have had mixture of the bloods of Maori and Europeans. So much so, it is felt that it is very unlikely that full blooded Maoris now exist. To be following the Treaty in this day and age has lead to racial inequality. This goes against the spirit of a Bill of Rights.

Maori Representation

As intimated above Maori are now represented by mixed blood of Maori and European. All of which have their own land, as do other citizens of New Zealand. It is inappropriate to continue to have a Maori Roll. Such a thing is an example of racial inequality and contrary to a Bill of Rights. We must all vote as citizens of New Zealand.

Electoral Matters

1) We require a further referendum on the New Zealand voting system to coincide with an election. Educational material should be made available and the result of the referendum should be binding. Currently referenda are more often not acted on by the political party in power. We somehow need to find a way to avoid the incumbent party being held to ransom by a small number of MP's.

2) Restoration of the Electoral Integrity Legislation should take place in order to allow true representation of the electorate in parliament.

APR Ludbrook
27th June 2013

4443

From: Julian Ludbrook
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:10 p.m.
Subject: Fwd: CONSTITUTIONAL ADVISORY PANEL: SUBMISSION
Attachments: CONSTITUTIONAL ADVISORY PANEL FINAL.docx

I attach a Submission which I have prepared for the Constitutional Review Panel. I have not provided detail in the actual submission about myself, given that the Submission may be published by the Panel. For your information, however, I am currently undertaking research at the Law Faculty at Victoria University on the Treaty of Waitangi but I preferred not to include this in the paper as I am not submitting the Submission from the University but in a personal capacity.

If you wish to follow up on any points contained in the Submission, please do not hesitate to get in touch.

Regards

Julian Ludbrook

CONSTITUTIONAL ADVISORY PANEL: SUBMISSION ON THE TREATY OF WAITANGI AND BILL OF RIGHTS

Summary

The **Treaty of Waitangi** is both New Zealand's founding document but also a fundamental compact between the Crown and Maori. Maori as the partner ceding sovereignty and/or governorship in 1840 had no means in the 19th century of enforcing their rights before the courts because the Treaty was never enacted into law. Maori rights under the law were determined either by laws enacted by Parliament (e.g. in relation to land) to give effect to (or adapt) obligations assumed under the Treaty or by the Courts' willingness at various points in time to recognise aboriginal title at common law. It is only in the last 30 years or so that Maori have been able with some effect to litigate their rights under the Treaty, and this has really only been as a result of the inclusion in some statutes of requirements to take into account or act consistently with the principles of the Treaty.

This creates a strong case for looking to enshrine the Treaty in a written Constitution for, however good the principles may be, they are necessarily somewhat general and process-focused (e.g. relationship of partnership, duty to act in good faith and reasonably, duty of active protection, duty to consult). However, some Maori probably remain uneasy about "freezing" the Treaty, denying the recourse it ultimately offers to "the Crown", and reducing it to a statutory form where it might in the future be able like other "statutes" to be changed, thereby diminishing its stature and source of protection. For many Pakeha, developments over the last thirty years in the Courts and in Parliament, coupled with a growing sense of a national identity in which the Maori culture and shared history are core parts of that identity, have led to a softening in attitudes toward the Treaty, aided by the work of the Waitangi Tribunal and the Treaty Settlements process. But there is still a little distance to go.

My view is that we should indeed look at some point to make the Treaty a core over-arching element of a written Constitution, with some mechanism in place for review of actions believed to be in breach of obligations under the Treaty. That mechanism could be the Supreme Court; it certainly should be an elevated and neutral non-political body. But perhaps its role could be to identify alleged breaches which it would draw then to the attention of Parliament, akin to the process in the United Kingdom for flagging breaches of the UK's Human Rights Act through declarations of incompatibility. However, I believe that the time may not be ripe yet for enshrining the Treaty in a written Constitution in this way. Attitudes are still evolving in a positive direction through the current processes in train and enshrinement now might actually prove counter-productive through hardening attitudes on both sides of the political debate.

On the **New Zealand Bill of Rights Act 1990**, I would favour making our own human rights vetting of legislation more rigorous by adopting something akin to the UK's facility for declarations by the courts of the incompatibility of legislation, or particular legislative provisions, with the Act. Current vetting relies largely on internal vetting by Government through the advice of the Attorney-General on any areas of inconsistency in legislation being presented to Parliament. This seems insufficient.

Submission

(i) Treaty of Waitangi

- Difficulties of "Enforcement"

The Treaty is New Zealand's founding document but is arguably also our founding "constitutional" document, albeit that it does not at this stage enjoy any such formal constitutional status. The reality is however that it was a "treaty" concluded by the Crown with Maori in 1840 under which the Crown acquired sovereignty (or governorship) in return for a range of commitments made to Maori. As a treaty of cession, the ceding party had no ability to enforce its rights at international law. Yet the ceding partner under British constitutional practice also had no power at the domestic law level to enforce its rights unless and to the extent that those rights were given effect by statutes or laws promulgated first by the Colonial Administration (the other partner, the Crown) or later by the country's Parliament, the embodiment of the Crown but in the early days involving little representation by Maori.

There was some means of securing recognition of aboriginal or customary rights enjoyed by Maori under the common law, to the extent that those rights were not separately elaborated or altered by statute law¹. But in the case of land the Colonial Administration and later the colonial Parliament, which as noted had little Maori representation, developed and promulgated the laws, often to advance more the interests of the colonial administration and the settlers in accessing more land than those of Maori in either preserving their land or selling it at favourable prices².

The Treaty in effect had little status in law for most of the 19th century and the early part of the 20th century, with Maori struggling to have effect given to what they saw as the commitments made, either in relation to land or more generally³. The most significant change came when Parliament enacted clauses in certain pieces of legislation which required Government under the relevant statute to take into account or act consistently with the principles of the Treaty, leading in 1987 to the elaboration by the Court of Appeal in *New Zealand Maori Council v. The Attorney-General* [1987] 1 NZLR 641 of these principles. These have been further elaborated in subsequent cases as well as in decisions of the Waitangi Tribunal.

The key lesson of the first 140 years of our history post-1840 was that it proved difficult for Maori to hold their Treaty partner to its commitments due to the difficulty of challenging any actions thought

¹ One situation where they had success was in the Court's recognition of customary fishing rights in *Te Weehi v. Regional Fisheries Officer* [1986] 1 NZLR 680, but it did so based on a statutory preservation of existing Maori rights. Some early cases (e.g. *The Queen v. Symonds* (1847) NZPCC 387) also recognised customary Maori title to land, subject to its extinguishment by the Crown, but in *Wi Parata v. The Bishop of Wellington* (1877) 3 NZ Jur (N.S.) 72 the then Chief Justice made clear that the Courts would not review actions of the Crown around any cession of land to the Crown based on the view that any Crown actions around extinguishment were acts of state beyond the purview of the courts.

² The courts in this situation could only implement the law as set out by statute, even if it was in some way alleged to be inconsistent with the Treaty.

³ One of the channels used by Maori was through petitions direct to the Crown and also at various points to the Maori Affairs Committee of Parliament, a political rather than a legal process which had limited success but kept visible Maori concerns.

to fall short before the Courts⁴. That has only changed through the introduction of the requirement for Government in some areas to act consistently with or take account of the principles of the Treaty. But the principles are themselves limited, general in nature and somewhat process oriented:

- a partnership with a duty to act reasonably and in good faith;
- the freedom of Government to govern;
- a Crown duty of active protection of Maori people in the use of their lands and waters;
- a Crown duty to remedy past breaches;
- Maori to retain *rangatiratanga* over their resources and *taonga* and to have the rights and privileges of citizenship;
- a duty to consult⁵.

Furthermore, the principles are only formally relevant to decision-making in particular areas as prescribed in the relevant statutes. The Labour Government also committed itself in 1989 to a parallel set of principles and I expect that this commitment has been continued in practice by subsequent Governments but of course that commitment is not a legally enforceable one.

