

2534

From: Mike
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 11:27 a.m.
Subject: CAP Submission

The Maori seats are an anachronism which contribute to racism in New Zealand. I submit that they should be abolished.

M.E. Malone.

546

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 7:36 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Warwick J Malone Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: 1/ How should Māori views be represented in Parliament?

2/ How could Māori electoral participation be improved?

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

There should be no race based seats. There should be no reference to race anywhere at anytime in Government literature, local or national. While I accept that racism will exist for the foreseeable future when Government does it every New Zealander that believes no man or woman should be treated differently, better or worse, based on their race is made complicit in it. This is wrong. Let the racists be racists, more fool them, but do not make every New Zealander a part-of-it.

Sent on the 18 April 2013 at 19:35

3911

From: "Rhonda & Andrew Maloy"
To: <constitutionalreview@justice.govt.nz>
Date: 27/07/2013 9:48 p.m.
Subject: CAP Submission

Submission for constitutional review:

1. Size of Parliament.

1a. This has already been covered in the 1999 citizens Initiated Referendum where 81.5% of the voters wanted the number of MPs reduced so why is this being took at again 14 years later this is a waste of tax money we all ready know the answer. Fewer not more is the answer.

2. The length of term of Parliament and whether the term should be fixed.

2a. Should the parliamentary term stay at 3 years or increase to 4 years.

Without a Citizens Veto right on unacceptable legislation then 3 year term or more frequent election is the only way we the voters can hold the government to account. So no the term should be 3 year term or shorter.

2.b. Should the election date stay flexible or be fixed?

This should remain the same - there would be an increase in electioneering and lobbying by vested groups and we already have enough of this.

3. Size and number of electorates, and method for calculating size.

3.a. should the number of electorate stay the same?

Since we are suppose to have a democracy in New Zealand and we have a small population then 120 seats is far to many. Electorate seats should stay the same, the Maori seats are far too many for the population of Maori and the list seats should be drastically reduce so we become more of a democracy. 85% of seats should be elected MP.

3.b Should the method of calculating the size of electorates be changed?

Every electorates should have the same number of people in it, South Island, North Island. On a population of 4.5 million with 85 elected seat that would have 53,000 votes to every seat and that would be democratic.

4. Electoral integrity legislation.

4.a Should electoral integrity legislation be re-introduced?

If a list MP is removed from a party or decides to be part of the party they can no longer be an MP their party has been voted on to that seat not the individual if however it is an elected MP then they have the right to stay until the end of their term as they have been voted by their electorate. Any thing else is undemocratic. A list MP has never been voted for. It is the party vote that makes them an MP.

5. Maori representation, including Maori Electoral Option, Maori electoral participation, Maori seats in parliament and local government:

5.a. The Maori seat were a mechanism to allow Maori to vote when only landowners had the right to vote. Because of their tribal joint ownership of land it became a easy option for the Politicians

of the time to overcome this problem by having a Maori roll. So in fact all Maori men had the vote before many of the male pioneers. Since all men and woman over 18 can now vote it is quite undemocratic to have this archaic two roll system. It should go.

5.b. Should the parliamentary Maori seats be retained or abolished?

The Maori seats like the Maori electoral option should go. Either we are a democratic society or we are not and with MMP and the way it is run in New Zealand we are less and less a democracy.

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

6.a. Should the Treaty of Waitangi have a more central role in out constitution arrangements?

This is a travesty of democracy. The treaty of Waitangi has had so many argument about its proper interpretation it is a worthless piece of paper. There has been so much contention over what it actually meant or the correct interpretation it would be a disaster for New Zealand and all its people. The treaty of Waitangi should be abolished as any part of our constitutional law. The voters of New Zealand should always have the right to vote for

their choice of government and the Judicial system should have nothing to do with our government. They are not elected or allowed to be sack by the people of New Zealand. This is would be a travesty of justice.

7. Bill of Rights issues (for example, property rights, entrenchment).

7.a Should the protection of property rights be included in the Bill of Rights?

Private property rights should be added to the Bill of Rights we all ready have and know works.

7.b. Should the Bill of Rights be entrenched?

The electoral act is the only New Zealand statute containing entrenched provisions. The Bill of Rights does not need to be entrenched since by convention no government would change such a law without wide cross-party parliamentary support.

8. Written constitution

8.a. Should New Zealand retain our present flexible constitutional arrangement with the ultimate law-making power held byt elected Members of Parliament, or should a new written constitution, which gives the ultimate law-making power to judges be introduced?

New Zealand's present constitutional arrangements consist of written statutes, conventions and common law rights, which give our elected Members of Parliament the ultimate law-making power. It has been described as on of the most flexible and successful constitutions in the world. If a new written constitution was introduced, unelected judges and lawyers would be in charge of law making in this country, rather than elected MPs who can be voted out. If we want to retain parliamentary sovereignty, a 'written' constitution should be avoided at all cost.

9. Any other comments.

9.a. Should the ECLARATION OF EQUALITY be enacted by Parliament?

The Declaration of Equality states:

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

- 1) We reject references to the Treaty of Waitangi or its principles in any constitutional document.
- 2) We ask that such references be removed from all existing legislation.
- 3) We ask that race-based Parliamentary seats be abolished.
- 4) We ask that race-based representation on local bodies be abolished.
- 5) We ask that the Waitangi Tribunal be abolished.

Therefore in the interest of New Zealand we call on the members of the House of Representatives to implement the principles of this Declaration of Equality to ensure that there is one law for all."

9.b. Should constitutional change be dictated by MPs or subjected to a public referendum?

The only legitimate democratic way to enact major constitutional change is through a public referendum process. With full and proper consultation of all effected. Any attempts by MPs to change the constitution by way of a parliamentary vote should be regarded as illegitimate and strongly opposed by all citizens.

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.

Kay Malpass
Upper Hutt
New Zealand

591

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/04/2013 11:58 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: The ConstitutionalConversation 2013.docx

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

Full Names: Jane Maltby Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: My submission the New Zealand Bill of Rights Act 1990 is attached. Submission
Upload: The Constitutional Conversation 2013.docx

Sent on the 21 April 2013 at 23:57

The Constitutional Conversation 2013 – Submission on reform of the New Zealand Bill of Rights Act 1990

Jane Maltby

I Introduction

The New Zealand Bill of Rights Act 1990 (“BORA”) purports to protect the free and equal rights of all New Zealanders. But under its current status as ordinary law, it is unable to effectively achieve this goal. Consequently, I submit that one of the most important changes that needs to be made to New Zealand’s constitution at this time is that BORA should be made supreme law – specifically, by repealing s 4 and replacing it with a “notwithstanding provision”. In support of this submission, I argue that:

- An ordinary law BORA provides insufficient protection of human rights in New Zealand;
- Making BORA supreme law is necessary to bring New Zealand in line with its international commitments and the standards set by the international community;
- Protestations that making BORA supreme law will vest too much power in unelected judges are overstated; and
- A “notwithstanding provision” is the best way to avoid radically changing the nature of New Zealand’s constitution while increasing the rights dialogue between Parliament and the courts.

