

668

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 11:34 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: ihapera manuera Organisation Name: Email: ..
Phone: Postal AddressA: Postal AddressB: Postal
City: Postal Region: auckland Postal Post Code: Postal Country: Namibia
Submission: would like to see the treaty of waitangi; the maori version, followed by the english translation. written into a new NZ. constitution. It is only then,

I would see a true, transparent partnership emerge. The benefits of a bi- cultural society (in my view) can only enhance NZs image, to overseas visitors and investors.

Sent on the 29 April 2013 at 11:33

753

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 5/05/2013 9:32 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Atelaita Mapa Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: South Auckland Postal Post Code: Postal
Country: New Zealand Submission: The Treaty of Waitangi should be at the forefront of our new
Constitution. It needs to be recognised, as until we address Maori disparities will New Zealand
experience racial harmony.

Short and simple: Keep the Treaty of Waitangi and give it more prominence in New Zealand's political
and legal context.

Sent on the 5 May 2013 at 21:31



800

Received 10 May 2013

7 May 2013

President
Hon Sir Grant Hammond KNZM

Submissions
Secretariat, Constitutional Advisory Panel
C/o Ministry of Justice
DX SX10088
Wellington
NEW ZEALAND

Commissioners
Judge Peter Boshier
Dr Geoff McLay
Hon Dr Wayne Mapp QSO

Email: constitutionalreview@justice.govt.nz

SUBMISSION TO THE CONSTITUTIONAL REVIEW

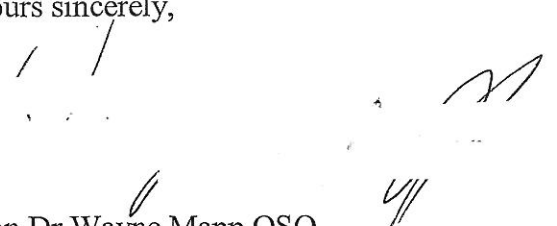
Dear Secretariat,

I enclose my submission and draft Bill for the Constitutional Advisory Panel. I emphasise that it is an individual submission and not a submission of the Law Commission.

As you will note, the core of the submission is that the Constitution Act 1986 should be replaced by a new Act that sets out our constitutional arrangements in a more comprehensive manner than is currently the case.

I would be very happy to speak to the Panel to elaborate on any of the points in my submission.

Yours sincerely,


Hon Dr Wayne Mapp QSO

800

From:
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 9/05/2013 9:19 a.m.
Subject: CAP Submission
Attachments: New Zealand Constitution Bill (3).pdf; Submission of Dr Wayne Mapp.pdf

Dear Secretariat,

I attach the submission of Dr Wayne Mapp to the Constitutional Review. Also included is a draft bill. Dr Mapp emphasises that the submission is an individual submission and not the submission of the Law Commission.

Dr Mapp also notes the core of the submission is that the Constitution Act 1986 should be replaced by a new Act that sets out our constitutional arrangements in a more comprehensive manner than is currently the case. He is happy to speak to the Panel to elaborate on any of the points in the submission.

I also note that a hard copy is being posted to you.

Kind regards,

(

This email message and attachments do not necessarily reflect the views of the Law Commission. It may contain information that is confidential and may be subject to legal privilege. If you are not the intended recipient, you are hereby notified that you must not use, disseminate, distribute or copy this email message or its attachments. If you received this message in error please notify the Law Commission and return the original message to the sender. Please destroy any remaining copies.

New Zealand Constitution Bill

Member's Bill

Explanatory Note

New Zealand's constitution is contained in various statutes, conventions, customs, practices and other sources. There is no single source where it is possible to see the structure of government, the roles, functions, powers and responsibilities of the branches of government, or the rights of the people. The Constitution Act 1986 does not achieve this purpose, even though it does contain some important constitutional principles. There are a number of Acts of Parliament relevant to the New Zealand constitution, including the Constitution Act 1986, the New Zealand Bill of Rights Act 1990, the Electoral Act 1993 and the Supreme Court Act 2003. None of these statutes operates as a constitution. The Treaty of Waitangi/Te Tiriti o Waitangi brought about the formation of the modern state of New Zealand, initially as a crown colony and ultimately as an independent sovereign nation. While the Treaty is an extremely important constitutional document, it is not, of itself a constitution.

This Bill sets out our constitutional framework in a readily accessible format. It is not intended to be supreme law overriding other Acts of Parliament, and its amendment is not subject to special entrenchment. It also does not purport to be the source of the law that makes up the constitution. Instead, it brings together in a single statute the most important constitutional principles, including those already contained in the Constitution Act 1986. The new Act will enable people to understand readily the overall structure of government, the division of roles, functions, powers and responsibilities, and the fundamental rights of the people in a single instrument. It will also mean that the workings of government are accessible to all New Zealanders.

This Bill will replace the Constitution Act 1986, and will set out the constitutional position in a more comprehensive and clear manner. There will be a need for companion legislation, to pick up remnant provisions from the Constitution Act 1986 that will still be required to fulfil necessary, if minor, constitutional purposes.

