

313

From: "John Mathews"
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 3:22 p.m.
Subject: THE PROPOSED CHANGE

I returned to this country with memories of the way it was. We went to school with Maoris. we lived next door to them.

They were just New Zealanders, with some different practices and perhaps with a rather under-developed work ethic.

Today a pack of taxpayer educated activists with diminished Maori blood content are hell bent to turn myths into the reality of " government partnership", ownership of water, the electromagnetic spectrum, the seashore ad infinitum. Historical facts have been distorted and misused. It is sad that more thought is not given to the writings of Sir Apirana Ngata, a Maori statesman.

The demand to change the Constitution with the bias given to a Maori dominated working party is the betrayal of of the very heritage of those who contributed over the past to make NZ what it is today. The opportunities provided to Maori is reflected in the number of them today positioned in all aspects and levels of NZ life. All without any Maori party inspired Constitution

WHY CHANGE AN EXISTING SYSTEM WHICH IS WORKING WELL? Enshrining the Treaty of Waitangi in a new Constitution would be little short of disastrous. It would be divisive with an effect down the years which no one may anticipate.

This proposed change must be dismissed and rejected

John C Mathews

is

1817

Received 20/6/13

Palmerston North.

Telephone:

14 June, 2013.

Constitutional Advisory Panel,
C/o Ministry of Justice,
DX SX 10088,
Wellington.

Dear Sir / Madam,

I would like to contribute to the discussion about New Zealand's Constitutional Review. I do not have a computer, so I would like to contribute through writing this letter. If I have sent this letter to the wrong place, then I would appreciate it if this letter is sent to the correct place.

The topics that I wish to cover in my letter, are: the length of the parliamentary term; whether or not parliamentary terms should be fixed; Maori Electorates in New Zealand's Parliament; the size of Parliament; and a possible

formula for adjusting the number of MPs in Parliament.

I think that the length of term for Parliament should stay at three years, and should not be lengthened to four years. New Zealanders have got used to having three year parliamentary terms, and vote responsibly in regards to this length. New Zealanders understand that first-term Governments need a reasonable length of time to have a chance of being successful, and therefore first-term Governments usually get a high level of tolerance and support from the public. Only twice since the Second World War has a first-term Government been defeated in a General Election (these occasions being 1960 and 1975).

The current controversy involving Peter Dunne and the United Future Party, indicates that increasing the length of parliamentary terms at this time could cause additional complications. Also,

future elections could bring new types of arrangements in New Zealand's Government, such as for example: a Labour-Green Coalition; or New Zealand First giving support to either a Labour-Green Coalition or a National-led Government (possibly different to the type of arrangement made after the 1996 General Election). It is possible that these arrangements may not work out as well as people hope, therefore it is safer at this stage to keep the parliamentary term at three years.

I think there is evidence that New Zealand's MMP Parliament is still evolving, which can be seen by the fluctuating results that minor parties have achieved under MMP Elections. I think we should keep our parliamentary term at three years, and not consider increasing it to four, until we get to a point where the minor parties in parliament are achieving more stable results, and

we can be more confident about how possible government arrangements after elections are likely to work out.

I don't think that the length of a parliamentary term should be fixed, because since under MMP it is possible that some Government arrangements might not work out as well as hoped, it might be better on these occasions for an early election to be called, rather than have an ineffective Government struggle on.

I think that the current system of having Maori Seats in Parliament should be retained. When a parliament was first established in New Zealand, there is evidence that Maori people (the indigenous people of New Zealand) were disadvantaged, and having Maori Seats helps to redress some of the problems that have been forced on Maori people over the years. In 1996, when we moved to the MMP

voting system, the number of Maori Electorates became based on the number of people on the Maori Roll; and because the number of these electorates increased at this time, there is evidence that Maori Electorates are popular among the Maori people. I think that Maori Electorates should have about the same population size as General Electorates, which would mean that the number of Maori Electorates should remain based on the number of eligible people that chose to go on the Maori Roll.