- The Way Forward

A logical next step, drawing on the lessons of the last 170 years, would be now to go a step further and enshrine the Treaty itself in our law so that our Government and our Legislature would need to have ongoing regard to the commitments in the Treaty as they develop new policies and laws, knowing that their actions would be reviewable by the Courts against the terms of the Treaty.

One of the difficulties with this is that there are two separate texts, the English and Maori texts. This would present the Courts with the challenge of interpreting the nature and scope of the Treaty's obligations. One of the reasons given for referencing the principles of the Treaty in certain legislation has been to avoid this difficulty – as well perhaps as to allow the “spirit” rather than the “letter” of the Treaty to be used as the measuring rod for decision-making and judicial review.

A related issue is whether it is better for elected representatives in Parliament to make decisions on the nature and scope of obligations under the Treaty rather than have such decisions made by an unelected group of judges. The courts have however shown themselves able to address issues of this kind in a measured and responsible way (see e.g. *New Zealand Maori Council v. The Attorney-General* [1987] 1 NZLR 641; also *Ngati Apa v. The Attorney-General* [2003] 3 NZLR 643).

I consider that the lessons of history argue in favour of inclusion of the Treaty at some point in a new written constitution, perhaps with the Treaty itself being in some appropriate way entrenched so that it is itself seen as superior and over-arching such that it should itself be incapable of future

⁴ Also relevant was the limited ability of Maori to help shape any legislation bearing on rights under the Treaty, e.g. in relation to land, due to their limited representation in the early days of Parliamentary involvement in the enactment of new laws.

⁵ Appendix on “The Principles of the Treaty of Waitangi” compiled by Dr Janine Hayward

amendment. If it were entrenched in this way, what body would be given the role of vetting Government actions or legislation against the requirements of the Treaty?

Logically this would fall to the Courts. But it may be preferable, if only as an initial step, to give the Courts (or maybe just the Supreme Court?) the power to declare a particular action or statute inconsistent with the Treaty, without itself by its decision invalidating or voiding the law or the decision. Instead, one would rely on the opprobrium that would attach to any failure by the Government or Parliament as appropriate to move to rectify the assessed inconsistency.

Would the power of the Courts, or any other elevated but neutral body empowered to take on such a role, extend to past breaches? Arguably it might be best to have the role focus forward rather than backwards, relying instead in relation to the settlement of past breaches on the processes currently in train. But it would probably need to allow challenges in respect of existing legislation rather than just new legislation being enacted in the future. And it would cover all future actions and decisions of Government.

Is this the time to entrench the Treaty?

I believe that in the last 30 years or so there has been a significant shift in attitudes towards the Treaty, moved forward by the decisions of the courts over this period in some key cases relating particularly to the principles of the Treaty, by the actions of Government in setting up the Waitangi Tribunal, allowing it to investigate past as well as present alleged breaches, and by the Settlement Negotiation process with the making of Crown apologies for past breaches and the provision of forms of redress which have contributed toward improving the economic base for Maori advancement and development and have included new approaches such as co-management.

For some Maori, however, there may be unease about "freezing" the Treaty, denying the recourse it ultimately offers to "the Crown", and reducing it to a statutory form where it might in the future be able like other "statutes" to be changed, thereby diminishing its stature and source of protection.

For many Pakeha, developments over the last thirty years in the Courts and in Parliament, coupled with a growing sense of a national identity in which the Maori culture and shared history are core parts of that identity, have led to a softening in attitudes toward the Treaty, aided by the work of the Waitangi Tribunal and the Treaty Settlements process.

But there is still a little distance to go before the bulk of both Maori and Pakeha are likely to feel comfortable with enshrining the Treaty in a written Constitution in this way. Attitudes are evolving in a positive direction on both sides of the debate through the current processes in train but enshrinement now might actually prove counter-productive through hardening attitudes on both sides of the political debate. The focus for now should therefore be on consolidating the changes being achieved through the work of the Waitangi Tribunal and the Treaty Settlement process, coupled with policy evolution through programmes such as *whanau ora* involving some measure of devolution of responsibility to secure improved outcomes in areas of social and economic development for Maori.

(ii) New Zealand Bill of Rights Act 1990

Current vetting of legislation to ensure compliance with relevant human rights standards contained in the Act relies largely on internal vetting by Government through the advice of the Attorney-General on any areas of inconsistency in legislation being presented to Parliament. This seems insufficient. I would favour making our own human rights vetting of legislation more rigorous by adopting something akin to the UK's facility under its Human Rights Act 1998 for declarations by the courts of the incompatibility of legislation, or particular legislative provisions, with the New Zealand Bill of Rights Act 1990.

Submitter:

Julian Ludbrook
Wellington
31 July 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.

Mick Ludden
Masterton
New Zealand

4295

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 10:26 p.m.

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

Full Names: Elspeth Joan Ludemann Organisation Name: Individual Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Oamaru Postal Region: North Otago Postal Post
Code: Postal Country: New Zealand Submission: *The parliamentary term should be
four years and fixed.

Three years leads to short-term thinking and governing, hampers productivity, is more expensive for the state and increases the costs and workloads of volunteers in political parties.

A fixed term would prevent governments playing politics with the election date, and provide certainty for planning and administration.

* The number of electorates should increase and the population tolerance increase from 5% to 10%.

Provincial electorates already cover far too great an area. Retaining the same number of MPs as the population increases or reducing the number would make that worse.

The number of South Island seats should be increased by at least one to reduce the geographic size. That would then lead to more North Island seats to retain a similar number of people in each electorate.

The population tolerance should increase from 5% to 10% to allow more flexibility over communities of interest. Adding another couple of thousand people to a city electorate would have little impact but could reduce the size of a rural electorate significantly.

* The Maori electoral option and seats should be abolished.

They provide poorer representation owing to the large geographical area they cover. MMP helps address diversity and Maori are more than capable of being elected in general seats.

* Treaty breaches should be addressed and compensation made but the Treaty should not be enshrined in the constitution.

* Property rights should be included in the Bill of Rights.

* Our current flexible constitutional arrangements should remain.

A written constitution is not necessary.

*Constitutional changes should require a public mandate through a referendum with a majority of at least 75% or a parliamentary vote with a similar level of support.

Constitutional matters should not be changed by bare majorities.

Submitted on the 30 July 2013 at 22:24

3972

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 6:41 p.m.

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

Full Names: Gisela Gudrun Ludtke-Faber Organisation Name: n. a. Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Te Aroha Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: Parliament should be a representative mix of people and peoples. They need
not have special legal knowledge.

Their decisions need to fit a clearly framed goal. Hence: a written Constitution.

In it: the Bill of Rights, and te Tiriti o Waitangi,

and how we want our state to look and function for us citizens.

(Defining civil rights, including that of occupying and owning land which has been legally and rightfully
acquired, ... the right of self-determination etc. ...)

Addition to the B o R:

Privacy.

The right/duty to protest and take civil action against injustice perpetrated/sanctioned by the state.
(Example: German constitution)

Property rights, intellectual and otherwise.

The right to participate in the democratic process as an informed, equal, free citizen .

(Note: that requires more NZ History and better Citizens Education at school, and through a
broadcasting medium like radio or internet – informing about topics, bill, etc.)

To ensure social equality and peaceful cooperation

Maori and womens representation must be ensured, as well as youth, the elderly and handicapped be
given a voice at parliament and all levels of legislature.

Power balance between the executive, legislative, and jurisdiction is needed. Presently the PM,
cabinet, and parties are too strong. That leads to costly mistakes.

For the long term benefit of citizens, incl. those yet to be born,

for international agreements to be taken seriously all round,

for Select Committees to make sense,

for Elected Representatives to do their job,
law making needs to slow down.
MPs need to be free from party pressure
but listen to their electorates
and listen to their conscience.

Career politicians make not the best law.
((They tend to make career moves)).
Please let us think about the alternatives.