A Bill of Rights is not included into this Bill as the New Zealand Bill of Rights Act 1990, is sufficient to uphold rights. Including it in this Bill may lead to further confusion given that the New Zealand Bill of Rights Act 1990 has its own legislative history and case law.

This Bill also includes a Preamble, setting out the values that underpin our nation and that we New Zealanders strive for as a people. The Preamble will contribute to the understanding and interpretation of the Act. It draws from our own national experiences as well as the wider democratic heritage to which we belong and which has played such an important part in the nation's development.

Dr Wayne Mapp

Constitution Bill

Contents

Preamble

It is desired to bring together the important elements of the New Zealand constitution for the governance of New Zealand and for the protection of the rights and freedoms of the people of New Zealand, in recognition of the following values:

- a) Upholding the commitment of New Zealanders to democratic values, the rule of law, and personal freedom;
- b) Endorsing New Zealand's commitment to human rights and responsibilities;
- c) Affirming individual dignity and worth, so that all people may strive for their aspirations;
- d) Further affirming the dignity and value of the different communities that make up this nation;
- e) Recognising the unity of all people of New Zealand in this independent nation;
- f) Honouring the Treaty of Waitangi/ Te Tiriti o Waitangi as a founding document of the nation;
- g) Acknowledging that Maori were the first people to arrive in New Zealand;
- h) Acknowledging the worth of all people to this nation and their contribution to this nation's identity;
- i) Recognising the uniqueness and beauty of the natural environment of New Zealand and the role of all New Zealanders as guardians of it for future generations;
- j) Remembrance of past generations for the sacrifices they made in defending the nation's liberty and freedoms; and
- k) Emphasising the spirit of this nation in times of triumph and adversity.

The Parliament of New Zealand therefore enacts as follows:

- 1. Title**
This Act is the New Zealand Constitution Act 2013.
- 2. Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3. Purpose**
The purpose of this Act is to bring together the important elements of the New Zealand Constitution for the governance of New Zealand for the protection of the rights and freedom of the people of New Zealand.

Part 1

Government of New Zealand

4. **Branches of government**
The government of New Zealand comprises the head of state, the legislature, the executive and the judiciary.
5. **Head of State**
The head of state is the Sovereign in right of New Zealand.
6. **The Legislature**
The legislature is the Parliament of New Zealand and consists of the head of state and the House of Representatives.
7. **The Executive**
The executive consists of the Prime Minister and other persons appointed to hold office as Ministers of the Crown or Parliamentary Under-Secretaries.
8. **The Judiciary**
The judiciary comprises the Judges of the Supreme Court, the Court of Appeal, the High Court, and every other Court that is a court of record.

Part 2

Head of State

9. **Governor-General**
(1) The Governor-General appointed by the Sovereign in right of New Zealand is the Sovereign's representative in New Zealand.

(2) In absence of the Governor-General, the Administrator of the Government may perform a function or duty imposed on the Governor-General, or exercise a power conferred on the Governor-General.
10. **Exercise of royal powers by the Sovereign or the Governor-General**
(1) Every power conferred on the Governor-General by or under any Act is a royal power which is exercisable by the Governor-General on behalf of the Sovereign, and may accordingly be exercised either by the Sovereign in person or by the Governor-General.

(2) Every reference in any Act to the Governor-General in Council or any other like expression includes a reference to the Sovereign acting by and with the advice and consent of the Executive Council.
11. **Executive Council**
Every power that is to be exercised, or function or duty performed, by the Governor-General in Council is to be exercised or performed with the advice and consent of the Executive Council.
12. **Royal assent to Bills**
A Bill passed by the House of Representatives becomes law when the Sovereign or the Governor-General assents to it and signs it in token of such assent.

Part 3

The Legislature

13. Legislative Supremacy

The Parliament of New Zealand has full power to make laws.

14. Term of Parliament

(1)The term of Parliament shall, unless Parliament is sooner dissolved, be 3 years from the day fixed for the return of the writs issued for the last preceding general election of members of the House of Representatives, and no longer.

(2)Section 268 of the Electoral Act 1993 shall apply in respect of subsection (1).

15. Summoning, proroguing, and dissolution of Parliament

(1) The Governor-General may, by Proclamation, summon Parliament to meet at such place and time as may be appointed therein, notwithstanding that when the Proclamation is signed or when it takes effect Parliament stands prorogued to a particular date.

(2)The Governor-General may, by Proclamation, change the place of meeting of Parliament set out in the Proclamation summoning Parliament if that place is unsafe or uninhabitable.

(3)The Governor-General may, by Proclamation, prorogue or dissolve Parliament.

(4)A proclamation summoning, proroguing, or dissolving Parliament shall be effective –

(a) On being gazetted; or

(b) On being publicly read, by some person authorised to do so by the Governor-General, in the presence of the Clerk of the House of representatives and 2 other persons, -

whichever occurs first.

(5)Every Proclamation that takes effect pursuant to subsection (4)(b) shall be gazetted as soon as practicable after it is publicly read.

16. First meeting of Parliament after general election

After any general election of members of the House of Representatives, Parliament shall meet not later than 6 weeks after the day fixed for the return of the writs for that election.