I do not think that the base number of MPs in Parliament should be reduced from 120. Such a reduction could lead to a major political party getting an overhang in parliament by winning a larger number of electorates than their share of the party-list vote entitles them to. For example, the Labour Party won 45 electorates and received 41.3% of the party list vote in the 2002 General Election.

This would have resulted in the Labour Party receiving an overhang of MPs if Parliament's size had been 107 MPs or lower.

I think that the size of Parliament should increase in time to match increases in New Zealand's population size, in the same way that Parliament's size used to increase when we had the 'First Past the Post' voting system. There is evidence that some New Zealanders still think that Parliament's base size of 120 is too large. This could be indicated by the success of the Conservative Party in the 2011 General Election, since one of the Conservative's policies was to reduce Parliament's size to 99. To recognise this point of view, I think that Parliament's base size should be kept at 120 for as long as possible until it is necessary to start increasing it. A formula for determining when this increase is to begin, and how it is to take place, should be decided quickly.

In my opinion, a method could be to keep the overall number of MPs at 120, and continue to increase the number of electorates as the population grows; through to the point where party proportionality in parliament would start to come under jeopardy. At this point, I think we should keep the number of list MPs at a fixed level, and therefore as the number of electorates increases along with population increases, so now would the overall number of MPs increase at the same rate as the electorates.

The Commission that reviewed the MMP voting system in 2012, identified that 76 electorate seats (in a 120 seat Parliament) is the point at which the risk to proportionality becomes unacceptable. Details of this can be found on page 29 of the Proposals Paper put out by the Commission in August 2012. Statistics New Zealand has indicated that we would be likely

to reach 75 electorates at the time of the 2026 General Election. Assuming this turns out to be accurate; under my proposal for increasing Parliament, I would suggest keeping the overall level of MPs at 120 through to the 2026 General Election, and from then on keep the number of list MPs at a fixed level of 45. From this point, if the number of electorates was to increase to 76, the overall number of MPs would increase to 121, and this type of increase to overall MPs would continue each time the electorate number increased.

This would mean that from 1996 through to 2026, the number of MPs would have stayed at about the level of 120 (with the exception of overhangs), and this might appease people who think that there are too many MPs in Parliament. I think that the principal of maintaining proportionality would be a

justifiable reason for increasing overall MP numbers from 2026 onwards.

If an overhang was to occur, then the number of list MPs should be increased to a level that would have prevented the overhang. For example, look at the Labour Party's performance in the 2002 General Election. Assume that in the 2026 General Election, Labour achieves a similar result; gaining 41.3% of the party vote, and winning 51 of the 75 seats in Parliament. In a parliament of 120 seats, this would mean that the Labour Party would have an overhang of 1 seat. To prevent the Labour Party from getting an overhang, parliament would have needed to be at a size of 123 seats. It would be too late to stop an overhang from occurring in the 2026 Election; but for the next election (in 2029) the number of list MPs could be increased by

three to 48, to counter the possibility of such an overhang happening again. The number of list MPs could stay fixed at 48 from then on, instead of 45, while electorate numbers continue to grow as the population grows. This type of scenario might lead to overhangs occasionally, but the rise in the number of list MPs could be justified to people who still might tend to think that Parliament is too large.

This concludes the topics that I wish to write about in this letter. Thank-you for the time you have taken to read this.

Yours sincerely,
Colin Matsen.

2865

From: matson"
To: <constitutionalreview@justice.govt.nz>
Date: 6/07/2013 11:58 a.m.
Subject: Maori electoral seats.

I wish to protest strongly on the race-based representation of Maori in a country that claims to be democratic yet allows certain privileges to one race in defiance of New Zealand's democratic rights. Maori seats should be discontinued, and Maori should be included as citizens with no special treatment.

C.M. Matson,

Orewa

299

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 7:31 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alan Matteucci Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: No race -based law.

Decommision te Tiritii o Waitangi... it's outdated.

One country, one law, same people, same rights.