II An ordinary law BORA provides insufficient rights protection

New Zealand has possibly the purest form of Parliamentary sovereignty in the world when it comes to human rights. Parliament can make or unmake any law it likes, and no person or body (including the judiciary) can override any law enacted by Parliament. Because Parliamentary sovereignty is so fundamental to New Zealand’s constitutional culture, BORA was enacted as ordinary law. Section 4 specifically provides that Parliament may enact legislation that is inconsistent with BORA or New Zealand’s international human rights obligations. By contrast, countries such as Canada, South Africa and the US have a supreme bill of rights teamed with a constitutional court that can strike down legislation. Even in states with a non-supreme bill of rights, absolute Parliamentary sovereignty is starting to move over for human rights. For example, membership to the EU means the UK Parliament often has to defer to EU rights law.

I believe that human rights are universal: all humans have free and equal rights because they are human. These rights depend on the State for their practical enforcement, but they do not depend on the State for their abstract existence. As such, human rights are beyond politics. They should be free from unjustified limitations by a sovereign Parliament. Yet in New Zealand section 4 allows Parliament to do exactly that.

Opponents of a supreme bill of rights often argue that the checks within the current structure do adequately protect human rights. But this argument is erroneous. For example, under section 7 of BORA the Attorney-General must bring any BORA-inconsistencies in a bill to the attention of Parliament. Almost 30 such declarations have been made since BORA was enacted. But this exercise only occurs at the First Reading of a bill (not the Second or Third) and Parliament may ignore a section 7 declaration of inconsistency. The Attorney-General's role is also highly politicised, which diminishes the realistic effectiveness of the provision.

Nor can the courts undertake an abstract review of a bill before it is passed (unlike in some other jurisdictions). An abstract review with an inquisitorial rather than adversarial premise would catch those bills that slip through the legislative process with an unfairly acquired (or ignored) section 7 report. But in New Zealand, only Parliament itself can stop the enactment of an inconsistent bill. Once an Act is in force, of course, it cannot be challenged by any body except the sovereign Parliament.

New Zealanders are very trusting of Parliament and strong, unfettered government, and tend to view democracy as the golden goal of political organisation. Parliament is comprised of our elected representatives and is deemed to act on behalf of and for the public. It is therefore assumed that Parliament would not unjustifiably infringe human rights. But that perception is misguided. Parliament routinely overrides human rights, whether intentionally or negligently, and these acts either go unpublicised or challenges to them fall on the deaf ears of Parliamentarians. The best way to counter these occurrences is to empower the courts to check the actions of Parliament.

III Making BORA supreme is necessary to bring New Zealand in line with its international commitments

The Long Title of BORA specifically notes that it is an Act "to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights". Under art 2 of the ICCPR, states that have ratified the Covenant have an obligation to provide an effective remedy for

breaches of human rights. In its concluding comments to New Zealand's Fourth Periodic Report under the ICCPR, the United Nations Human Rights Committee said that New Zealand was in breach of its art 2 obligation because it does not have a Constitutional Court that can strike down BORA-inconsistent legislation. Section 4 of BORA should therefore be repealed, to empower the courts to strike down rights-infringing legislation and thereby allow New Zealand to fulfil its international obligations.

Further, there is an international trend towards embracing a human rights culture. Newly drafted constitutions increasingly refer to human rights. Organisations such as the EU cite respect for human rights as a guiding principle. More and more countries are drafting supreme bills of rights. It is unacceptable for New Zealand to remain isolated from the rest of the international community and lag behind when we have been a front-runner in so many other areas.

IV A supreme BORA is not undemocratic

One of the main reasons BORA was initially enacted as ordinary law, was because a large number of submissions on the 1985 White Paper argued that a supreme BORA would give too much power to the judges, who are unelected and unaccountable, and it would therefore be undemocratic. This popular argument prevails today. But it is, in my view, overstated and too simplistic.

Firstly, repealing s 4 will not give judges an open-ended power to arbitrarily strike down legislation or make law themselves. They would be acting within clearly defined and limited parameters. In particular, they would be carrying out their traditional role as upholding Parliament's will in sense that it is assumed Parliament intends to respect rights when it legislates (this idea is reflected in s 6). Giving judges this power opens up the rights dialogue between the legislature and the judiciary. It could be argued that this dialogue already exists, since the courts theoretically have the ability to make a "declaration of inconsistency". But this mechanism has never been used by judges anxious not to step on Parliament's toes, and Parliament could simply ignore such a declaration. The ability to strike down legislation would simply be a last-resort, rarely used message to Parliament that a right has been breached.

Secondly, it is illogical to rely on a majoritarian system to protect minority interests. Our democratic system of Parliamentary sovereignty aims to advance the will of the majority, whereas rights are largely about protecting minorities. This is not to suggest that the majority interest is

necessarily incompatible with upholding human rights – quite the opposite is true, in fact. The recently passed Marriage Equality Bill is evidence of this. But it is better to allow a group of unelected judges to prioritise the proper protection of human rights than leaving it to elected representatives who may, whether intentionally or negligently, override rights to pursue a politically palatable goal.

Thirdly, popular distrust of judges is overinflated. They do not sit in an “ivory tower” trying to advance personal, elitist ideals. They have an expert understanding of the New Zealand legal system and society and how human rights fit into with them, so are best placed to apolitically assess whether legislation complies with BORA. BORA has been around for long enough that it is an established part of the legal landscape. Simply giving it more teeth will not open up a “Pandora’s box” of loose judges. This is especially the case since there are other constraints built into the BORA framework, such as narrowly defined rights. For example, s 19 provides for freedom from discrimination rather than a more general right to equality, and s 8 protects the right not to be deprived of life, rather than a right to life.

V A compromise: replacing s 4 with a “notwithstanding” provision

Pragmatically, I accept that reforming BORA in favour of judicial supremacy would constitute a massive change to New Zealand’s constitutional structure, and would not be supported by the majority of New Zealanders at this time. Therefore, I propose that s 4 should be repealed and replaced with a “notwithstanding” provision similar to s 33 of the Canadian Charter.

Such a clause would allow the courts to strike down BORA-inconsistent legislation, but allow Parliament, in some instances, to re-enact the legislation “notwithstanding” the judicial decision. In effect, this will mean Parliament is still the ultimately supreme authority. But it would be politically un-savvy for Parliament to go against such a strong statement by the courts, unless the public truly wants it to do so. As a point of reference, the Canadian notwithstanding provision has only been invoked once.