17. House of Representatives

The House of Representatives comprises persons who have been or are elected from time to time in accordance with the Electoral Roll 1956 or the Electoral Act 1993, and who are known as “members of Parliament”.

18. Parliamentary control of public finance

The appropriation of public money, the imposition of any charge upon the public revenue, and action by the Crown to levy a tax or raise a loan or receive any money as a loan from any person is not lawful except by or under an Act of Parliament.

Part 4

The Executive

19. Executive Authority

The executive must comply with the law, in the exercise of its responsibility for the government and administration of New Zealand.

20. Cabinet

Cabinet comprises some Ministers of the Crown and it is the central decision making body of the executive.

21. Executive Council

(1) The Executive Council comprises all Ministers of the Crown.

(2) The role of the Executive Council is to advise the Sovereign and the Governor-General on legal and other formal implementation of government decisions.

22. Ministers of the Crown to be Members of Parliament

(1) A person may be appointed and hold office as a Minister of the Crown only if that person is a Member of Parliament.

(2) Notwithstanding subsection (1), –

(a) a person who is not a member of Parliament may be appointed and may hold office as a member of the Executive Council or as a Minister of the Crown if that person was a candidate for election at the general election of members of the House of Representatives held immediately preceding that person's appointment as a member of the Executive Council or as a Minister of the Crown but shall vacate office at the expiration of the period of 40 days beginning with the date of the appointment unless, within that period, that person becomes a member of Parliament; and

(b) where a person who holds office as a member of Parliament and as a member of the Executive Council or as a Minister of the Crown ceases to be a member of Parliament, that person may continue to hold office as a member of the Executive Council or as a Minister of the Crown until 28 days after the day on which that person ceases to be a member of Parliament.

23. Appropriation and expenditure of public money

The executive must present to the House of Representatives not less than once a year Bills providing for appropriation and expenditure of public money.

Part 5

The Judiciary

- 24. Role of judiciary**
The courts resolve disputes and administer justice in cases coming before them. In doing so, the courts-
- (a) Apply and interpret the laws enacted by Parliament; and
 - (b) Apply and administer the common law.
- 25. Appointment of Judges**
Judges are appointed as provided by enactment.
- 26. Salaries of Judges not to be reduced**
The salary of a judge of the High Court shall not be reduced during the continuance of the Judge's commission.
- 27. Removal of Judges**
A judge may be removed from office only by the Sovereign or the Governor-General, acting upon an address of the House of Representatives. Such address may be moved only on the grounds of that judge's misbehaviour or of that judge's incapacity to discharge the functions of that judge's office.

Part 6

Treaty of Waitangi /Te Tiriti o Waitangi

- 28.** The Crown shall not act in a manner that is inconsistent with the Principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

Part 7

Miscellaneous Provisions

- 29. Imperial laws**
- The only imperial laws to still apply in New Zealand are those included in Schedule 1 and Schedule 2 of the Imperial Laws Application Act 1988.

Part 8

Repeals and Amendments

- 30. Repeal of the Constitution Act 1986**
The Constitution Act 1986 is repealed.
- 31. References to Constitution Act 1986 and New Zealand Bill of Rights Act 1990**
References in other enactments to the Constitution Act 1986 or as a provision in those enactments, must be read, so far as applicable, as references to the New Zealand Constitution Act 2013 or to a corresponding provision of that enactment.

Introduction

Over the last thirty years the constitutional framework of New Zealand has undergone a considerable transformation. The cumulative effect has been to create a distinctive New Zealand form of governance, which includes a constitutional structure that is not contained in one comprehensive document. However, New Zealanders are dissatisfied with the current constitutional arrangement because it is unclear, complicated and inaccessible.

This submission proposes a new Constitution Act, to replace the Constitution Act 1986. This new Act will not be superior law like other Constitutions around the world, but it will be more comprehensive than the 1986 Act. The intention is to ensure that ordinary New Zealanders can access a clear explanation of our constitutional arrangements within a single statute. The language of the proposed Act is intended to be readily understandable.

Current Situation

New Zealand's constitution is contained in various statutes, constitutional conventions, practices, case law and other sources such as the Magna Carta, Letters Patent and the Treaty of Waitangi. There is no single source setting out the structure of government, or the roles, functions, powers and responsibilities of the branches of government and the rights of the people. The Constitution Act 1986 does not achieve this purpose, even though it does contain some important constitutional principles.

There are a number of Acts of Parliament relevant to the New Zealand constitution, including the Constitution Act 1986, the New Zealand Bill of Rights Act 1990, the Electoral Act 1993 and the Supreme Court Act 2003. However, none of these statutes operates as a constitution.

The Treaty of Waitangi/Te Tiriti o Waitangi brought about the formation of the modern state of New Zealand, initially as a Crown colony and ultimately as an independent sovereign nation. While the Treaty is acknowledged as a founding document of New Zealand, it is not, of itself, a constitution.