I propose a five year turnover.
(Long enough to get something done, Short enough, hopefully, to catch up with their peers at work
after their stint in parliament is over.)
In the long run better representation should ensue.

Kia ora. Regards. Gisela Ludtke-Faber
Te Aroha

NB A Constitutional Court would be good.

Submitted on the 28 July 2013 at 18:40

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.

Isa Luerssen
Wakefield
New Zealand

4126

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 12:10 a.m.

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

Full Names: Clara Lugnet Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Mangonui Postal
Region: Northland Postal Post Code: Postal Country: New Zealand Submission: The
constitution should not be written in a single document. It should be made up of the existing Bill of
Rights Act & the Constitution Act.

Legislation decisions should be decided in Courts.

The treaty of Waitangi is a historical document, issues are settled in the courts and should not be part of the constitution. As NZ is becoming more multicultural, this evolving global society and it's citizens should not be disadvantaged or prejudiced by a historical treaty between Maoris and British. NZ should be forward thinking and pride itself as ONE NATION, all as NEW ZEALANDERS!

Referendums should be binding and this should be decided by the majority of voters. Important issues will then truly reflect will of the people via binding referendum! Non-binding referendums are like consultations and often costly and waste of time even though it appears to give a "feel good factor, you have been involved!"

Submitted on the 30 July 2013 at 00:08

3687

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/07/2013 1:20 p.m.

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

Full Names: David I ui Organisation Name: Email: Phone: Postal
AddressA. Postal AddressB. Postal City. Postal
Region: Auckland Postal Post Code: Postal Country: New Zealand Submission: I
support having our constitution in a single document because it makes it simpler and easier for all to
access and understand.I want the constitution to have a higher status because it should be the
founding document for our country. On the question on
who should decide whether laws are consistent with the constitution I support the courts to do this
because they are the experts,and are independent and trust-worthy.

Submitted on the 18 July 2013 at 13:20

3 687a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/07/2013 1:38 p.m.

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

Full Names: David Lui Organisation Name: Email: Phone:

Postal Address A: Postal Address B: Postal City:

Postal Region: Auckland Postal Post Code: Postal Country: New Zealand

Submission: 1. My aspirations for Aotearoa are: All people are acknowledged and respected starting with the Tagata Whenua as rightful owners of the land. The treaty of waitangi should be enshrined in our constitution. That Aotearoa will be a multi-cultural society

not bi-cultural and this is reflected in all aspects of our society including in statutes and laws. We all have respect and compassion for all regardless of ethnicity, culture or race. There will be equal opportunity for all to contribute and equal access

to health care, educational opportunities, housing, and all services. Our country is free from discrimination of all kinds.

2. Our country is run by a parliament that is representative of its people in terms of ethnicity, gender etc. The judiciary is independent and have higher powers to interpret the law. Politicians in my view should have less powers because I can't trust many

of them and because they are not as independent and qualified as the Judiciary. I do not have a strong view on the Monarchy (Queen) as head of state (she does a nice wave) and our ties to England and our colonial past. but I'm more in favour of recognising

our own identity, Head of State etc and also strengthen our traditional whanaugatanga links with our pacific neighbours and friends because they are more relevant to us and our New Zealand.

Submitted on the 18 July 2013 at 13:37

As a supporter of Amnesty International and a part of New Zealand society, I am writing to add my voice in support of its submission to the current constitutional conversation.

I am worried that human rights are protected enough by law.

I therefore submit the following recommendations:

- 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;

I believe these 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. This is my goal and I would enjoy watching this become a reality.

Brownie Luiten-Apirana
Gisborne
New Zealand

2028

From: "David Lumsden" <constitutionalreview@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 3:54 p.m.
Subject: CAP Submission

There is no place in modern New Zealand society for race based electoral seats, Māori will ensure equal representation of citizens. Over the years we have criticized countries like South Africa yet we have race based electoral seats and indeed we have a "Maori All Black" rugby team, is this not racist?

David Lumsden

Wanaka.

New Zealand.

947

From: "Paul Lunberg" <[redacted]>
To: <constitutionalreview@justice.govt.nz>
Date: 29/05/2013 2:51 p.m.
Subject: CAP submission
Attachments: Submission to the Constitution Conversation.pdf

Please find the attached pdf file with my submissions,

Paul Lunberg,

Nelson

Submission to the Constitution Conversation

Made by:

*Nelson
New Zealand.*

Dated: Monday, 29 May 2013

I worry that any submission I make will be ignored, as were those made concerning the MMP review! Let us hope that these reviews do not become pointless exercises.

1. I do not believe a written constitution would be valuable. I believe the courts should be used to ensure legislation meets International Codes of social conduct.
2. I feel the present Bill of Rights is satisfactory but, again, feel the courts should be used to mediate legislation to ensure consistency.
3. I believe the Treaty of Waitangi should be seen as an important historical document but as it is not clearly worded and there is so much confusion of the missing versions we should see it as guidance but not a defining part of our constitution.
4. I believe the Maori seats should be abolished as MMP allows for sectional interests to be represented.
5. I believe we have the right formula for the number of members in the house and am happy with the methods used presently to draw up the electoral boundaries.
6. I do believe that the present term is too short, and that the term should be 4 or 5 years to allow development of measures which may be necessary, but unpopular.
7. If a Constituency MP is ejected from his/her party, or chooses to leave it, this is their right. It was the electorate that brought them to parliament not their Party. However, if such an MP is rejected by, say, 2/3 of the parliament, then that person should be relieved of the role of MP.
8. If a List MP is ejected from his/her party or chooses to leave it, then that person should be relieved of the role of MP. The next candidate on the previous election's list for that Party should be offered the role.
9. I believe that in the light of increasing threats to humanity through issues associated with pollution, resource depletion and over-population we need a worthy non-partisan group of scientists to be required to issue regular and clear publicly available guidelines covering all such issues. Their deliberations should be necessarily debated in the House and should form the basis of all decisions.

256/6

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 2:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: CONTITUTIONAL REVIEW.doc

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

Full Names: Howard David Lunn Organisation Name: None Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Kerikeri Postal Region: Northland Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: CONTITUTIONAL REVIEW.doc

Sent on the 4 July 2013 at 14:04

CONTITUTIONAL REVIEW

Aspirations:

In the future New Zealand should be a secular republic based on one-person one vote and one electorate.

Constitution: What is wrong with having a constitution that is not written? Such a system has served the UK well for centuries.

A written constitution can be open to many interpretations; just look at what has happened to the interpretations of religious writings over the centuries.

The constitution should have a higher legal status than other laws and the courts, probably some sort of Supreme Court, should make decisions relating to it, not Parliament.

The Bill of Rights: Once again it should be the courts that decide matters.

People must be made more aware that with rights come responsibilities.

Treaty of Waitangi: The treaty is old history and should have no place in a new constitution.

Maori Representation: With one-person one vote then Maori will have the representation that their representatives poll at an election.

Electoral Matters: 100 MPs should be the absolute maximum for our current population. If the UK can manage with approximately 1 MP per 97,000 people then 1 for 45,000 in NZ is more than enough!

A term of Parliament should be fixed at 4 years.

If an MP is elected then it will be up to his/her constituents to decide.

Non-elected MPs, such as list MPs must resign and their party choose a new MP. However list MPs should no longer have a seat in Parliament; all MPS should be elected, and thereby be responsible to an electorate.

Each constituency should choose its MP by single transferable vote.

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.

Rosie Luo
Auckland
New Zealand

201

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 11:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Clarinda Anne Lupi Organisation Name: Email: Phone:
 Postal AddressA: Postal AddressB: Postal City:
 Kaitaia Postal Region: Far North Postal Post Code: Postal Country: New Zealand
 Submission: I believe that under English law the Treaty of Waitangi is a legally binding document that New Zealand's colonial settlers chose to disregard in their decision to colonise Aotearoa. Through various land legislation and the eventual use of soldiers they acquired land off Maori and then through an assimilation profile continued this abuse through disregarding Maori culture, language and people as having any value or worth. Through the constant maligning of Maori under a strong racist pathologizing discourse they almost effectively wiped out Maori people and their language and culture.