Sent on the 14 April 2013 at 07:30

2060

From: Donald Matthews <
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 2/07/2013 10:18 p.m.
Subject: CAP Submission

It is time we became one nation and the Maori seats should be abolished with a binding referendum

Don matthews

Auckland

Sent from my iPad

1400

From:
To: <Constitutionalreview@justice.govt.nz>
Date: 17/06/2013 4:05 p.m.
Subject: Proposed Constitutional Review

I firmly believe New Zealand does not need a written Constitution and I strongly oppose any legislation or any reference to the Treaty of Waitangi should any such document be drafted in the future. I oppose any legislation that does not support democracy as we know it in New Zealand today. In a Democracy there must be one law for all regardless of Race, Gender or Religion.

These changes threaten our way of life here in New Zealand, we do not want Apartheid in our wonderful country.

Yours faithfully,
Eliaheth Matthews

Papamoa
New Zealand

3867

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 10:53 a.m.

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

Full Names: Polly [Pare] Mere Matthews Organisation Name: School Teacher Email:
Phone: Postal AddressA:

Postal AddressB: Postal City: Postal Region: Auckland Postal Post
Code: Postal Country: New Zealand Submission: Te Reo Maori me ona tikanga should
be compulsory so we do not lose the essence of our countries uniqueness, how we look after the
land, environment, people etc. Not at ALL schools, but Government main stream schools should have
it as a compulsory subject
just like english. In High School/College, Te Reo Maori me ona tikanga should be taught to ALL year
9's regardless of culture [you live in NZ you should understand the indigenous / native people here].
Even if for only one term, for year 9's to get the basic
concepts and understanding of our country. People need to understand the history of this country -
educationally, not by hearsay.

I dont know how Maori are still struggling for their language to be implemented in NZ - When we have
German, Spanish, Chinese, French etc languages in Schools, those languages should be available
when students are at Year 10.

Maori Language Week should be every week - why do we make a big deal ONLY once a year???
Should be everywhere.

AND

Why do we listen to the Government when its the Queen and the Chief standing side by side on the
Code of Arms - and if the government is here as a rep for the Queen who sits at the table fas arep for
Our Chief???? Big injustices by the government to the Maori
people, and now with National doing wht they are doing - just gonna make life in NZ more unbearable
and make more of our people leave - OR is that the intention of the government - to shoo all our
people to Aussie.

We know we cant get all our land / resources back, but where is the fairness in these negotiations,
when there are always obstacles that stop Maori doing something with their land - I know there are
places out there that help but the criteria usually cannot
be met - so our people look dumb and useless again - its a fraud - the system is corrupt and only if
you have been educationalised then you dont know how to solve this issues because of pakeha
speak / language / interpretations of meaning... Well I have more
but I better stop - dont even know if this will get looked into.

Submitted on the 25 July 2013 at 10:52

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 11:03 a.m.

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

Full Names: Polly [Pare] Matthews Organisation Name: School Teacher / Mother /
Grandmother / Concerned Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Papakura
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
The consensus should be on the views of all the iwi leaders who have consulted with their people first
[having at least 3-4 hui in their Rohe before a decision is made or forwarded to the Government.

I feel that NOT ALL Maori MP do much for Maori - they were not given the seat to speak for Maori
they had to earn it and govt votes from the people - they are dictated by a rule book, a legislation -
that gets changed [in Parliament] when it no longer works
to benefit the Government!!!

The system is corrupted we are a clever people that can do such wonderful things for our country - so
why can't we - because some peoples greed and deviousness eludes that, to their best interest ONLY
- Not for the People!

Submitted on the 25 July 2013 at 11:02

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.