What such a clause ideally means is that there would be more discussion and collaboration between Parliament and the courts. Right protection would be shared by the two authorities, rather than leaving it to one or the other. Parliament does listen to the courts at the moment. For example, it chose not to overrule Baigent damages following a Law Commission recommendation. But in other instances the opposite has occurred. A more powerful judiciary will put more pressure on

Parliament to prioritise rights over political or fiscal expediency, and will empower the courts to remedy any mistakes made by Parliament.

VI Conclusion

BORA is a crucial part of the New Zealand constitution. It has done so much good since it was enacted in 1990, but it could do so much more. That is why I have submitted that BORA should be made a supreme law. It has been around for two decades, and it is time for a re-vamp. BORA is the best protection New Zealanders have against abuse by the State, and it must lead the way in shaping a national human rights culture.

2972

From: "john manby"
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 1:17 p.m.
Subject: CAP Submission

Hi

For my contribution I would suggest that the emphasis on handouts to our Maori population be dropped in favour of assistance in housing and the like be given to all New Zealand residents. Race based policy needs to be scrapped and the New Zealand constitution should reflect the new millennium and that the population of New Zealand is made up of a big variety of races. In time that number and variety will increase.

A new born New Zealander should know that he is equal to and with all other New Zealand residents and that the origin of the parents should have no bearing on this whatsoever.

Cultural identity should be allowed as it becomes part of the fabric of New Zealand

Thanks

John Manby

5165

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:40 p.m.

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

Full Names: Judith Margaret Manderson Email: Phone:
Postal AddressA: Postal AddressB: Mission Bay Postal
City: Auckland Postal Region: New Zealand Postal Post Code: Postal Country: New
Zealand Submission: I do not endorse the Treaty of Waitangi as a basis for our constitution

Submitted on the 12 June 2013 at 12:26

2181

From: ron manderson
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 11:28 a.m.
Subject: CAP Submission

The Maori seats should be abolished.

There are some 20 odd MPs of Maori ethnicity providing very adequate representation and a specific Maori party.

Furthermore NZ is fast developing as a multicultural society, and one that has addressed the past, and Maori are full members of society so there is no longer a need for special seats, or duplication of Governance.

Ron Manderson

Maungaturoto

4434

From: Honorata Mandilag
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov... n>
Date: 11/07/2013 3:46 p.m.
Subject: CAP submission

1. Do you think our Constitution should be written in a single document? Answer: YES

The different unwritten constitution of NZ, which are being implemented anyway, should be incorporated in the NZ Constitution as CONSTITUTION CHAPTERS. Each unwritten constitution CHAPTER should be preceded by an introductory discussion about it. The full text of each of the CHAPTER designates shall form part of the ANNEXES, without any change or alteration. The NZ Constitution, therefore, shall be a pillar of strength and solidarity in the protection of its citizenry.

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

Answer: THE COURT

Parliament: Promulgate laws/legislation for the country.

The Court: As the title implies, Judiciary, is a neutral body governed by legal procedures in the settlement of issues.

Parliament will only take their sweet time debating on the issues, not really on the merit of the law being presented but more so on who sponsored the law; National Party will be battered with questions, supplementary questions and more supplementary questions, until the Speaker lose his patience, announced ORDER (about 3x) and show his power by banging his gavel on the table. Very slow process of settling an issue indeed.

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

Answer: NOT YET

At the rate NZ lawmakers are taking action, this is not advisable at this stage. The potential for being great legislators and implementors among the present crop of lawmakers, is as bright as the rising sun if only they will try to stick to the issues rather than to their persons.

Thank you for giving me the chance to submit my views.

Very truly yours,

Honorata de Leon Mandilag

Wellington

Tel.

4274

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:25 p.m.
Attachments: Constitutional ReviewSubmissions .docx

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

Full Names: Gitika Mangar Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Constitutional Review Submissions .docx

Submitted on the 30 July 2013 at 21:24

Submission to the Constitutional Advisory Panel

Name: Gitika Mangar

Organisation (if applicable):

Postal or Email Address

Date: 30/07/2013

Overview

I believe that the Consideration of Constitutional Issues has been constrained by its overly narrow terms of reference and the inherently political nature of its origin.

I recommend that the public be engaged in a more wide-ranging constitutional discussion that addresses fundamental issues such as the values that ought to underpin our constitution.

I also recommend that, in any case, the Treaty of Waitangi be recognized as a central component of our constitution and that, until better mechanisms are established for Māori representation, the Māori seats in Parliament are retained and entrenched, and the establishment of Māori wards continues to be encouraged at the local government level.

Narrow Terms of Reference

There is a pressing need for constitutional reform in Aotearoa. However, the terms of reference for the Consideration of Constitutional Issues are too narrow to allow for any issues to be addressed that could lead to effective constitutional reform. The terms of reference focus on specific mechanical issues relating to our existing constitutional institutions. This assumes that the basic structures of our current constitution work well, provide for effective accountability and participation in the exercise of public power, and reflect values that are appropriate for Aotearoa in the 21st century and beyond.

A more effective process for constitutional reform should be undertaken. This should begin with a discussion about the core values that ought to underpin the exercise of public power in Aotearoa. Those values could then drive the development of appropriate institutions and mechanisms. The approach and work of Aotearoa Matike Mai: The Independent Constitutional Working Group might be instructive to consider.

Politicization of the Process

The Consideration of Constitutional Issues is also constrained because it has been established as an inherently political process. The entire process originated from the confidence and supply agreement between the Māori Party and the National Party. The terms of reference are coloured by the political imperatives that drive each of those parties. Those parties have a vested interest in portraying this process as a success. Other political parties have an incentive to paint the process as a failure. These issues are simply too important to be politicized in this way or to be controlled by politicians and political processes.

A non-politicized process of constitutional reform should be undertaken.

Maintenance of Basic Constitutional Protections for Māori

While the Consideration of Constitutional Issues is too constrained to lead to effective constitutional change, it is vital that basic constitutional protections for Māori are not eroded as a result of this process. The Treaty of Waitangi ought to be recognized as a central part of our constitutional arrangements that speaks to the exercise of public power in Aotearoa. The Māori seats in Parliament may be only a minimal form of Māori representation but they must be retained and entrenched until better mechanisms are established. Similarly, Māori wards should continue to be encouraged at the local government level.

3783"

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 12:11 a.m.
Attachments: Constitution.docx

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

Full Names: Te Mania O'Rourke Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Whanganui Postal Region: whanganui Postal Post Code: Postal Country:
New Zealand Submission: Kia ora.

This is a very crude submission. Nonetheless, I wanted to take the opportunity.