After one hundred and seventy old years... finally something was done about it, in the 1970's in line with the American Rights movement, there became a group of empathetic Pakeha who chose to go back and uncover the real ugly truths behind why there are such huge disparities between pakeha and Maori.

With their support government established the Waitangi Tribunal in 1975, this had a flow on effect with Maori initiatives to save their culture and language, ultimately preserving their dignity and self-worth as a people. We have the Kohanga reo movement, Kura kaupapa and now Whare Wananga.

The land grievances have been also addressed thanks to this Tribunal, and of course the current government is looking at completing all such settlements by 2014. BUT how can you put a price on the near genocide of a people, it is a moral obligation that our nation looks beyond 2014, that they are not afraid of continuing to address injustices. The very fact they they are steam rolling things out as fast as they can go... will not serve justice accurately, as not all claimants will be heard.

The government needs to continue supporting Maori education as it will be a slow process to heal a people who have been so badly maligned and mistreated through unjust acts, the ultimate betrayal to take land off them.

The Treaty is a founding constitutional document, which even under the establishment of the Tribunal maori are still subject to pakeha judges to make the final call. Which is understandable as the reality of today's society is that New Zealand is made up of more Pakeha than Maori.

The beauty of the Treaty in its true essence that being the Maori text is there was a genuine spirit of partnership behind the Maori people when their chiefs signed it.

Unfortunately the reality of the English text was far from wanting an equal partnership as historical accounts show.

The disparity gap is still incredibly big, pakeha still have a moral obligation to support maori people as an individual race to help them close the gap.

I think that New Zealand should continue to aide this education debt to maori people as well as continue to address submissions as much as is possible.

I would like the Treaty of Waitangi to remain in its entirety because without it none of the benefits Maori receive day would have been possible without the very document that was used illegally to justify land confiscation and assimilation practices.

I do believe that Pakeha people need to recognise that they are now brother and sister with Maori and vicer versa... but that can only be achieved with true understanding and knowledge of our historic grievances. I believe that many pakeha see the Treaty as a negative and do not understand the thinking behind the treaty settlements.

For true understanding and respect between one another we need to truly exercise the Treaty partnership between one another.

I do query the two points that you have stated -

"The Treaty is one of the factors that may be taken into account in law-making and public decision-making"

The treaty is already being taken into account with law-making and public decision-making in the positive forums that I have already mentioned. To use such a statement seems to create unnecessary anxiety for the majority of Pakeha who are uneducated about our historic shame, and to make them anti the Treaty of Waitangi.

So what is the true intention behind this new Constitution?

It is already in front of me... eradicate the Treaty of Waitangi, hence an attempt to render it helplessly as a legal document and sovereign right of Maori people.

This is an attempt to take away its mana and power, thereby stopping continual support and help for the recovery of Maori people.

Yes make a constitution and put in it, we as a nation will always support the full legality and spirit of the Treaty of Waitangi. We will place it as a corner stone for a whole and well nation whose roots are firmly establish through a legally binding partnership between Maori and Pakeha. We will always have a Waitangi Tribunal and its function will be to ensure our moral obligation to closing the disparity gap between Pakeha and Maori is achieved no matter how long this takes.

Also put into this new constitution a commitment by all to establish healthy bi-cultural exchanges and activities that celebrate both pakeha and maori uniqueness.

Another thought is to also include all New Zealand citizens to come under a common law that will ensure that our assets always remain under kiwi control and that everyone needs to assume guardianship over the wellbeing of our environment.

That both Maori and Pakeha work alongside each other to support the manaakitanga over our lands, waters and the very air we breath.

Nga mihi

Clarinda Lupi.

Sent on the 10 April 2013 at 23:27

201a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 10/04/2013 11:43 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Clarinda Anne Lupi Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Far North Postal Post Code: Postal Country: New Zealand
Submission: There is nothing wrong with what we have, leave it alone. The courts and English law are based on truth, justice and righteousness... they are not easily misled by popular opinion that continually sways those in parliament.

No we should not give it higher powers then we will be at the mercy of global corporations who are intent on taking over sovereign rights through government policy who have brought into neo-liberal practices.

The future of New Zealand will be grim, if we continue down this path every available area will be mined for oil and minerals with 'slave' workers perpetually poor making the owners filthy rich and destroying our beautiful country.

Our present system is doing ok... it just needs to keep going, leave the Waitangi Tribunal alone... because the thinking behind this is simple. If parliament has higher legal status than the courts... then no Maori submissions will ever be considered as they are currently by High Court Judges. Who by the way are intelligent, very well educated people, who know our history and are not easily misled like the majority of kiwis who have no idea of what Maori have suffered and endured.

Those politicians who get into power with 'right wing' agenda, who have not been educated about our true history and who lack empathy for Maori, they will have the most sway when it comes to passing bills through parliament.

This is another colonial attempt to shut down Maori attempts of self-determination and their language and culture.

Leave our founding constitutional documents alone.

It would be interesting to do a data collection and sort out submissions of those people who have no idea about the history behind that treaty and who have an anti-racist stance towards Maori in their submission.

This would give a clear indication of how far we still need to go as a nation with educating the dominant culture into understanding the plight of Maori people.

It will be interesting to see if their racist Maori pathologizing is excepted.. should it be?

Sent on the 10 April 2013 at 23:42

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.

Hugh Lusk
Auckland
New Zealand

2081

From: Andrew Lusty
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 7:45 a.m.
Subject: CAP Submission

Dear Sir/Madam,

The time is long overdue to abolish Maori seats. New Zealand does not need entrenched racist government, let alone racist laws. Democratic representation can only mean one vote for every New Zealander and the proportional representation that reflects it. The time has long passed when Maori, or any race, should be given disproportional rights.

Minorities are already over catered for through MMP, time to simplify the system and bring this sad reflection on a split nation to a close.

Yours sincerely,
Andi Lusty

3906

From: gerhard LUTZ
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 27/07/2013 6:47 p.m.
Subject: CAP submission

I don't support this racist idea

yours

Sincerely

Gerhard Lutz

- Auckland

4352

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:15 a.m.

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

Full Names: Bryce Lyall Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Do you think our constitution should be
written in a single document?

No I don't see that there is a need for a single document as long as it is kept clear which documents make up our constitution and they can be read coherently together.

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

I think that the current constitutional arrangement works well; there is a strong tradition of responsible government in this country and large scale changes to our constitutional arrangements are not undertaken lightly or without wide support from across the political spectrum.

I would like to see an entrenched Bill of Rights Act to ensure that our rights are protected. There has been some unsettling knee-jerk legislation to retrospectively make the actions of the police and other bodies lawful recently, and I do not see that type of behaviour as being acceptable in our country.

I would also like to see either the Treaty of Waitangi, or a document incorporating the principles of the Treaty, given a higher status in law. The Waitangi Tribunal lacks any teeth at present, and there is no recourse for Maori when the Crown receives the Tribunal's recommendations but simply ignores them. The Tribunal currently only has a limited number of areas where it can make binding recommendations, but seems committed to avoiding doing so.

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

I would like to see the Courts play a bigger role in our constitutional arrangement. We have had some grand words from judges in the past, yet this has amounted to very little action in reality. If courts were given the power to review legislation, perhaps to ensure that it was in line with an entrenched Bill of Rights Act, and to suggest amendments that would ensure that it is, I would see it as a positive development. Another idea along these lines might be a special judicial body for the purpose, as this would prevent the Courts becoming even more overworked than they currently are.

I am not comfortable with the Court or body being able to strike down laws however, as this would result in the courts becoming overly politicised, and non-elected officials striking down laws created by democratically elected leaders. A system by which compensation could be awarded where rights are breached by acts condoned by legislation might be a happy medium.

Submitted on the 31 July 2013 at 09:14

5166

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:41 p.m.