Sharon Matthews
Dunedin
New Zealand

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Tonia Matthews
Auckland
New Zealand

1398

From:
To: <Constitutionalreview@justice.govt.nz>
Date: 17/06/2013 3:55 p.m.
Subject: Proposed Constitutional Review

I firmly believe New Zealand does not need a written Constitution and I stongly oppose any legislation or any reference to the Treaty of Waitangi should any such document be drafted in the future. I oppose any legislation that does not support democracy as we know it in New Zealand today. In a Democracy there must be one law for all regardless of Race,Gender or Religon.
These changes threaten our way of life here in New Zealand,we do not want Apartheid in our wonderful country.

Yours faithfully,
Wayne Matthews

Papamoa

770

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/05/2013 9:13 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jan Karel Cornelis Matthys Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Hawke's Bay Postal Post Code:
Postal Country: New Zealand Submission: 1) The New Zealand Constitution should be a
single document.

A single document can be given more weight and be more accessible and clear then the present
conglomeration of separate documents that make up our 'quasi' constitution.

2) The New Zealand Constitution should be Supreme Law and come before all other NZ law.
However, the Constitution should not be 'set in concrete' and must be open to amendment to allow for
future value changes.

3) A totally independent Court system must decide whether legislation is consistent with the
Constitution. It is important that the very obvious flaws in the USA system whereby the ruling 'elite'
appoints the top judges are safeguarded against in our political
structures.

Sent on the 7 May 2013 at 09:12

1431

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 18/06/2013 3:55 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Arnold Maunsell Organisation Name: Email Address:
Phone: Postal AddressA:
Postal AddressB: Postal City: Kaikohe Postal Region: Northland Postal Post Code:
Postal Country: New Zealand Submission: Te Tiriti o Waitangi should be the document
used in the arrangement of the constitution not the English version. Get people who are versed in the
Māori version and its meaning and not the English version translated on behalf of the British.

Sent on the 18 June 2013 at 15:54

1379

From: Thomas Maurer
To: <constitutionalreview@justice.govt.nz>
Date: 17/06/2013 7:35 a.m.
Subject: CAP Submission
Attachments: NZ Constitution submission.docx

Good Afternoon

Please find attached my constitutional submission.

Regards
Thomas Maurer

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

Yes. The role of a constitution is to define and limit the powers of government. If a constitution is "living" and "evolving with the times," as New Zealand's is often said to be, it does a poor job of reining in the expanding size and power of government.

As Thomas Jefferson said men in power must be "[bound] down by the chains of the constitution."

A constitution can always be changed through the amendment process however this should be a rare occurrence. A constitution does not need to evolve but should be fixed in order to restrain any abuse and prevent the expansion of the power of government.

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

Yes. The constitution should be the supreme law of the land and no legislation that is inconsistent with it should be passed.

The reason for this is to prevent what Alexis de Tocqueville called the "tyranny of the majority." New Zealand has a majoritarian system and Parliament can pass whatever law it likes. Sir Geoffrey Palmer has argued that there are not enough checks and balances in our current constitutional set up. The threat of removal by election is not enough to deter Parliament from passing laws that slowly degrade the rights and freedoms of individuals and expand the scope of government. The inability to pass legislation inconsistent with the constitution would provide a strong check on the power of Parliament.

The other problem with our current constitutional system is that sovereignty resides with Parliament. In the United States, for example, sovereignty resides with the people and the constitution is the means by which the people delegate explicit powers to the government and no more. Whatever power is not expressly delegated to the federal government in the constitution resides with the states and the people.

The fact that Parliament is sovereign is all the more reason why it needs to be bound in chains by a constitution.

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

The power to decide whether legislation is consistent with the constitution should reside with the Courts.

It would be an affront to the idea of the separation of powers if we allowed Parliament to interpret legislation. This is fundamental to a limited constitutional government.

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

No, because it is not supreme law. Parliament has the ability to pass legislation inconsistent with the Bill of Rights.

What other things could be done to protect rights?

A Bill of Rights and a Constitution in tandem is the most effective method to protect rights, however our system is weak in both these areas. There is nothing else a government can do to protect rights; in New Zealand's case we should look to strengthen the Bill of Rights and Constitution.