The main legislative changes to our constitutional arrangements that have taken place in the last forty years include the following:

- The Treaty of Waitangi Act 1975, establishing the Waitangi Tribunal and including the Treaty, in both the Maori and English languages;
- The State Owned Enterprises Act 1986, especially section 9;
- The Constitution Act 1986;
- The New Zealand Bill of Rights Act 1990;
- The Human Rights Act 1977 (replaced in 1993);

- The Electoral Act 1993, establishing MMP; and
- The Supreme Court Act 2003.

In addition there has been important legislation affecting the rights of citizens, including the Official Information Act 1982 and the Privacy Act 1993. We have established a range of official bodies to hear grievances, such as the Ombudsman, the Privacy Commissioner and the Environmental Commissioner. The effect of these legislative changes is to regulate and control the powers of the State.

Just as Parliament has been busy, so have the Courts. The key constitutional decision of the last thirty years is *New Zealand Maori Council v Attorney General* [1987] 1 NZLR 641. The case defined the principles of the Treaty of Waitangi but it has significance beyond this. It established for contemporary New Zealand the paramount role of the courts to provide the interpretative approach to aspects of the constitution. While our courts do not have the formal powers of United States courts to overturn legislation, they are fundamental actors in interpreting legislation, and thus the statutes that contribute to our constitutional arrangements.

Problems with the current situation

Despite the changes of the last forty years, there is a general view that in some way our constitutional framework is deficient. It is largely inaccessible to New Zealanders as it is difficult to ascertain what makes up the constitution. In my view, there are three reasons why there is continuing interest in constitutional change.

The first reason is that New Zealand is a constitutional monarchy. While there may not be much popular pressure for change, there is a general recognition that the current situation is not sustainable over time. Knowing that the status quo is unsustainable creates a sense of dissatisfaction in the quality of the constitution and creates an environment for debate of our constitutional arrangements. Successive Prime Ministers over the last thirty years have stated publicly at various times that New Zealand will become a republic. The Governor General has come to look increasingly like an indigenous head of state, being less obviously the representative of the monarch and seeming more like the representative of the New Zealand people. The increasing identification of the Vice-Regal office as a New Zealand institution has been dependant on successive office holders conspicuously acting as our national representative, rather than a representative of the monarchy.

More substantively, the Clark administration created the New Zealand Supreme Court to replace the Privy Council as the highest court. It was obvious that once appeals to the Privy Council were abolished that there could be no going back. The construction of a substantial and significant building as the home of the Supreme Court reinforces the key role of the Court in the constitutional structure.

Its location, opposite Parliament and the Executive, illustrates its role as the third branch of constitutional government. The Supreme Court undoubtedly has many of the elements of a constitutional court, and its home should signify the importance of that role.

Despite little desire to become a republic in the foreseeable future, it seems that it will eventually occur. It is important that steps are taken to ensure the transition is seamless, when it does occur.

The second and more compelling issue is the status of the Treaty of Waitangi. It is now widely understood to be one of the foundations of the constitution. However, its actual status remains uncertain. In theory, it can only have force if incorporated into statute. This uncertain status has meant the role of the Treaty of Waitangi within our constitutional arrangements is one of the eight topics to be considered by the Constitutional Advisory Committee. So long as the status of the Treaty remains ambivalent, we will not have a settled constitution.

The third reason why we remain dissatisfied with the constitutional framework is that we intuitively know that it is incomplete. New Zealand is one of three countries that does not have a comprehensive written constitution amounting to superior law. The advantage of having a written constitution is that it is clear and certain. The weakness in the Constitution Act 1986 is not that it is a regular statute rather than superior law; it is that the key elements of our constitutional arrangements are not contained in a single statute, even if that Act does not have the formal status of superior law.

Over the last forty years, New Zealand has shown a capacity to modify and improve our constitutional arrangements. The Treaty of Waitangi is now recognised as part of the constitutional framework. Our democracy is now more representative and we are much less susceptible to the excessive concentration of power into a single party, dominated by a strong leader. The New Zealand Bill of Rights Act 1990 has strengthened the rights of citizens, particularly the rights of those accused of crimes. Our court system is now fully indigenous and even more important for that reason. These changes were able to be made without affecting the fundamental character of New Zealand's parliamentary democracy and they improved the constitutional framework. There would be few now who would consider that the constitutional framework that we had in 1975 is superior to that which we now have.

The legislative starting point for a more accessible constitutional framework has to be the Constitution Act 1986. It is certainly possible to improve the comprehensiveness and status of this Act. It need not be the forgotten element of the constitution. The limited and obviously incomplete nature of the 1986 Act is an open invitation for change.

However, this does not mean a constitutional revolution, or that the only alternative is the creation of a written constitution as fundamental law. New Zealand constitutional change is more incremental than that.

Credible Solution

In 2004, while a Member of the National Party in Opposition, I developed a draft Bill to replace the Constitution Act 1986. The Bill was intended to serve the same basic purpose as the 1986 Act, but would do so in a more comprehensive manner. The new Constitution Act would be restructured so that it would definitively set out the fundamentals of New Zealand's constitutional framework. It would therefore have to cover the functions of Parliament and elections of members to it, the role and membership of the Executive Council and of Cabinet, the Head of State, and the function of the superior Courts.