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

Full Names: Judith and Brian Lyden Email: Phone:
Postal AddressA: Postal AddressB: North Shore, Postal City:
Auckland Postal Region: Auckland Postal Post Code: Postal Country: New Zealand
Submission: What we wish for, is that all "Citizens of New Zealand" are receiving the
same consideration, regardless of Race and Religion. If this is followed there is no need for the any
special mention of the "Treaty of Waitangi" to be included.
We do not believe

this statement makes us racist, as once all the Treaty Claims are completed it becomes irrelevant. Of
course it remains as part of our history but not into our future.

Submitted on the 12 June 2013 at 12:25

629

From: "Doug Lyle"
To: <constitutionalreview@justice.govt.nz>
Date: 24/04/2013 5:49 p.m.
Subject: CAP Submission
Attachments: Constitution Submission.doc

wednesday, 24 April 2013

1513-hours

To whomever,

Please find attached, my submission.

Douglas Lyle

NEW ZEALAND CONSTITUTION SUBMISSION

by

Douglas Lindsay Lyle

In the 2006 Consensus, the number of NZ citizens who gave their ethnicity as Maori only, approximated 7.5%. If those who declared mixed Maori/non-Maori ancestors were added then the figure was approximately 14% of the NZ population. Had the sensible rule (as applied in other countries on their native ethnicities) of 50% of Maori blood been the cut off point for claiming being Maori then the figure would have been nearer 9 to 10%. The Panel's twelve members are racially selected; five European New Zealanders, five Maori, one Pacific Islander and one Asian. Several Maori members have long been vehement supporters of special Maori status; one European member (Deborah Coddington) has very recently announced her commitment to the Treaty as our 'founding document'. Another (Sir Michael Cullen) acts as a consultant and co-negotiator for Ngati Tuwharetoa.

The Panel of twelve members has five (40%) known Maori activists on it, hardly a true representation of New Zealand society and appears highly redolent of a stacked Panel to favour Maori wishes. I and thousands of others have absolutely no faith in this Panel and expect our views that are contrary to including the Treaty will be ignored and by-passed.

New Zealand has survived and done very well till now with our current constitutional state and as the old adage has it 'if it ain't broke, don't fix it'. There are absolutely no urgent grounds for changing the present set up. This is a move by The Maori Party and certain iwi members to have the Treaty of Waitangi included in a New Zealand constitution. The 'Rules of the Maori Party' mention "the dreams and aspirations of tangata whenua to achieve self-determination for whanau, hapu and iwi within their own land" and inclusion of the Treaty would go a very long way to achieve this.

Should this occur, the so-called principles of the Treaty as dictated by iwi, will dominate and the result will be a division in this country between Maori and non-Maori with Maori in the supremacy. As this situation would not be accepted nor tolerated by the non-Maori majority, it would be a recipe for massive civil unrest and probably civil war. I am not alone in predicting this happening. Unfortunately this would leave those many Maori who do not support a constitutional change, in the middle and the ones to most suffer any repercussions.

With further reference to the Treaty of Waitangi, who and by what authority, declared it to be our founding document? I was never asked and I cannot find anyone who was. I do not accept it as our founding document and nor do the many people I have spoken to over the last few years, so who decided this?

A Panel member, Deborah Coddington declares it to be so but Dr. Elizabeth Rata, an Associate Professor of Education states that Deborah Coddington has jumped the gun and is mistaken. Treaty politics is rejected by many as they become very aware of the profoundly undemocratic nature of those proposals by Treaty activists, five of whom are on the Panel. In fact many, if not a majority of citizens would be keen to see the Treaty scrapped.

Maori in 1840 by their own request became subjects of the Crown and therefore because they cannot be both, they are not partners to the Crown. The Treaty was between the Crown and signatory tribes who upon signing the Treaty ceded their sovereignty. This definitely did not make them partners as some idiot MPs and others have voiced. It made them with all other New Zealanders, equal, all subject to the Crown.

In the words of researcher Reuben Chapple, "There can be no possibility that the Treaty of Waitangi formed a sovereignty partnership. Having signed the Treaty, the chiefs became not partners, but subjects of the Crown, as did all other Maori. As subjects of the Crown - that is, New Zealand citizens - all those descended in part from the tangata whenua are today entitled to the same rights as non-Maori citizens: no less, and certainly no more."

New Zealand society is multi-cultural and not bi-cultural, a fact that is continuously ignored by authorities who fall over themselves to appease Maori activists. A New Zealand Constitution involves every citizen of whatever ethnic background and therefore any proposed changes must involve all these same citizens in any decision making and the only way for that to happen would be by a binding referendum. Anything else devised to by-pass holding a referendum would be morally wrong, dishonest and reek of corruption and would not be accepted by the general populace.

Conclusions:

There is no doubt that the question of a new constitution was raised and pushed for by the Maori Party with the intention of getting the Treaty incorporated and thereby giving Maori dominance over whatever happens in this country by applying their version of the as yet to be defined Treaty principles. There is also no doubt that that the Panel is stacked to give a verdict in Maori Party favour.

But:

1. There is absolutely no great necessity for changes to be made to our current constitution situation.
2. If any changes are proposed, these must be decided by a **binding referendum** of all the voting public and not by any other means.
3. The already very contentious and out-dated Treaty of Waitangi must not be included in any NZ constitution, as to do so will cause massive divisiveness.
4. History has shown clearly that appeasement anywhere in the world, where attempted, is a short term solution that invariably fails when the recipient(s) of the appeasement offers, believing they have the other side on the run, pushes too hard and experiences a massive backlash. If the Government accedes to the activists demands, then this will happen here. It must not happen.
5. There has to come a time when the Government, irregardless of their obvious desire to stay in power, says enough and although long overdue, the time is now.

3944

timeforchange.co.nz submissions - 5

Name: Marie Lynch

E-mail:

Your submission:

I think that Aotearoa should have an elected head of state. I do not think it appropriate any longer to have to kowtow to a British monarchy. This costs the country a lot. Whenever any of the British Royal Family visits, it is a burden on the NZ taxpayer, over and above what is necessary in international diplomatic affairs as these people often visit for no particular diplomatic reasons. The security alone must cost a huge amount, as also the dinners etc that are hosted by our government on their behalf. It would be better if we could develop our own laws, based on international best practices, with the kaupapa of the United Nations as a base to judge it by in order to protect all the rights of the people. The British caused endless trouble to these islands when they took over the land in the 1800's and it is definitely time to stand on our own feet here in the Pacific Ocean.

Thank you for the opportunity to submit to this issue,

Kia kaha i te mahi pai

Marie Lynch

4316'

From: "Philip Lynch"
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:19 a.m.
Subject: "Of the people, by the people, for the people"

Please consider these views regarding constitutional reform:

If there is a need for a formal written constitution for New Zealand, it should enshrine our democratic Parliamentary system and continuation of the stability inherent in the Monarchy. This affords the best of both worlds -- the ability of New Zealanders to define their own destiny with the benign guidance of tradition and an absence of the politicisation of the head of state.

All citizens must be equal before the law, with laws guaranteeing the right to life of every individual from conception until natural death, personal liberty and the pursuit of health and happiness.

We must reflect that all New Zealanders are immigrants or the descendants of immigrants. All citizens must have equal rights and responsibilities regardless of race, social position or financial situation. Our electoral system, embracing the Mixed Member Proportional model, should abandon the granting of special privilege to any group, with all Parliamentary seats available to representation based on merit and popular appeal of candidates and policy. No seat should be reserved for a candidate by reason of race or gender. We should expect the best of the willing and not interfere with natural selection.

A constitution must operate to protect its citizens and welcome those who wish to embrace its objects.

God defend New Zealand.

Philip Lynch.

4440a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:17 p.m.
Attachments: NZ Constituion.doc

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

Full Names: Tim Lynch Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Warkworth Postal Region: Rodney Postal Post Code: Postal Country: New Zealand
Submission:

Kia Ora,

Correction!