Thank you Submission Upload: Constitution.docx

Submitted on the 24 July 2013 at 00:10

NEW ZEALANDS CONSTITUTION

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

No.

Why?

Firstly, I do not support a Constitution as it may negatively impact on the significance and mana of the Treaty of Waitangi. I am grateful that consideration is given to the Treaty of Waitangi in Government Legislation, though this is in the form of Principles and questions maybe raised as to the impact interpretation of the Treaty of Waitangi in this way has had on New Zealand people.

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

No. I am not in favour of a Constitution.

Why?

I do not believe a single constitution should have higher legal status than other laws. I have serious concerns that our countries leaders maybe attempting to duplicate other countries political structures. Historically our system of government is very similar to British political structures. Recently I have become very concerned that the New Zealand Government maybe attempting to follow some American models of Government. The American Political System is certainly not a system I would like to see being streamlined throughout New Zealand, specifically there health care system, though the Pan Pacific Agreement is very concerning. It appears that America may already have a stronghold on our nation's leaders. Sometimes I think the powers that be believe that your everyday New Zealander is naïve to the Political machine and its operations. This offends me.

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

I do not support legislation being consistent with a single Constitution. The mana of the Treaty of Waitangi may suffer as a result of aligning with the Constitution and in my experience what becomes adapted becomes adopted.

BILL OF RIGHTS

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

No. It appears to me that Parliament minimises the value of the Bill of Rights. It does not appear to be referenced enough in Parliament let alone actively promoted. Questions maybe raised regarding a shift from the Bill of Rights to a Constitution and I find the link between the United Nations, Bill of Rights and OECD a link I cannot ignore, particularly given New Zealands poor showing in the recent OECD statistics which found New Zealand having one of the highest youth suicide and family violence rates. Is there a link? Are New Zealand Policy Analysts attempting to divert attention away from these statistics by introducing a Constitution?

What other things could be done to protect rights?

Change the tax system. Tax the most vulnerable people in our country at a lower rate to those who maybe considered wealthy. Tax the wealthier at higher rates. On a sarcastic note: it's not rocket science, though I believe I would have a higher chance of explaining gravity than I would in hoping that this topic maybe at least discussed. The biggest change you could make in improving the wellbeing of those less fortunate would be to change the tax system. I understand it's not the answer to everything. I firmly believe that changes in this area would dramatically improve the overall wellbeing of New Zealand families living below the poverty line and let's not be in denial about this. There are New Zealanders living below

the poverty line and that in itself still massively shocks me.

Currently Mental Health Services do not meet with young people under the age of 16 without parental consent and while I prefer parental consent there are exceptions to this such as the parent maybe the issue. An example could be a 14 year old discloses suicidal ideations. There are no child protection concerns and she describes her parents affectionately. She does not consent for her worker to share information with her parents. The worker breaks confidentiality and further risk of harm is now imminent for the young person and their relationship has suffered. The worker contacts mental health and explains the situation. They decline to meet with her without parental consent. New Zealand has one of the highest youth suicide risks in the OECD. Questions regarding this needs to be raised including, how young people can access mental health without parental consent.

TREATY OF WAITANGI

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

There is absolutely NO role for the Treaty of Waitangi in the constitution.

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

No. I have serious concerns that the strength of the Treaty of Waitangi maybe minimised and diluted to such a degree that the very mana of the Treaty of Waitangi will be lost if it is referenced in the Constitution. It's simple really: My bones didn't sign a Constitution. They lie in the Treaty of Waitangi.

MAORI REPRESENTATION

How could Māori electoral participation be improved?

For Maori to remain on the Maori roll and be able to vote on the general roll for party

candidates.

ELECTORAL MATTERS

How long should the term of Parliament be? Why?

As long as they have their electorate support they can stay, if not they're out. I believe there are too many politicians in parliament who do not have favour or support of an electorate and are privileged on party lists.

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

If a member parts ways with her/his party then if she/he continues to have the support for their electorate then they are in, if not, they're out.

Do you have any other comments or suggestions about New Zealand's constitution?

I'm not a fan of the Constitution. I believe it will further add red tape to Parliament processes that may have a negative impact on people. Where did the idea for a Constitution come from? Who were the people spearheading a Constitution discussion? What is there economic status? What is there ethnicity? How did the Constitution gather momentum? Who were pushing for this Discussion? How much money has this cost? And who are the people affected by a lack of funding?

4430

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:57 a.m.

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

Full Names: Diana Ringahuia Manihera Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Takaro Postal
City: Palmerston North Postal Region: Postal Post Code: Postal Country:
New Zealand Submission: MY ASPIRATIONS FOR NEW ZEALAND (AOTEAROA)

1. That all New Zealanders that is, Tangata Whenua (aka people of the land) are well cared for from birth, to toddlers, to teenagers, to young adults, to adults, to middle aged and especially our elderly.
2. There will be no poverty in NZ.
3. That the well-being of every family or every individual is being met in areas of free health and education.
4. That no family or individual goes be denied basic needs of food, clothes, warmth, health, education or housing.

HOW I WANT NEW ZEALAND TO BE RUN IN THE FUTURE?

1. With respect, integrity and honesty by the government.
2. That Tangata Whenua (aka people of the land) have the best of what NZ government has to offer to ensure "people" are first priority in all government decisions.

Submitted on the 31 July 2013 at 11:56

4430a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:57 p.m.

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

Full Names: Diana Ringahuia Manihera Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Manawatu Postal Post Code: Postal Country:
New Zealand Submission: Firstly, I have a question?

Why is the Constitution specifically being activated for change at this particular time... and not in the past?

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

Yes. Why?

Because I've never known any other Constitution to be written in any other manner. My whakaaro (thinking) is to keep it simple so it can be easily understood by the people and readily available for the people to view at all times, after all, it does constitute the rules of how New Zealand is being run, and to ensure the whole country including the government, the law, bill of rights etc are abiding by these rules.

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

Yes. Definitely, why?

Because its going to govern from top to bottom and all the other legal, illegal identities that are in place now or introduced in the future. Future changes should be supported fully by the "people" however, if we get it right the first time we won't need any changes!

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

Courts. Why? Because parliament doesn't listen to the "people" who put them where they are in the first place. When the mauri doesn't go their way, they call for a "bill of rights" change... just saying...

44306

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:04 p.m.

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

Full Names: Diana Ringahua Manihera Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Palmerston North Postal Region: Manawatu Postal Post Code: Postal Country:
New Zealand Submission: 1. Does the Bill of Rights Act protect your rights enough? Why?

No. Why?

Because the government wants to, have enough support to or has already passed a "Bill" that takes away my "right to privacy" as a Maori, an individual, as a resident and citizen of New Zealand to live my life freely. So this question is irrelevant!!