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

Yes. A Bill of Rights is an affirmation of existing natural rights that all individuals have by virtue of our humanity. They are not rights delegated to us by government. In that case the government should not have the ability to infringe upon those rights. The most effective way to protect citizens from a government encroaching on their rights to make the Bill of Rights supreme law and prohibit any legislation being passed that is inconsistent with it.

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

The courts for the same reasons as explained above for the Constitution.

Treaty of Waitangi**Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?****Do you think that the Treaty should be made a formal part of the constitution? Why?**

A constitutional arrangement needs three pillars. First a declaration of independence, where the people are declared to be independent and sovereign. Secondly a bill of rights where the people's natural rights are affirmed. Thirdly a constitution where the limits and powers of government are defined.

In 1840 New Zealand had two of these three pillars. The 1835 Declaration of Independence declared New Zealand to be an independent nation with sovereignty residing with the hereditary chiefs and heads of tribes. The Second Article of the Treaty of Waitangi acts as a partial bill of rights in that it affirms the natural rights the sovereign people of New Zealand have over their property and of tino rangatiratanga.

However in 1840 New Zealand was missing the third pillar. The First Article of the Treaty delegates the function of government to the Queen but without defining the limits and powers of that function. If one accepts that a constitution is a means by which the people delegate powers to the government then the

Treaty is a partial constitution but is incomplete.

Instead of a government that was accepted by the people, for example in the American case via the states ratifying the constitution, New Zealand was provided with a settler government that derived its authority from the top down, rather than the bottom up.

The Treaty of Waitangi should play a major role in our constitutional make up. If we accept that the Maori version of the Treaty is the one that was signed then the sovereignty of the people was never ceded. Therefore the missing piece to the puzzle is for New Zealand to draft a written constitution that defines kawanatanga and provides us with a government "bound by chains" that serves the function it was intended to in 1840, which was to protect rights and provide a justice system. It should protect the rights of the people, not infringe them as the settler government did.

The Treaty should be supreme law but it cannot stand alone, it must stand with a Declaration of Independence that recognises all New Zealanders as free and sovereign, an entrenched Bill of Rights and an entrenched constitution that defines kawanatanga and limits the government to such an extent that the sovereignty of the people and their natural rights are protected from government encroachment.

This will uphold the agreement made in 1840 as well as providing all New Zealanders the ability to live in a truly free country. Those who see the Treaty as a divisive and separatist document are misled. Freedom is important to all people, not just Maori, and the function of government should be to protect the sovereignty, freedom and rights of all New Zealanders, both tangata whenua and manuhiri. To do so the Treaty of Waitangi must be upheld.

2395

From: "Phil Maurice"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 3:08 a.m.
Subject: CAP Submission

Maori seats are unnecessary.

They must be ABOLISHED.

Philip Maurice

Warkworth

Anne Veronica Maxey

Hamilton

3036"

Secretariat, Constitutional Advisory Panel,

c/- Ministry of Justice,

DX SX 10088,

Wellington.

24th July, 2013.

Constitutional Review Submission

Introduction

Our Constitution, as it has been both historically and currently enacted, with at times legislations being passed without due consideration of all New Zealanders, has often not sufficiently protected the Rights of Minorities and the Environment.

Terms of Reference

The terms of reference as presented to the Constitutional Advisory Panel and to the public have been limited. It is about much more than number of years or MPs for Parliament.

I believe we need a Constitution that is values based and acknowledges Te Tiriti o Waitangi; the NZ Bill of Rights; and the United Nations Agreements, some of which for example cover the Rights of Children, and Indigenous Peoples.

Core Values

Equality for all people,

Respect for people in all their diversity,

Integrity,

Justice and fairness,

Peace,
Sustainability.

A Written Constitution

I would like to see a written Constitution that addresses all the above.

A Constitution that renounces all activities relating to expressions of war, concentrating solely on our Nations International proven ability as Peace Keepers.

A Constitution that has in place checks and balances to ensure that legislators address the above Core Values – this may require an Upper House or other body.