I sent an early draft. This is the correct one.

Trust this is not too late!

Sincerely,

Tim Lynch

Submission Upload: NZ Constituion.doc

Submitted on the 31 July 2013 at 17:16

Dear Sir/Madam, Kia Ora,

Please find attached my submission towards the NZ Constitution. I openly admit that to 'readers' who err on the conservative, but more so, those who have never studied beyond their everyday survival and entertainment patterns, this below submission may appear too thought provoking and even contentious, however I sincerely trust that this submission not be shelved due to unknowingness and fear of new knowledge.

So, I forward this, trusting and having faith that you dear reader wish to carry out the spirit of the law by reading through this submission and without prejudice further it though the various processes so that a larger audience of fair minded New Zealanders can absorb and debate the ramifications of its profoundness and the repercussions of its magnificence.

Yours Sincerely,

Tim Lynch

Abstract:

New Zealand has led the world in many realms of social and cultural innovation and this is something that we can be exceptionally proud of as a people of such a small island nation.

However, over the last 25 years or so, since enacting our Nuclear Free legislation we have in many ways become more subject to the swamp of sameness, consumerism, vacant television and media, obesity, a high rate of prisoners per head of population and regrettably youth suicide, that it is important for us as a nation to look deeper at our collective psyche and of our connection and feeling of belonging to a greater and deeper world context.

My submission to the NZ Constitution:

Is to proffer the concept of acknowledging that, "our planet is a living being/entity or system which loans us a body in which to live, as well sustaining us by gifting us free fresh air, pure clear water and a clean healthy food chain."

Hence, the English vernacular 'Mother Earth' being commonly used to explain the world that sustains us.

I would like this submission to also mirror that:

With the enactment of the 2008 Constitution, Ecuador became the first country in the world to codify the **Rights of Nature**. The Ecuadorian Constitution, specifically Articles 10 and 71-74, recognizes the inalienable rights of ecosystems to exist and flourish, gives people the authority to petition on the behalf of ecosystems, and requires the government to remedy violations of these rights.

Bolivia in 2010 then gained global attention for its 'Law of the Rights of Mother Earth', one of the unique laws in the world that accord nature the same rights as humans. This is understood in the localised vernacular as Pachamama.

The above is not necessarily a new concept for New Zealand to accept and realize, as Ecuador and Bolivia already lead the world in having enacted this legislation in 2008 and 2010 respectively. However, we in the so called Western mind set, are unable to understand such a motive, as we have been 'brought up to believe' that somehow by fluke we live on a dead rock that through various physical processes, life somehow has mysteriously emerged and that there is no connection to nature or any other essence, other than the 5 physical senses. Or on the other hand those of Christian faith believe God made our world over the course of 6 days.

Ecuador and Bolivia are both governments who have been given a mandate by the majority of their electorate who are indigenous to their respective countries, where they intuitively have more reverence for the hidden and unseen energies that comprise nature. As people they are more closely linked to the land as they are agrarian countries and their inhabitants are more deeply imbedded in the land.

However, the New Zealand Maori do have an understanding of this as they commonly speak of Papa tūanuku or mother earth as being our common sustainer. They also acknowledge connection through their genealogy or whakapapa, which has great meaning to them, especially when compared to the disconnection of present day European and pakeha.

Why the importance of 'NZ enshrining into law the rights of ecosystems?
Easy, **Sustainability!**

With every ecological system on earth under increasing pressure from exponential population growth,
http://en.wikipedia.org/wiki/Global_change - loss of diversity, increasing pollution and all its abuses and worse, 'business as usual' it is imperative that we stop and think, what is it that gives us our daily breath, water and food?

To gloss over this important and increasing urgency cannot be delayed, our children and grand children of today, need to be factored squarely into this equation. it is obvious that we do not hear of their future being invoked in Parliament when watching on TV live! The imperative is to address our common future and as a small dynamic country, we need to also be a global leader especially for the Western world, that is increasingly becoming more disconnected from the natural world .

But first, does science recognize that the earth is living?

Yes, belatedly and begrudgingly, because in general the scientific community mind-set is extremely conservative. However, it was Dr James Lovelock who back in 1969 launched the Gaia* hypothesis, that our planet was a colossal super organism that in 1995, became a theory. Then Oxford University dedicated a chair to this, under the heading Earth Systems Science ESS or Geo Physiology which seeks to understand major patterns, processes, and interactions of the main components of planet Earth—the atmosphere, oceans, fresh water, rocks, soils, and biosphere etc.

See:<http://www.seas.harvard.edu/climate/eli/Courses/EPS281r/Sources/Gaia/Gaia-hypothesis-wikipedia.pdf>

Then in 2001, 1400 earth scientists within the European Geo Physicist Union signed the Amsterdam Declaration that “The Earth System behaves as a single, self-regulating system comprised of physical, chemical, biological and human components.” The interactions and feedbacks between the component parts are complex and exhibit multi-scale temporal and spatial variability. The understanding of the natural dynamics of the Earth System has advanced greatly in recent years and provides a sound basis for evaluating the effects and consequences of human-driven change.

<http://www.grida.no/news/press/2187.aspx>

This has evolved into scientific communities of four international global change research programmes - the International Geosphere-Biosphere Programme (IGBP), the International Human Dimensions Programme on Global Environmental Change (IHDP), the World Climate Research Programme (WCRP) and the international biodiversity programme DIVERSITAS - recognise that, in addition to the threat of significant climate change, there is growing concern over the ever-increasing human modification of other aspects of the global environment and the consequent implications for human well-being.

Basic goods and services supplied by the planetary life support system, such as food, water, clean air and an environment conducive to human health, are being affected increasingly by global change.

<http://www.essp.org/index.php?id=41>

Scientific Skepticism?

Why is it that the broader scientific community has been so reluctant to expand their knowingness about the deeper qualities within earth systems? We find that today the majority of scientists are atheists, being trained at universities to believe that everything is here by chance, that it is mechanistic (no soul) and that everything can be reduced to its constituents parts - period. The invisible has been relegated to the fringe, and even though we are creating instruments that are continuing to broaden our knowledge of the spectrum of frequencies and light, from magnetics to holographics, we are still stuck in observing things from the outside and not being subjects ourselves, in the laboratory of life.

The greater majority of scientists today are very capable in 'their specific' field, yet, in their one particular discipline their view in many ways, can become tunnel-visioned. Whereas James Lovelock the British and NASA scientist and those right brained intuitive scientists, who are polymaths are adept in multiple disciplines, and thus use a multi disciplinary approach to see everything and their linkages in terms of being holistic, which integrates both unity and oneness. Something most scientists (and bureaucrats) detest, because it takes them out of the safety of their comfort zone, into a living pulsating planet and a vaster level of knowing and being!

To get an understanding of Gaia the living organism that is the earth, there is a need to use and combine all the disciplines from glaciology, oceanography, meteorology, vulcanology, geology, atmospheric chemistry, climatology, microbiology, hydrology, botany, zoology, forestry, marine biology, and a host of 10 more or so other disciplines including quantum mechanics.

Lovelock does this with the final 'coup de grace' by using cybernetics to lock everything into a unified field, call it holistic - integrated unity. By combining every discipline into one seamless system ... the web of life, our living planet. Lovelock has further stated that it has been 'middle management' within the global scientific fraternity that has held back Gaia Theory or Earth Systems theory (geophysiology) for 27 years because they loathed the term Gaia, because it was named after a Greek Goddess* that had matriarchal overtones. They were and many are still fearful of anything encouraging of the feminine, yet Venus is the only planet named after a female in our entire solar system.

So this is why he called Mother Earth Gaia, by giving our planet a matriarchal name seeing that the ancient Greeks proclaimed that "from her, all things issued." He also stated that a very large number of scientists were actually proud, that they knew 'nothing' at all of any of other scientific disciplines as they were each self satisfied with their own perspective, locking themselves away in their own ego insulated silos. This is why we today have such a huge challenge in educating ourselves to open up our horizons to new information and learning!