2. What other things could be done to protect rights?

Change parliament members to MP's that care for the "people of NZ" and hear what the "people" in NZ have to say.

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

Yes, Why?

It makes perfect sense to make positive changes while we can... whose "supreme law" I haven't even heard of them before!!

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

Courts. Why?

Keeping it simple makes legal jargon easier to understand therefore legislation is consistent, the Act is kept on track.

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

Additional Rights: Property, economic, social and cultural rights and the right to privacy. Why? Because it's my "right" as a New Zealander to have a say in what I want included in the "Bill of Rights Act".

4430 c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:07 p.m.

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

Full Names: Diana Ringahuia Manihera Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Palmerston North Postal Region: Manawatu Postal Post Code: Postal Country:
New Zealand Submission: 1. Thinking of the future, what role do you think the Treaty of Waitangi
could have in our constitution?

The Treaty of Waitangi has been interpreted quite differently as passed on from my ancestors. The correct interpretation of the TOW will always be challenged. Our ancestors saw this need for our future therefore, the TOW will always be the foundation to acknowledge

Maori and their status of "Tangata Whenua o Aotearoa" and to be passed on to generations to come that this is their homeland. TOW was designed also, to bring all races together to live as one, to flourish as one and to be as one. I don't see this happening

in today's society. If we get it right this time we could certainly see the future generations flourish, live as one and be as one. Put this in the Constitution for future oneness.

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

No. Why? Because it will take away the "wairua" of why the TOW was initiated in the first instance. Not happy to formalise our Treaty within the Constitution!

Submitted on the 31 July 2013 at 15:07

4430d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 11:14 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Diana Ringahua Manihera Organisation Name: Email: ---
Phone: --- Postal AddressA: --- Postal AddressB: --- Postal
City: Palmerston North Postal Region: Manawatu Postal Post Code: --- Postal Country:
New Zealand Submission: 1.How many members of Parliament should we have?

A manageable amount that fully understand "people" needs before materialism needs

2.How long should the term of Parliament be?

Three (3) years. Why? So government don't get themselves in the shit!!

3.How should the election date be decided?

Majority rules!!

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

What works best for the "people!!!"

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

Sacked and out of commission!! Don't want party-hoppers stirring!!

Submitted on the 31 July 2013 at 17:11

4430 e

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:00 p.m.

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

Full Names: Diana Ringahuia Manihera Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Palmerston North Postal Region: Manawatu Postal Post Code: Postal Country:
New Zealand Submission: 1. How should Māori views be represented in Parliament?

By Maori representatives that support the kaupapa with a view to promote and enhance initiatives to provide free health and education to all New Zealanders, Tangata Whenua or likewise. To ensure all families and individuals have all the basic needs to survive daily by ensuring they have, food, clothes, warmth, housing and free health and education.

2. How could Māori electoral participation be improved?

Interaction with their community every day or whenever it is possible and not just during election time.

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

Positive and bold representation to the point they have been heard and a change has been made to flourish New Zealanders.

Submitted on the 31 July 2013 at 17:00

4135

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:19 a.m.

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

Full Names: Kaharoa Manihera Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Rangiora Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: As the Tiriti o Waitangi / Treaty of Waitangi
is mentioned as a (if not the) founding document for Aotearoa New Zealand, why can't it be more
integrated into legislation and / or law. What is the rationale?

I believe (as many others do) that the Tiriti was intended to be like that of a proposal of equals, where
both parties were able to SHARE and flourish as their own, and to become stronger together!

Despite history showing abuse (financial, physical, cultural, social etc) from one side and retaliation
and outrage from the other (like that in a abusive relationship), there has to be a way to allow both
cultures to adhere to the values of the Tiriti.

The mana that the Tiriti / Treaty holds does and can benefit all people when viewed with the right
intentions. It's when individuals / groups etc intend to utilise it for personal gain instead of that for the
betterment of whānau (communities, families and
the nation) is where the effects aforementioned will surface.

Submitted on the 30 July 2013 at 08:18

4820

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:31 p.m.
Attachments: Constitution Conversation.doc

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

Full Names: Tracey Anita Manihera Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Porirua Postal Region: Wellington Postal Post Code:
Postal Country: New Zealand Submission: Submission file attached. Submission
Upload: Constitution Conversation.doc

Submitted on the 31 July 2013 at 16:31

Liberal Democracy, Treaty of Waitangi and Constitution.

The Treaty of Waitangi is our Nationhood, the very essence of it, the reason of our existence. To simply call it 'a founding document' demeans its reason, purpose and future. To not empower the Treaty of Waitangi, that is the very birth of our Nation, is to provide a path without direction and reason for our children, our future generations. To not empower the Treaty is to ignore our past, to ignore our forbearers, both Maori and Pakeha signatories. Despite numerous scholarship accounts that seek to empower and justify the legitimacy of the Treaty within Constitutional frameworks, those who hold the pen continue to ignore so all in reason of the economic aspirations of a few.

As Grey said when he was parting Ngati Toa, Ngati Raukawa and Atiawa chiefs at Otaki in 1853:

"Hereafter, a great nation will occupy these Islands, and with wonder and gladness they will look back upon the works of those men who assisted in founding their country; and when the children in those times ask their parents who were the men who founded so great a country, they will answer them, the men who did these things in the olden times were our ancestors. Yes, those things were done, not by our European ancestors alone, but partly also by our ancestors who were the original native inhabitants of these Islands, and they will tell them many names, and amongst them those of my friends."

As a liberal democracy the Treaty should be empowered as a Constitutional pillar, legally thus institutionally. Without it our Nation would not exist. History proves that the Treaty has been breached within law and institutions. This does not reflect the 'Liberal Democracy' we claim to be. In light of our forebears, both Tribal Sovereigns and the British Empire, to constitutionally empower and implement the Treaty of Waitangi would be a practising of restorative justice thus a practice of a Democracy, and a liberal one.

The economy of our Nation is land, from which all wealth derives from, that is resources, exports, imports, business and so forth. Together, Tribal, Local and National Governments/Councils can implement strategies to sustain this country economically, socially, politically and so forth. By being responsive to numerous scholarly frameworks that seek to constitutionally empower the Treaty of Waitangi would be an effective approach to Governance in New Zealand, a balanced, proportional, ethical, active and accountable one.

Kindly,

Tracey Manihera,

Ngati Haua ki Waikato

Belfast, Northern Ireland

4811

From: Atareta Manihera-Otton
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:19 p.m.
Subject: CAP Submission

I Atareta Manihera-Otton, Wellington, would like to have this submission included into this current process for consideration. 1. This submission seeks to establish the following understanding as the Central Pillar of the Constitution for the House of Government for the Future New Zealand.