The Constitution Act would be structured along the lines of other national constitutions, such as those of Australia, Canada, the United States and South Africa, shorn of course of the Federal elements of these constitutions. However, unlike a constitution that is fundamental law, the Act would not actually establish the powers, rights and responsibilities of government. These already exist. The new Constitution Act would therefore be an exposition of the existing constitutional framework.

The proposed Act includes a preamble. The South Africa Constitution has a preamble. A preamble was also proposed for the Australian constitution in 1999, but this proposal failed to get the support through the required referendum. Comprehensive preambles are now a feature of New Zealand legislation. The Treaty Settlement Bills provide particularly extensive preambles, which set out the history and aspiration of the Iwi who are completing the settlement. In these cases the preamble sets out in narrative form why the settlement is being made. The Preamble for the Constitution Act will contribute to the understanding of our shared inspirations as a nation and aid interpretation of the Act. It draws from the national experience as well as our wider democratic heritage.

One of the difficult issues for a New Zealand Constitution Act is the Treaty of Waitangi. Is it sensible to include the Treaty within such an Act? Will this enhance or detract from the Treaty of Waitangi? In my draft Bill, the Treaty of Waitangi is referred to in the preamble, noting its role as a founding document of New Zealand. The principles of the Treaty of Waitangi are also referred to in a clause not unlike section 9 of the State Owned Enterprises Act 1986. By including this provision, the Government would be accepting that it is no longer reasonable to pass legislation that is inconsistent with the Treaty of Waitangi.

A complex issue is whether to include a Bill of Rights, as other Constitutions have done. After some consideration, it was decided that the inclusion of a Bill of Rights is not appropriate as New Zealand

already has the New Zealand Bill of Rights Act 1990. Introducing the same rights in a new statute could create confusion and uncertainty because there is already a substantial amount of case law on the New Zealand Bill of Rights Act 1990. However, there is scope for the key provisions of the New Zealand Bill of Rights Act 1990 to be included in the Constitution Bill if that was thought to be desirable (and an earlier draft of my proposed Bill did so).

This Bill also recognises a fundamental principle of our constitutional arrangements, that Parliament as an expression of the peoples will, is our supreme law-making body. Parliament has full power to make law through the principle of Parliamentary Sovereignty. It is important that any Constitution Act recognises this.

Conclusion

The making of a constitution, in our circumstances, should necessarily be a conservative undertaking. New Zealand is not in need of a constitutional revolution. Change should be incremental rather than radical. A new Constitution Act should not be seen as an opportunity to radically change the role and functions of government, or the rights and duties of citizens. Such a venture will fail, since it will not gain the consent of the people, or of Parliament.

The new Constitution Act should be seen as an opportunity to have a statute that provides a clear explanation of government so that New Zealanders can understand what our constitution is, where it is, and thus, be more accessible to them. Progress can be made. The last forty years has demonstrated that New Zealand is open to an on-going development of our constitutional arrangements.

We should now take the next steps.

From:
To: <constitutionalreview@justice.govt.nz>
Date: 29/04/2013 4:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

[illegible]

should a non Maori set up a political party and excluded a person because of race then I wonder just how that would be received by the political correct society that we now live in.

is new Zealand trying to introduce positive discrimination? a country trying to impose racial rules, this was tried by another country and I remember people being opposed to it and protested about it by many new Zealanders. South Africa showed what race isolation did. lets not follow in the mistakes made by others.

I feel that the treaty of Waitangi is over and done with. No more handouts. I do understand that there were wrongs done, but how much longer do we have to deal with this issue, move on!!!!!! as a country with so much rebuilding going on, Christchurch, we simply can't afford to hand out limitless sums forever.

the treaty should not form any corner stone for the future of New Zealand politics.

as a diverse country we need to embrace all that were born to this land or through their wisdom choose to live here.

we need to accept that we are the masters of our own fate and thus need to live our lives as such.
find employment live harmoniously with each other and make this country truly proud.

I am utterly opposed to becoming a republic. we are stronger with the crown and we have shown that we are able to be self reliant. we have made strong trading partners, stronger economic ties with other countries whist being proud in the history of our relationship with Her Majesties' commonwealth.

racial equality

less people on benefits with more work available

better schools with a first class education system not racially guided or slanted

better help for those who are truly in need.

all children to be well nourished and cared for.

no race specific seats in parliament

treaty claims finalised and finished.

we need to have a justice system that is fair but harsh to those who flaunt the law not the slaps on the hand that currently seem to be handed down.

I love this country, I love what it represents and the opportunities it gives so many. this is truly one of the great places in the world to live, raise a family, work, play and do all the things we as a nation stand proud about.

I am proud to call myself a Kiwi. I am proud to be a New Zealander. I am proud to live in the greatest country in the world.

I am also grateful to contribute to a debate worth having.

thank you for your time reading this submission.

regards Michael Marchant

Sent on the 29 April 2013 at 16:04

3661

From: "John Marchbanks" <
To: <constitutionalreview@justice.govt.nz>
Date: 17/07/2013 1:16 p.m.
Subject: CAP Submission

I beleive that the Maori seats should be abolished. Maori have shown that they are capable of entering parliament with out needing to resort to the Maori seat system.