The latest developments as of 2009 are now shaking away the old paradigm and wakening us up as a planetary species to a far vaster understanding that gives a huge amount of hope and possibility for the human condition. This is by opening up evolution to burst through an incandescent possibility for not only philosophy and spirituality but at a quantum level bridge the divide between science and religion.

One of the big challenges to humanity today is the lack of media attention to what is happening especially behind the scenes at deeper levels. Infotainment, distraction, titillation that includes bread and circuses plus sporting coverage takes our attention away from the challenges of survival and novel possibility and thus we and our children are missing out on vital information that may and will be critical to our very survival.

New Science Theory states that all minerals are evolving.

<http://www.canada.com/vancouversun/story.html?id=839b3ae1-264a-4e61-a6f5-d464d5f0f923>

A landmark scientific study co-authored by a Canadian geologist has identified a sudden explosion of mineral diversity after the emergence of life on Earth, and advanced a "revolutionary" theory that rocks have been evolving - much like plants and animals - throughout the planet's history.

Wouter Bleeker, an Ottawa-based researcher with the Geological Survey of Canada, is one of eight members of an international team whose theory of "mineral evolution" - the idea that many of the Earth's rocks are dynamic "species" which emerged and transformed over time, largely in concert with living things - is generating a major buzz in the global scientific community since its publication in a U.S. journal.

"The key message," Bleeker said, "is how closely intertwined the mineral world is with life and biology." He said human teeth - with their key ingredient of apatite - are vivid reminders that the "seemingly static, inorganic" physical Earth should be viewed more like a "living organism" underpinning the biosphere.

The research team, led by U.S. geologists Robert Hazen and Dominic Papineau of the Washington, D.C.-based Carnegie Institution, recounted how just 12 minerals are believed to have been present among the dust particles swirling through space at the dawn of planetary formation some five billion years ago.

As the materials that formed Earth "clumped" together and were subject to thermal pressures and other forces, the number of distinct minerals increased to about 250, the study says. Then, due to volcanic activity, plate tectonics and other processes that churned the surface of the planet before life emerged, the population of mineral "species" had grown to about 1,500 by four billion years ago.

That's when changes to ocean chemistry and atmospheric conditions, coupled with the emergence of life, sparked an unprecedented diversification of the world's minerals.

Among the best known examples of how living things transform the Earth's rock layers is limestone, which is accumulated from the dissolved shells of tiny marine creatures. But the new study provides the first comprehensive analysis of the multitude of rock-life interactions and documents how mineral evolution unfolded rapidly as life took hold early in the planet's history.

"Biochemical processes may thus be responsible, either directly or indirectly, for most of the Earth's 4,300 known mineral species," the study states.

"Mineral evolution is obviously different from Darwinian evolution—minerals don't mutate, reproduce or compete like living organisms," said Hazen in a statement announcing the study's findings. "But we found both the variety and relative abundances of minerals have changed dramatically over more than 4.5 billion years of Earth's history.

"For at least 2.5 billion years, and possibly since the emergence of life, Earth's mineralogy has evolved in parallel with biology," Hazen added. "One implication of this finding is that remote observations of the mineralogy of other moons and planets may provide crucial evidence for biological influences beyond Earth."

Stanford University geologist Gary Ernst is quoted in a Carnegie Institution summary of the study describing the research as "breathtaking" in its scope and adding that "the unique perspective presented in this paper may revolutionize the way Earth scientists regard minerals."

The study's proposed theory of mineral evolution is also highlighted in the latest edition of *Nature* as "an exciting concept that will do much to stimulate debate and enliven thinking in the usually staid field of mineralogy."

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In Conclusion:

The basis of my submission that the new NZ Constitution states that our planet is a living being/entity or for polite expediency, system, will not only waken NZers to the realization that we have more reverence for our planet and by extension the environment, but it will put NZ fairly into the

world communities consciousness as a country that has seen the future and boldly sees the reality of tomorrow - today. Note, NZ is the closest major country to the international dateline. "NZ sees tomorrow first!"

Remember how we were the first country to give our indigenous Maori men the vote in 1867 and then finally be the first to grant women their rights in 1893. Followed by many unique social and welfare acts in this country from the 1930's that have been copied and embraced by nearly the whole of the Western world as well as more and more developing nations.

When we recall that it was Sweden that was the first country to abolish the death penalty, NZ immediately followed suit, as we knew that there had to be a more humane way. We were a fast follower!

The same for our Nuclear Free legislation. The National party of the day fought against it tooth and nail, but when they regained power, decided to embrace it.

It was not by chance that James Cameron's film Avatar was and is the most successful movie ever made up until today.

In this movie, although the inhabitants the Na'vi are hunter-gatherers with technology equivalent of Earth's Paleolithic epoch, they have developed a sophisticated culture based on a profound spiritual connection to other life on their moon, each other, and an encompassing "goddess" they call Eywa. They saw and knew that their moon was a living system that had a form sentience.

Was James Cameron's epic a metaphor for us here on earth?

Recently in New Zealand:

In 2012 in New Zealand the Whanganui river was legally declared a person with standing (via guardians) to bring legal actions to protect its interests.

<http://newswatch.nationalgeographic.com/2012/09/04/a-river-in-new-zealand-gets-a-legal-voice/>

Also, New Zealand granted basic rights to four great ape species in

1999. Their use is now forbidden in research, testing, or teaching.

http://en.wikipedia.org/wiki/Great_ape_personhood

We are indeed privileged to be born in this most fortunate of countries and we need to be innovative and creative in shaping our collective future to be that of a truly sustainable country and mirror virtue and values to both our own people and the world at large. We need to be hearing the worlds sustainable, ecology and the environment languaged from the Prime Minister's department down, through all departments of government, business and education.

We need to pioneer new inventive and cooperative ways of living in accord with nature, the source from which we spring.

Below I have posted some easy to access information that can be read to give more coherence to the legislation that was passed in the two South American countries relating to the rights of Mother Earth.

I sincerely trust that you give this information your warm hearted attention and that you intuit what you are reading has huge implications for sustainability. This includes that we as a humanity who are at the cross roads as a planetary people, can endeavor to become a more enlightened civilisation.

We need to be bold, and claim our connection with a greater and mysterious reality and "NZ be an environmental way shower" that commits to goodwill, values, connection and aroha.

Naku Noa

Tim Lynch

Snells Beach.

Additional Information to bolster my submission on Ecuador and Bolivia's Legislation.

Pachamama is a goddess revered by the indigenous people of the Andes. *Pachamama* is usually translated as Mother Earth, but a more literal translation would be "Mother world" (in Aymara and Quechua *mama* = mother / *pacha* = world or land; and later widened in a modern meaning as the cosmos or the universe).[1]

Since Pachamama is a "good mother", people usually toast to her honor before every meeting or festivity.

Law of the Rights of Mother Earth (Spanish: *Ley de Derechos de la Madre Tierra*) is a Bolivian law (**Law 071** of the Plurinational State), that was passed by Bolivia's Plurinational Legislative Assembly in December 2010.[1][2] This 10 article law is derived from the first part of a longer draft bill, drafted and released by the Pact of Unity by November 2010.[3] The full bill remains on the country's legislative agenda.

The law defines Mother Earth as "a collective subject of public interest," and declares both Mother Earth and life-systems (which combine human communities and ecosystems) as titleholders of inherent rights specified in the law.[4] The short law proclaims the creation of the *Defensoría de la Madre Tierra* a counterpart to the human rights ombudsman office known as the Defensoría del Pueblo, but leaves its structuring and creation to future legislation.[5]

Bolivia has gained global attention for its 'Law of the Rights of Mother Earth', one of the unique laws in the world that accord nature the same rights as humans.