Conclusion

I present my Submission as a pakeha and Citizen of Aotearoa/New Zealand of 43 years

I have learnt much in preparing this Submission and talking to people (many of them highly educated), not least how ignorant and disinterested we are in general of Constitutional matters and request that far more emphasis is place on education from the youngest upwards in order to build a sound foundation for our future governance.

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- 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.

Mila Maxon
Paekakariki
New Zealand

157

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/04/2013 6:01 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ian John Maxwell Organisation Name: Email: _____ Phone: _____
Postal Address Postal AddressB: Postal City:
Postal Region: Manawatu Postal Post Code Postal Country: New Zealand
Submission: As the original (very valid) reason for introducing Maori seats is no longer applicable then the justification no longer exists. The Maori seats are now a basis for disunity and should be abolished.

Sent on the 9 April 2013 at 18:01

157a

From:

To: <constitutionalreview@justice.govt.nz>

Date: 9/04/2013 6:07 p.m.

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

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

Full Names: Ian John Maxwell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Manawatu Postal Post Code: Postal Country: New Zealand
Submission: The Treaty was A founding document that has outlived it's usefulness. The main reason is that there are no longer any full-blood Maori or even any pure iwi individuals. Hence Treaty claims are nonsensical. It is important that New Zealand creates a constitution that builds a future society rather than continually dwelling in the past. Injustices did occur in the past but we need to learn the lessons of the past and move on.

Sent on the 9 April 2013 at 18:06

1576

From:

To: <constitutionalreview@justice.govt.nz>

Date: 9/04/2013 9:14 p.m.

Subject: http://www.ourconstitution.org.nz/form_submission

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

Full Names: Ian John Maxwell Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Manawatu Postal Post Code Postal Country: new Zealand
Submission: Term of Office.

The term of office should be increased to four years with one key proviso. At the mid-point of the term a referendum on the topical issues should be held - the results of which must be binding.

There should also be a simple procedure to hold a referendum - in this day of computers and the Internet it is a simple matter to put up an issue and allow a month for everyone to vote. Librarys are the obvious venue.

Sent on the 9 April 2013 at 21:14

157c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 5:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Submission: Why is the panel so biased with half being Maori. This is unacceptable as there is no justification for representation not being based on population statistics. Full Name: Ian John Maxwell Email:

Sent on the 14 April 2013 at 17:58

4865

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: Bryan Cordiner Mav Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Horowhenua Postal Post Code: Postal Country: New Zealand
Submission: We must keep our european culture which is fast being pushed aside by implementing moari culture. Lots of european names have been removed and not given joint names so that the past can be remembered.

There is far too much money given to one race.the Moari.

I feel this is a cash cow which will not go away

Some tribes have had full and final settlements 3 times and they are saying now that it is for the next generation to ask for more. Enough of this. There is a lot of resentment over this

Mining in parks should be carried out as long as the land is put back as it was before being mined

Submitted on the 31 July 2013 at 16:59

2472

From: "John May"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:32 a.m.
Subject: CAP Submission

To whom it may concern,

Maori Seats should be abolished.

The fabric of this fine country is supposed to be that of a democracy, therefore there should be one law and one vote for all.

The idea that one group in the same country can enjoy special privileges over another, particularly when those privileges are based upon ethnicity, goes against the very essence of a democracy. You can wrap it up in any guise and give it whatever fancy names you want, however it is called Apartheid.

We have been shackled by this system and it is one of the fundamental anchors that continues to hold us back. If we want to move forward as a nation and truly put the wrongs of the past behind us, then we have to stop having and doing some of the things that continue to shackle us. An Apartheid voting system is one such thing.

The only people who might want to hold on to this system are those stuck in the past and those with a vested interest in retaining them. I urge this review panel to be bold and do what is right for this country, and not what is in the interests of a few.

Yours sincerely

John May

4735

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:32 p.m.