The time has come for all discrimination based on race to be elliminated. The sooner Maori join the general electoral roll like the rest of us the better. There is no longer any "special" reasons for retention of any of the numerous forms of racial discrimination that has been thought necessary in the past to advance Maori in New Zealand.

Kiwis should be just that, kiwis, not brown ones or white ones.

John Marchbanks

Nelson.

1573

From: "Shirley & Paul Marcussen" <
To: <constitutionalreview@justice.govt.nz>
Date: 25/06/2013 2:36 p.m.
Subject: CAP submission
Attachments: CONSTITUTION SUBMISSION.docx

Attached submission from
Paul & Shirley Marcussen

Takaka

CONSTITUTION SUBMISSION

We would like to have a government that is bound to act on the results of a referendum.

When there has been a commissioned inquiry using experts in their field we would like the see our government basing any decision or law change on the findings and recommends of that inquiry.

We would like our parliament to change to a four year term.

4258

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:47 p.m.
Attachments: Jen Margaret submission CAP July 2013.doc

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

Full Names: Jen Margaret Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: Submission Upload: Jen
Margaret submission CAP July 2013.doc

Submitted on the 30 July 2013 at 20:45

Submission to the Constitutional Advisory Panel.

Tēnā koutou

Thank you for the opportunity to participate in this conversation.

I am a fifth generation Pākehā. I grew up on a farm in rural Canterbury on Ngai Tahu land. I regard te Tiriti o Waitangi as the basis for just relationships in Aotearoa. My submission responds to the Panel's questions regarding aspirations for Aotearoa New Zealand and the Treaty of Waitangi.

I believe that tangata whenua voices should have at least equal weight to tangata tiriti, with regard to all aspects of the content and process of this constitutional conversation/review and all future developments relating to constitutional arrangements.

1. What are your aspirations for Aotearoa New Zealand?

That there are just and honourable relationships based on te Tiriti o Waitangi.

That there is justice and equity for all.

That everyone that lives here knows the histories of their people and the history of the land they live on. That people know about te Tiriti o Waitangi, the process of colonisation and its devastating impacts on Māori. That people support actions aimed at creating equitable and just relationships in Aotearoa.

That people relate to each other with respect and understanding. That difference and diversity are embraced and people relate to each other with respect. That te reo Māori flourishes.

In the shorter term, my aspiration is that we engage in a longer, more in-depth conversation in order to develop a values based, Treaty based constitution.

2. How do you want our country to be run in the future?

In a way that is based on te Tiriti o Waitangi and which honors the promise of te Tiriti o Waitangi for peaceful and just relationships between the first peoples of Aotearoa and all others that have settled here. It is vital that te Tiriti o Waitangi (the Māori text) is recognised as *the* Treaty.

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

He Wakaputanga (the Declaration of Independence) and te Tiriti o Waitangi provide the fundamentals for governing in this country. They are the foundation for our constitution.

4. Do you think the treaty should be made a part of our constitution? Why?

As Pākehā I understand that te Tiriti o Waitangi provided for the establishment of a government which allowed my people to come here. It's important to our status as non-Māori that this document is the basis for our constitution.

The entire process for determining our constitution needs to be based on the te Tiriti - rather than trying to fit the Treaty into an existing constitutional framework.

Ngā mihi ki a koutou
Jen Margaret

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 not all our human rights are 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 are interdependent, e.g. the right to life which cannot genuinely be achieved without the equal rights to work, to accessible health care, to 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 realise such basic 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.

Ruth Margerison
Kaiapoi
New Zealand

1993

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/06/2013 8:43 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Brett Margison Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: I am deeply concerned at the widening gap
between rich and poor (most of which has occurred in the last 25 years). If this inequality isn't
addressed SERIOUSLY - I can see dire consequences for the quality of life for all in our country.

As for how the country is run - well I feel deeply depressed about the current govt, it focus on the
almighty dollar and it's serious disregard for, and dismantling of, the democratic process. I want a govt
that will listen to the people, respect referenda
and public opinion and act upon it regardless of political loss or gain.

Sent on the 30 June 2013 at 20:42

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.

Marika Czaja
Auckland
New Zealand

2284

From: Bob Mark
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 4:18 p.m.
Subject: CAP Submission

I don't see the need for the Maori seat any more. The Maori seats have served their purpose, now Maori can, and does get elected to the general seats. where he elected on merit, not because of his race.

Bob

4929

From: "Kevan and Joan Marks"
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 9:51 p.m.
Subject: Regarding the Constitution
Attachments: Regarding the Constitution.docx

Here is my contribution.

Northland

The Constitutional Reform Panel,

Respected Members,

If it is working adequately, leave well alone. I refer to the Constitution as it is at present. In 2005, the Constitution was reviewed, and was found to be working well. It served us well then, and it serves us well now. Why alter it? If our grandchildren find that is inadequate for their time, let them alter it.