The law defines Mother Earth as "...the dynamic living system formed by the indivisible community of all life systems and living beings whom are interrelated, interdependent, and complementary, which share a common destiny; adding that "Mother Earth is considered sacred in the worldview of Indigenous peoples and nations.[6]

In this approach human beings and their communities are considered a part of mother earth, by being integrated in "Life systems" defined as "...complex and dynamic communities of plants, animals, micro-organisms and other beings in their environment, in which human communities and the rest of nature interact as a functional unit, under

the influence of climatic, physiographic and geologic factors, as well as the productive practices and cultural diversity of Bolivians of both genders, and the world views of Indigenous nations and peoples, intercultural communities and the Afro-Bolivians.[7] This definition can be seen as a more inclusive definition of ecosystems because it explicitly includes the social, cultural and economic dimensions of human communities.

The law also establishes the juridical character of Mother Earth as "collective subject of public interest", to ensure the exercise and protection of her rights. By giving Mother Earth a legal personality, it can, through its representatives (humans), bring an action to defend its rights. Additionally, to say that Mother Earth is of public interest represents a major shift from an anthropocentric perspective to a more Earth community based perspective.[8]

The law enumerates seven specific rights to which Mother Earth and her constituent life systems, including human communities, are entitled to:[9]

- *To life*: It is the right to the maintenance of the integrity of life systems and natural processes which sustain them, as well as the capacities and conditions for their renewal
- *To the Diversity of Life*: It is the right to the preservation of the differentiation and variety of the beings that comprise Mother Earth, without being genetically altered, nor artificially modified in their structure, in such a manner that threatens their existence, functioning and future potential
- *To water*: It is the right of the preservation of the quality and composition of water to sustain life systems and their protection with regards to contamination, for renewal of the life of Mother Earth and all its components
- *To clean air*: It is the right of the preservation of the quality and composition of air to sustain life systems and their protection with regards to contamination, for renewal of the life of Mother Earth and all its components
- *To equilibrium*: It is the right to maintenance or restoration of the interrelation, interdependence, ability to complement and functionality of the components of Mother Earth, in a balanced manner for the continuation of its cycles and the renewal of its vital processes
- *To restoration*: To Restoration: It is the right to the effective and opportune restoration of life systems affected by direct or indirect human activities
- *To live free of contamination*: It is the right for preservation of Mother

Earth and any of its components with regards to toxic and radioactive waste generated by human activities.

Ecuador

Rights of Nature is a tradition of legal and political scholarship advocating legal standing for the natural environment.[1] The rights approach is a break away from traditional environmental regulatory systems, which regard nature as property and legalize and manage degradation of the environment rather than prevent it.[2] With the enactment of the 2008 Constitution, Ecuador became the first country in the world to codify the **Rights of Nature**. The Ecuadorian Constitution, specifically Articles 10 and 71-74, recognizes the inalienable rights of ecosystems to exist and flourish, gives people the authority to petition on the behalf of ecosystems, and requires the government to remedy violations of these rights.

4125

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/07/2013 11:50 p.m.
Subject: re- constitutional review

Dear Sir,

I am totally amazed to find myself reading material from the conservative party with which I am so much in agreement that it could as well been written by myself. It is downright uncanny. I would love to see what I would regard as a renaissance of common sense which I had come to believe I would probably never see much of again, so I will be following the journey of the Conservatives as closely as my health will allow.

Regards,

Walt Lyndon.* *

2044

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 7:41 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Dennis Roger Lynds Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country: New
Zealand Submission: 1. I do not believe the Treaty of Waitangi should have a role in the
constitution. It produces separatism which is not healthy for anyone in the future New
Zealand/Aotearoa.

2. The Treaty of Waitangi should form no part of the Formal constitution.

(a) This is because it produces separatism when we as all New Zealanders be looking to a united future.

(b) If our future is to be settled, we need one rule of law and governance for all New Zealanders.

(c) Already the treaty of Waitangi claims for valid land restitution has introduced unreasonable expectations in that we now have claims of water ownership wind ownership and other resources which belong to the nation, not individual groups.

The inclusion will simply intensify this and make this a truly divided nation.

The past produced injustices which have been tried to at least partially rectify. By including a document which some are using to be separatist simply repeats the past injustices but to the other extreme. No one learnt, we all loose.

Sent on the 2 July 2013 at 19:40

40

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/03/2013 11:36 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Brandon Lynn Organisation Name: Ema"
Phone: Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Any constitution should be
based on the universal law that states "No one shall initiate force of any kind on any other
being";.

It should also state that individual freedom is an inalienable right that can NEVER be removed and
any government that tries to restrict the freedom of its citizens is guilty of treason.

There should also be a statement that no corporation shall be allowed that acts against the freedom
of people. Corporations ARE NOT persons, and should not have the same rights as people.

The government should maintain the right to issue currency and this right should never be handed to
a private corporation (as we have now).

The government shall always act in an open and honest manner. ie NO secrecy, and FULL
transparency to the citizens it represents.

Lastly, any constitution shall be for the benefit of natural persons and no special protection should be
provided to private cartels, corporations or secret groups.

Sent on the 4 March 2013 at 11:35

From: "Dave" <r...@...>
To: <constitutionalreview@justice.govt.nz>
Date: 2/07/2013 8:22 p.m.
Subject: CAP Submission

2048'

I dont believe that seats set asside specifically for one race are in the best interests of Maori or the country in the long term. They only serve to keep us locked into the past. This country can never become united if we persist with appartied thinking and can only lead to ugly division. Nor do we need a written constitution ever. Thank you for allowing me to have a say.
David Lyon.

3641

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 3:16 p.m.

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

Full Name: Simon Lyons Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: I aspire
toward a country where 'Play' is deemed more important than 'Work'. Sure everything needs to be
done but in a resource based arrangement.

The idea that we all need to work 40+hours per week in order to scrape buy through life is fast becoming redundant. Why? Our population is far exceeding our ability to create jobs for these individuals.

And because our economic system is debt based. It is impossible to improve the condition for the people without putting the country into a worse position.

The only solutions to this is to be able to create money for use in the country which is not created as debt by a foreign owned bank. Also Corporate person hood has to end. Corporations are not humans and should not be treated as such in legal matters.

All decisions by government need to benefit the majority all the time. And if they are to not benefit the majority they need to be endorsed by the majority to continue.

We need to create the ability to have bigger better community gardens. All council areas should be planted with food crops and fruit trees. Turn the public areas into food forests and we can put an end to kids not eating well.

2.

I would like the country to be run by the people, rather use the internet as a way for people to make more of the decisions. Or hand over parliament to universities and get the scholars and scientists the money. The future of the planet needs to be in the hands of the people , not money hungry corporate globalists who will plunder every last drop of natural resource before committing to real debate on these serious issues

Submitted on the 16 July 2013 at 15:15

364/a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 9:37 p.m.

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

Full Names: Simon Lyons Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: Forget about Parliament, get rid of MP's
and use the internet for people to debate and vote on issues in real time

Submitted on the 24 July 2013 at 21:36

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 17/07/2013 11:30 a.m.
Subject:

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

Full Names:	Simon Lyons	Organisation Name:		Email:		Phone:	
Postal AddressA:		Postal AddressB:		Postal City:	Wellington		
Postal Region:		Postal Post Code:		Postal Country:	New Zealand	Submission:	To answer

the questions you ask,

1.

Yes we should have a single written constitution, but it needs to consist of more than just the fragmented documents that are suggested to make up our current constitution.

Many Amendments are needed, i.e all government decisions have to benefit the majority of the population, or have the backing from the majority to pass.

Abolish corporate Personhood.

Create the ability to have money which is not debt based.

2.

Yes these constitutional laws need to be able to keep people free from Government intruding into the lives of everyone. There needs to be a standard set for the basic rights of everyone to protect from the arbitrary laws imposed by money hungry individuals who are looking to consolidate their wealth and power.

3.

The process needs constant reviewing. The public should be the ones who have final say on these matters. Politicians have shown they can not be trusted to act on the will of the people who choose to be represented.

Submitted on the 16 July 2013 at 15:00