- That the constitution of Aotearoa/New Zealand places the Tiriti o Waitangi/Treaty of Waitangi as the foundation document upon which the modern state of New Zealand was established between Māori and the British Crown of 1840

- The Central ethos of this foundation document was to recognise by the treaty the inherent rights of Māori as the founders of this land, and guarantee to Māori ownership of their lands and taonga, and to share in the future governance of Aotearoa/New Zealand with the British Crown and her Descendants

2. all other subsequent developments - including the Bill of Rights, democratic rights introduced through time for justification for the usurpation of Māori rights, laws of parliament passed against those fundamental rights - shall remain subservient to those fundamental rights established by the Treaty.

Noho ora mai,
Atareta Manihera-Otton
(Ngati Porou/ Tainui/ Ngai Te Rangi)

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.

Gareth Manins
Cambridge
New Zealand

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Brett Mann
Christchurch
New Zealand

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Helen Mann
Christchurch
New Zealand

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Nick Mann
Christchurch
New Zealand

3665

From: Robert Mann
To: <constitutionalreview@justice.govt.nz>
Date: 17/07/2013 9:16 p.m.
Subject: for your review of our constitution
Attachments: bionote.rtf; WhyMon.rtf

Dear Sir Michael & cttee members

Your extension of time is welcome in that I can at last get around to sending you some comments.

I begin by sending greetings to yourself and other members with whom I am acquainted. For the others, I attach a brief c.v. to outline my background.

What I now send you is based partly on what I sent to the earlier, more dubious Dunne venture on a similar theme.

Summary

New Zealand's form of government is one of the most successful of all time. It was even better when the monarchy was widely held in high esteem. The constitution as implemented by Nash and Marshall struck a very good compromise on the L-R spectrum, as I have argued: <<http://scoop.co.nz/stories/HL0504/S00284.htm>>.

Any attempt to change our constitution should be very soberly, sceptically examined before action is permitted. This principle was gravely violated by the Clark/Wilson regime undermining our connections to the monarchy by several calculated actions.

Demands for reviewing the constitution issue regularly from leading racists e.g. Their motive is obviously power for themselves; no legitimate reason exists for any review of our constitution.

One aspect routinely misrepresented is the status of Maori chiefs defined by the 'treaty' of 1840. They became subjects, like the rest of us New Zealanders, of a monarchy which brought them the rule of law. Such of their descendants as today claim to represent tribes are similarly subjects of our monarch.

This country was founded by Maori chiefs who wished to join what was by any comparison an enlightened empire. Those who later rose in armed rebellion against the NZ Government cost the nation quite a lot and themselves suffered the normal confiscations after their revolt had been defeated.

The monarch of this past half-century is the finest ever - and an impeccable woman, which was a main motive for the republicanism of PM Clark and - more disgracefully - Governor-General Cartwright. Our Crown Prince is an educated, widely experienced leader in important fields.

The cttee should review offences against the Crown that used to be crimes, with a view to recommending up-to-date versions of the relevant laws.

No tribe can become a modern nation-state. The world's oldest democracy is a relatively successful nation and should not be open to seditious fomenting of secession, let alone on a basis of tribe or race as openly advocated by Moana Manispoto Jackson etc.

=====

I address in turn the Dunne committee's stated topics. Since

statements to such cttees are not mere voting but utterly personal, I wish to make clear the perspective from which my opinions are formed. The attached brief c.v. outlines my background. I am a New Zealander who happens to have no Maori ancestry; a practising Christian; and sometime vice-chairman of the Monarchist League of NZ (tho' communicating with your cttee in a purely personal capacity). I believe the main points below represent the chief advantages which made the New Zealand in which I grew up the finest civilisation ever. I attempt to explain for the cttee which ideological trends of the last few decades I regard as dangerous for our civilisation.

1. The key elements in New Zealand's constitutional structure and the relationships between those elements

New Zealand's form of government is one of the most successful of all time. It was even better when the monarchy was held in high esteem. The constitution as implemented by Nash and Marshall struck a very good compromise on the L-R spectrum. The decline is no mere coincidence but a process of degradative causation.

Any attempt to change our constitution should be very soberly, sceptically examined before action is permitted. This principle has been gravely violated by the Clark/Wilson regime undermining our connections to the monarchy by several calculated actions.

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This country was founded by Maori chiefs who wished to join what was by any comparison an enlightened empire. Those who later rose in armed rebellion against the NZ Government cost the nation quite a lot and themselves suffered the normal confiscations after their revolt had been defeated.

The monarch of this past half-century is the finest ever - and an impeccable woman, which is a main motive for the republicanism of the current NZ PM and - more disgracefully - Governor-General. Our Crown Prince is a promising heir and vastly better than the sorts of cardboard cutout thrown up by PR agents who manipulate election of presidents e.g Reagan, Dubya.

The cttee should review offences against the Crown that used to be crimes, with a view to recommending up-to-date versions of the relevant laws.

No tribe can become a modern nation-state. The world's oldest democracy is a relatively successful nation and should not be open to seditious fomenting of secession.

2. The sources of New Zealand's constitution

One way to approach this theme is by my interleaving comments on the unprecedented PR early 2004 by NZ bishops.

- >The bishops of the Anglican Church in Aotearoa, New Zealand and
- >Polynesia meeting in Auckland on Feb 18 -19 and the Roman Catholic

- >Bishops of New Zealand, issued this contribution to the current
- >debate on the place of the Treaty of Waitangi in our national life.
- >
- >The recent debates reveal the volatile state of popular feeling
- >about race and ethnicity. We believe the Treaty covenant provides
- >the best way of addressing that volatility. We call for a Treaty
- >debate rather than a race debate.
- >
- >In recent years successive governments have been responsible for
- >real progress made in resolving claims under the Treaty of Waitangi.
- >With regard to programmes relating to Maori health, education and
- >welfare, it is our view that such programmes are generally
- >need-based rather than being examples of ethnic privilege. If
- >claims to the contrary are made, we would ask that they be tested in
- >the light of facts and figures.

quite so; let's see some of that testing!

- >As Anglicans we are distinctively known and named as Te Haahi
- >Mihinare, the Church of the missionaries who promoted and translated
- >the Treaty. This gives us a vested interest and an historical
- >responsibility to honour the Treaty our forebears helped to create.

quite so

- > As Catholics working out of a different history, we share that
- >same responsibility.
- >
- >We know the Treaty is a living document because it shapes our life
- >as churches, alongside the Gospel of Jesus Christ. The Anglican
- >General Synod used it to rewrite its constitution and reshape its
- >ways of making decisions, spending money, learning, praying and
- >serving the community together. The Treaty formed the way we walked
- >together on the Hiko of Hope.
- >
- >So we have to disagree with those who say the Treaty offers no
- >blueprint for modern New Zealand

that term seems exaggerated - no such detail could subsist
in such a brief (& hastily created) declaration

>, creates no partnership

this is a v different matter, and should not be conflated
with the previous (or the following) concepts. The list of 4 is a
deceit.