If we have a new treaty drawn up incorporating the Treaty of Waitangi, it will split this country in two. "Now we are one," said Governor William Hobson after the signing of the Treaty in 1840. United we stand, parted we fall. Is that what the Panel want? Surely not! Certainly, let's right past grievances and get on as one people. What we need is a Government which is run by the people for the people. Currently, Governments (both major parties!) operate under their own rules, not necessarily democratic. If a situation eventuates, for which there is no rule, the Government of the day will create one to suit its whim, which is not acceptable! What is the use of rules if the Government of the day doesn't follow them? I can give you plenty of examples if you want them.

This country, by the way, is New Zealand, not Aotearoa New Zealand. If there is to be a change of name, let us do it by a referendum, something new for our Parliamentarians. If it is decided to change the name, I will be happy to be called an "Aotearoan".

There is no room for partnerships in this country. If that is what it comes to, then we will become a divided people.

I thank you for your time.

Kevan George Marks.

3300

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.

Hannah Marley
Auckland
New Zealand

1031

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 4/06/2013 11:59 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Lance Damian Marlow Organisation Name: private citizen Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Paraparaumu Postal Region: Kapiti Coast Postal Post Code:
Postal Country: New Zealand Submission: I would like to see the term of government
raised from 3 to 4 years. The extra year would give sitting governments more time to develop and
enact policies and see them through to fruition.

Sent on the 4 June 2013 at 11:58

4768

From: "Harry Marett" <
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:24 p.m.
Subject: Constitutional Review Submission H C Marett
Attachments: Constitutional Review-Submission.doc

Dear Sirs.

Please find attached my Submission which I trust you will find in order.

H C Marett
PO Box
Havelock North

Phone i

Constitutional Review – Submission 2013

Submitter: Harold Charles Marett
P O box 1
Havelock North

Opening Submission

Where are the **Realists** in our Parliament? Are all our politicians totally blinded by the “**MMP power game**” and have resorted to “**Government by Appeasement**”

Including the politically falsified Treaty in a constitution will divide our country irretrievably, both socially and economically.

We must face the reality now that whilst Maori were a distinct race of people at the time of colonisation, they have since this time intermarried with other races and are no longer, if ever, the indigenous people of New Zealand, as claimed.

It would appear that the only reason some people with Maori ancestry want to continue being recognized “a new race” by Acts of parliament is, to prolong the Treaty Settlement industry. It would then follow that the “Treaty Settlement Industry” has become so entrenched in the objectives and existence of the numerous Iwi’s that it is driving the continuation of false claims, and creating a form of unhealthy tribalism,

The words offered after the singing of the Treaty in 1840 were spoken with sincerity and still hold the key to the future of this country- “*we are now one people*” “*one law for all*”

In the twilight of my life I can’t help feeling very sad the way this country is going mainly because of the above reasons.

My forebears struggled under great adversity to break this country in, and together with Maori worked hard and fought in two World Wars to preserve our freedom and way of life.

In conclusion of this introductory section I would like to think I am a realist (not a red-neck) and that I write with some background balance and accordingly reveal some highlights.

I was lucky enough to play rugby for a “New Zealand Fifteen against the 1954 Maori All Blacks and enjoyed the sportsmanship and hospitality of the day and treasure the life friendships I made.

I promoted and played Touch Football in Hawkes Bay in the 80’s and my Committee comprised of 90% of Maori descent. They were the best committee I ever had; they thrived on Committee decorum and discipline, and still are my respected friends.

Dealing with the questions Posed

1. Size of parliament?

No should not be increased. The number now, is excessive and extravagant for the size of the country. 99 members is more workable.

2. Length of Parliament and term?

Should stay at 3 years. The lack of an upper house ,and in particular National's blatant disregard of Citizens Veto through referendum makes a shorter term the only way of holding governments to account

3. Should the Election Day be flexible or fixed?

Flexible within a period of 2 weeks either side of a fixed date.

4. Should the number of electorates stay the same?

No. The electorates should be adjusted to accommodate a maximum of 100 seats and all list members eliminated.

5. Should the method of calculating the size of electorates be changed?

The system needs to be fair to all parties.

6 Should electoral integrity be reintroduced

Should be introduced to stop party hopping and M P's staying on in parliament after being dropped from their party.

7. Should the Maori electoral option (separate Maori roll) be retained or abolished?

It should be abolished. No representation should be based on race ancestry alone.

8 Should the parliamentary Maori seats be retained or abolished?

Maori seats should be abolished because they are based on race. There are currently 20 politicians of Maori ancestry in parliament which exceeds their demographic representation.

9.Should local government Maori seats be retained or abolished.?

They should be abolished for the same reason expressed above.

10 The role of the Treaty of Waitangi within our constitutional arrangements?

The Treaty was in reality, a simple Memorandum of Understanding signed to protect and stop Maori at that time, from fighting amongst themselves particularly with the newly acquired muskets. It has been hi-jacked and distorted over the years by the insertion of contemporary meanings by Maori Iwi's neo traditionalists, and academics, motivated by privilege and unbridled desire for power and resources. The travesty is Politicians have encouraged them in their ruthless efforts to stay in power.

10 Bill of Rights

The rights of all citizens should be the same including property rights.