On the substantive matter: it is simply a fact that no
partnership is entailed. Those chiefs who signed ceded sovereignty
(art. 1) to the Crown, and gained (art. 3) the valued status of
British subjects. The well-meaning Revs H Williams & R Taylor
slipped in the unfortunate art. 2 - in recent years treated by some
racist racketeers as if it were the whole 'treaty' - reserving to
the chiefs local authority. The chiefs obtained the rule of British
law by ceding sovereignty; nothing like a partnership ever existed
between them and their new govt. Stuart C Scott's and D J Round's
analyses are the best I know on these aspects of the treaty's origins.

>, defines no principles

Since the Clark/Wilson regime has been unable to state these Principles, after numerous requests in Parliament, why shouldn't anyone else concur?

And flag here the question whether the PR returns later to attempt any clarification of this dismissal.

>or constitutional relationship

D J Round makes this point in his book 'Truth or Treaty' and it cannot be glibly dismissed. But I believe most NZers welcome the new constitutional relationship sketched above. That there was, strictly, no treaty (because no sovereign nation here to treat with the British govt) we can not disregard in any inquiry such as your cttee is conducting.

>and serves to fuel separatism.

It is used for that purpose, esp by CCA employee since 1988 Mitzi Nairn, her husband Ray, their buddies the Harawira gang, the Jackson Five, Annette Sykes, Patu Hohepa, Peter Sharples, Te Kenehi Mair, T Turia MP etc etc.

> Our experience contradicts those claims.

Those 4 claims are not a proper bundle; to pretend they are all of a piece is obviously false & deceptive.

>We acknowledge that issues of sovereignty were begged by the
>differences in translation between the two versions of the Treaty.

not true; sovereignty, kawanatanga meaning the power of life & death as wielded by the kawana of Judaea in Christ's time, was understood since chiefs had been to London (to plead for accession to the Brit empire) and knew kawanatanga meant the British Govt - as they wished.

> Maori never intended or imagined they were giving away their
>rangatiratanga under Article 2.

This is the old straw man stunt - setting up a phantom statement which was never a significant contention within discussion of the 'treaty', and then knocking it down - a phoney sideshow.

>Working out those issues, especially as they apply to land and
>seashore, is an ongoing task.

yes - but to what extent? How important is it? Compared with, say, taking the Gospel to those who've never heard it? Compared with offering leadership against decadent perversions? Compared with teaching some truth about the division of labour between women and men? Compared with protecting the biosphere

against drastic forms of damage?

- >The Treaty can't be ignored or made to disappear, enshrined as it is
- >in the law, very clearly since the 1975 Act and in at least 32
- >subsequent pieces of legislation. Equally important for us, the
- >document forms a spiritual covenant through promises made by our
- >forebears and never forgotten by Maori. To break those long
- >standing promises is to erode the moral foundation of the nation and
- >undermine the ethical basis of Pakeha settlement in New Zealand,
- >along with all sorts of other agreements, covenants and contracts.
- >The Treaty properly honoured provides us all with a cornerstone that
- >is the envy of other nations.

yes - but *properly honoured* would mean very different versions of history, of guilt, and of reciprocity, than the PC D. M. Graham - M. Wilson (and as it has turned out, C. Finlayson) giveaway trend which is never criticized by these Bpp.

>Self determination is the issue, not ethnic privilege.

This is a dangerous term, suspiciously loose for such an important context, and absent from the 'treaty'. Why not clarify 'rangitiratanga' instead of wasting time by flashing this vague term 'self determination'? If the term is intended to adumbrate the racist secessions from New Zealand advocated by several groups e.g The Jackson Five, it should be vigorously explicitly rejected by this cttee.

> Government schemes giving preferential treatment to Maori account
>for less than 2% of the national budgets on health and education.

This is an attempt to downplay the special largesse to Maadi. It resembles Clark's claim - since the PollSlump - that Maadi get no special help with housing or education. These are misleading impressions, and betrayals of what has been generally a proud tradition: this nation has always offered a variety of special help, by administrative if not statutory methods, to Maoris e.g the Maori Educ Fndn (of which I was a founding supporter), the 153 special rural Native Schools of the early 1950s to help Maoris stay rural, and many other worthy aids.

Why not instead use the estimate of accountancy prof Whata Winiata, summarised in the media when 3 wk after the hikoi with Abpp Paterson & Reeves (who didn't know about it) he'd snuck in to PM Shipley a paper along the lines 'Maadi are getting \$8,000,000,000 extra each year lately; but that's peanuts - wait till you see the claims under Art 3!' ? This would give a very different impression from this '<2%' image. Do the leaders disbelieve the professor, or do they want to play down special aid as their dominatrices have suddenly taken to doing since the impact on polls of the Brash Orewa speech?

> The evidence for such preference being effective in addressing huge
>socio-economic disparities is overwhelming

good - why then try to minimize them?

>, compared to the failure of policies that treat everyone the same.

It is a serious falsehood to suggest that failure has attended every policy that treats everyone the same. Some of these policies have worked fine - especially those in realms of life where racial distinction would be immoral.

> Many groups other than Maori including Pacific Islanders enjoy
> special access in order to achieve equity and advancement. To
> reduce the needs of the most needy in such ways is in everyone's
> interest.

>

> Hobson's words at Waitangi "He iwi tahi tatou - We are one
> people" - needs [sic] to be translated with great care.

This is a vague gesture toward Dame S Cartwright who has lately tossed in a mischievous squib (authority Dame J Metge) on this translation. We'll keep that issue simmering, eh boys? Just mention it as a gesture of obeisance to this dominatrix - don't express any opinion. Let's not hasten any resolution of the spurious issues raised by the new racists. Wallowing in the victim/guiltywhite roles could last indefinitely ... The term 'full & final settlement' should be mocked as if itself somehow racist.

> There are always several peoples, sometimes working as one, even
> within Maoridom.

yes e.g 57 varieties of "iwi" registered for claiming purposes; wait till you see how many hapu (the only Maori social unit mentioned in the 'treaty') get on the game as foreshadowed by Wh. Winiata.

Iwi s were political alliances, more or less shifting, between hapus. It would appear that many have been synthesised lately for the purpose of claiming within the 'Treaty' industry.

> We live respectfully and creatively with differences of status,
> responsibility, history and culture. To argue we should simply be
> one people begs the question - which people?

> And on whose terms?

Apparently, it will be on the terms of " " and other criminals, " " and other slush-fund operators, " " and numerous white wimmin - some of them ordained - who 'identify' with Maadi because both are 'oppressed'; and apparently these Bpp. That's who.