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

Yes it should.

12. Written Constitution

New Zealand does not need a new constitution. It should avoid like the plague anything that gives power to un-elected judges

4845
From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:51 p.m.
Attachments: New Zealand Constitution.pdf

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

Full Names: Guy Lewis Gerard Marriage Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Wellington Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: Submission Upload: New Zealand Constitution.pdf

Submitted on the 31 July 2013 at 16:50

New Zealand Constitution

1 A single document?

Yes, I strongly believe that New Zealand should have a single, written Constitution. Our country is one of the very, very few countries in the world without a written constitution, and I believe it is hindering us in our development and creating a racial divide. We state that the Treaty of Waitangi is one of our founding documents, as is the Magna Carta and the numerous years of British case law. However, nothing can be as simple as the US constitution's key point: *All men are created equal*. Barring the inherent sexism in that phrase, it is a powerful statement, even if it took America another 200 years to get close to achieving it. Elements like freedom of expression, freedom of religion, freedom to bear arms (we could do without that one) are bound up into one founding document, that was written by a small group of men in a short period of time. We could do well to take a lot of their simple statements to heart.

In Aotearoa, can we truly say that "*all people are created equal*", if, by some chance of fate, they either have, or have not, some trace of Maori bloodline? Does it not automatically put a barrier right at the heart of our nation if we say that there is a division (increasingly genealogically invisible) that runs through our country: are you Maori or are you Crown? All of us, in today's world, are neither and are both at the same time. We are, as was stated by the Governor of the day, now "*all one people*" and we need to enshrine that in our constitution and our law. We need a world in which equality amongst all is at the heart of our legal system, and so that means writing a constitution which can have some firm, stated facts as a basis, and not merely pose a question have you considered the clauses of the Treaty of Waitangi? As there are two different versions of the Treaty, with differing language, there can be no firm basis in law if it relies on a document that can have two very different viewpoints. Increasingly, with high rates of settlement in Aotearoa by Pasifika and Asia, we need a written basis for living here that does not rely upon people being a descendant from bloodline A or Bloodline B.

New Zealand / Aotearoa must have the ability to create one firm, binding, and over-arching document that is the basis of our country going into the future. We need a constitution for ALL the people.

2 - Our constitution's legal status?

Yes, a constitution should have a higher status than court law. We, the people of Aotearoa, need to be able to set and decide the constitution, and changes to the constitution must go to a referendum of the people.

3 Who should have power?

We, the people, should have the power.

As America says in their constitution, we must not forget that it is a government OF the people, BY the people, and FOR the people. Those factors must rule above all else.

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.

Penny Marriott
Wellington
New Zealand

3709

From: "Helena Marsh" <hmarsh@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 20/07/2013 2:46 p.m.
Subject: CAP Submission
Attachments: Written Constitution.doc final doc..doc

Dear Sirs, Mesdames,
Please see attached.
Yours truly
Helen A Marsh

To: New Zealand Constitution Review Panel.
Dear Sir/Madam,

Re: NZ Constitutional Review.

The core values I would like to see entrenched in a Written Constitution are

- (1) The New Zealand Bill of Rights Act 1990 and The Human Rights Act 1993, give two main pieces of legislation that give domestic protections for human rights such as social equality, and other domestic, civil and cultural and political rights,.
- (2) The Treaty of Waitangi principles which protect Maori culture which are an enabling and guiding role for Maori culture need to be formalised in Statute and included in legislation As our society has changed so much over the last 30 years we need flexibility to handle changing circumstances.
- (3) Equality of rights, choices and opportunities should be entrenched in any new legislation.
- (4) .I believe that the Environment and Resources of New Zealand should be protected by legislation in a Written Constitution so that future generations of New Zealand citizens can enjoy the benefits from our unique land masses, and diversity, and for their economic and cultural and political situation in the global world.

For me, a Written Constitution is some form of protection from “unbridled power” of any government that chooses to abuse its power over New Zealand citizens.

Yours truly

Mrs. Helen A Marsh BA

Auckland

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.

Jan Marsh
Nelson
New Zealand

5177

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:49 p.m.

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

Full Names: Theresa Marsh Email: Phone: Postal
AddressA: Postal City: Tauranga Postal Post Code: Postal Country:
New Zealand Submission: I do not support the formation of a constitution but wish to continue with
the current parliamentary democracy where each member is voted in by the electorate or party vote.

I do not believe there should be separate Maori Seats any more as MMP where representation occurs
when there is a 5% support for a particular group makes this no longer necessary.

I believe that our current system has stood the test of time and has serviced New Zealand well. Key
areas include - free education for all, equal votes for all, and the great producer and consumer
cooperatives. The fundamental principles of an egalitarian society

are those on which our nation is based. I do not wish the Treaty of Waitangi to become part of our
statues.

I do not support the concept of tribalism being part of our nation.

I would very much appreciate the opportunity to debate the various issues at any venue which you
may suggest. I have been looking for this opportunity and believe it have been denied me by the
current process. It appears to me that only one group in our society
are being properly canvassed.

Submitted on the 11 June 2013 at 20:00