Some of the highest-ranked Bpp have presided over the destruction of Queen Victoria and St Stephen's Colleges, once major contributors to Maori education & advancement. And I hear Te Aute is also in trouble. If these Bpp are so insightful & concerned for Maoris, why don't they conserve these major educational & cultural resources?

* * *

A raving racist Maori lecturer (at VUW) published the following silliness:

Essentially our culture has been removed from our kaitiakitanga of Papatuanuku through colonisation and we must reclaim it.

to which I responded:

What a pathetic pseudo-religious rave. The deity mentioned is a dead letter and no good can come of pretending to revive her. Most Maori tribes made enormous progress, probably unrivalled in the whole world, by embracing Christianity and springboarding themselves - with the crucial help of many well-disposed Brits, and then of the native-born such as myself - out of a Stone Age culture dominated by war, slavery, and cannibalism. Within 1 century they had learned to cope with modern life, and volunteered famously to resist the fascist Axis. They were loyal New Zealanders. "For God, for King, and for country", they sang. (I agree with Brig. W Gardiner that too many were allowed to go to that war, a main reason why such a large proportion of unfit persons have lately been allowed to pose as Maori leaders.

=====

In the decade since I composed those comments on the Bpps' PR, race relations have been worsened by continued fomenting, aided by PC media. I hope your cttee will help the nation to wake up from this confused PC neoracist trend. Race is not a feasible, let alone moral, basis for life in the modern world.

I hope even more strongly that your cttee will affirm the advantages of our constitutional monarchy over all alternatives. Attached is a summary of reasons (composed by myself with fellow Monarchist League councillor John Cox LL.B just before Prince Charles' most recent visit to NZ).

I think a 4-y term for the Parliament would be a slight improvement, on the whole.

If your cttee is to hold any hearings, I'd do what I readily can to meet with you.

Yours sincerely

Robt Mann

--

L. R. B. Mann
applied ecology

NEW ZEALAND

- a Hibiscus Coast and Auckland number
<http://www.kuratrading.com/HTMLArticles/writings.htm>

outline c.v.

L R B Mann BSc (NZ) MSc *hons* (VUW) PhD (Calif. at Berkeley)

University of Auckland: senior lecturer in Biochemistry, then in charge of the Environmental Studies course; rtd.

Active in conservation, e.g. chaired a branch of Royal Forest & Bird Protection Society, and was for a dozen years a director of the Environmental Defence Society.

Advised NZ cabinet ministers through the Environmental Council Working Party on Energy (8y) and the Toxic Substances Board (11y).

In the peace movement, vice-pres. NZCND 1972-3; a founding committee member, NZ Foundation for Peace Studies; co-author, NZ govt pleadings in successful World Court suit against French atmospheric nuclear tests.

NZ Assoc of Scientists: council 1976-78.

Church & Society Commission, NZ National Council of Churches: member 1975-80, consultant 1980-87.

Prostate Awareness & Support Society of NZ: council 2004-05.

Monarchist League of NZ: council 2000 - 08, vice-chairman 2005 - 08.

Interests: chemistry applied to dangerous technologies (nuclear fission, bulk combustibles, poisons, gene-tampering); nutrition; appropriate technology, especially solar-thermal; technology/society interactions; evolution; structure of DNA; science & religion; countering the feminazi sex-war; combustion science; novel engines; novel motorcycles.

643

From:
To: <constitutionalreview@justice.govt.nz>
Date: 25/04/2013 5:46 p.m.
Subject: http://www.ourconstitution.org.nz/ form submission

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

Full Names:	Bernard Mannering	Organisation Name:		Email:	
	Phone:	Postal AddressA:	Postal AddressB:		
Postal :	Postal Region:	Postal Post Code:	Postal		

Country: New Zealand Submission: 1) The document is now null and void. To decisions made legally by my ancestors 173 years ago I have no legal redress. The Treaty has run its course and should be nullified. It has now become a golden cow for the Maori, most of them, if not all not full blooded. The money spent on the Treaty settlements could be better aimed at health, schools, and other necessary infrastrucuter needed by all Kiwis.

Sent on the 25 April 2013 at 17:45

2237

From: Gordon Mannering
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 2:41 p.m.
Subject: CAP Submission

I believe Maori seats in Parliament are an insult to Maori who are as capable as non-Maori of getting elected and should not be treated as like babies, who have to have everything done for them.

2237a

From: Gordon Mannering
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 2:43 p.m.
Subject: CAP Submission

I believe Maori seats in Parliament are an insult to Maori who are as capable as non-Maori of getting elected and should not be treated like babies, who have to have everything done for them. Their elders should encourage them to find out about the issues and get out and vote.

22376

From: Gordon Mannering ·
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 7:52 a.m.
Subject: CAP Submission

Maoris are New Zealanders like everyone else but are continuously singled out for special treatment.

When New Zealand was first colonised they may have had language and cultural disadvantages enforced upon them by the English.

However, many generations later, the vast majority of Maoris live side by side with all other New Zealand people but there are small groups of both Maori and non Maori who still wish to single out the Maori as some sort of a disadvantaged people who require 'special' treatment.

This is not necessary as can be seen by the numbers of Maori who enter Parliament on the "Open Ticket" and don't have to rely on the special treatment offered by 'Maori only seats'.

The recent by-election show a poor level of interest by voters for a "Maori Only" party.

Stop treating the Maoris like "special need children", they are grown ups now and well able to foot it in the real, unprotected, world like the rest of New Zealanders.

Abolish the Maori only seats.

Gordon Mannering.

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.

Nicola Mannering
Nelson
New Zealand

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Andrew Manning
Auckland
New Zealand

5158

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:36 p.m.

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

Full Names: Glen Manssen Email: Phone: Postal
AddressB: Postal City: Rotorua Postal Post Code: Postal Country:
New Zealand Submission: 2/ Education

3/ Same as all Ratepayers

1/The same as everyone else on the General Roll

Submitted on the 12 June 2013 at 19:41

5158a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:36 p.m.

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

Full Names: Glen Manssen Email: Phone: Postal
AddressA: Postal City: Rotorua Postal Post Code: Postal Country: New
Zealand Submission: Honour the MMP referendum.

Submitted on the 12 June 2013 at 19:31

51586

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:36 p.m.

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

Full Names: Glen Manssen Email: Phone: Postal
City: Rotorua Postal Country: New Zealand Submission: 1, None, treat all N Zers the same
and equal.

2, NO. The treaty has been completely distorted from its original intentions. It has created separate and a privileged class. This must stop, if it continues I see real trouble ahead. Look at Turkey today. wake up.

Submitted on the 12 June 2013 at 20:03