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

Full Names: Donna Patricia Mayes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Rotorua Postal Region: Postal Post Code: Bay of Plenty Postal Country: New Zealand
Submission: 1. The Constitution needs to be summarised in one "go-to" document rather than distributed across various Bills and Acts. Fragmentation of the elements of our Constitution means that the 'flavour' is lost and there is a risk that only some convenient elements are honoured while less convenient elements are ignored. The Consitution should be a fundamental part of our national identity that is taught during school years and ti immigrants. It should operate as a baseline for measuring the validity of planned reforms of elements of our government structures. It needs to be one, clear and guiding document.

2. The Constitution needs to be a supreme legal document because lesser laws need to be shaped to fit the guidance of the Constitution.

3. The Courts should decide whether lesser laws comply because they are independent of political bias and will concentrate solely on the principles of the Constitution.

Submitted on the 31 July 2013 at 14:31

4735a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:53 p.m.

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

Full Names: Donna Patricia Mayes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City.
Rotorua Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand

Submission: 1. Not convinced that rights are protected enough, particularly collectively. Individual rights appear to be reasonably well described. Collective rights not so well described or protected, particularly given the ability for the Government of the day to

undertake international agreements without transparent processes of notifying the public of their action in this respect or the potential implications of their actions e.g. GSCB, TransPacific Partnership Agreement. We lack adequate forums and avenues of communication

around issues of national significance, other than the opportunity to vote for the Government once in three years, or vote with our feet through emigration. The select committee process is unwieldy and vulnerable to political bias.

2. We need apolitical avenues and forums for notification and discussion of issues of national significance prior to short-term Governments taking action in their own best political interests.

3. One over-arching Constitution document needs to direct the principles of the Bill of Rights, which in turn needs to be a more detailed and descriptive document supporting the Constitution. Oversight of the implementation of the Constitution and thus the

Bill of Rights needs to be independent of Parliament and political bias i.e. led by Supreme Court structures.

4. No comment

Submitted on the 31 July 2013 at 14:52

47356

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:59 p.m.

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

Full Names: Donna Patricia Mayes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Rotorua Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: 1. I think that for the future we need one Constitution document written in partnership with Maori and embodying the principles of the TOW. The TOW should be an appendix to the Constitution as a historical document that informs the principles and wording of our Constitution. Nothing in a new single Constitution document should change the intent of the original TOW.

2. The historic nature and intent of the TOW should remain as a founding document of our nation, and a new Constitution should honour that foundation.

Submitted on the 31 July 2013 at 14:58

4735c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:20 p.m.

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

Full Names: Donna Patricia Mayes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Rotorua Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: This is a difficult question to answer. On the one hand I get a sense from my contacts in my community that the Maori seats are seen as irrelevant now, especially with the arrival of the Maori and Mana parties. On the other hand I know that we have never achieved equity for Maori in any social arena in this country, and that situation is again deteriorating rather than improving. Maori seats were introduced as a lever towards achieving equity but the evidence for this as a successful strategy for achieving sustained improvement is not there.

Perhaps the answer lies outside of Parliament in our sovereign structures such as the Supreme Court and the Governor General. If we had a fair and just Constitution enshrining equity for all as a principle then perhaps the watchdogs of our progress should be at GG and Supreme Court level, with the Treaty Partnership introduced at this overarching and apolitical level. Dual Governor-Generalship between the State and Maori, with the Supreme Court structures to guide assessment and advice about planned changes to significant government policies that impact on the intent of the Constitution. And with transparent mechanisms of informing the public, and then the final say at this level.

Obviously work would need to be done to determine the level of Policy that needs to be subject to dual GG approval, so that the majority of Government day-to-day business can proceed in a timely way. But the public needs the opportunity to appeal to the higher authority if they feel that the government of the day is creating risk for our country's future.

If Maori are included equally in authority at this level then this may encourage more Maori to participate, when they see that the authority is independent of political agenda and answers to the entire country as a watchdog for the implementation of a Constitution that is committed to equity - amongst other things.

Submitted on the 31 July 2013 at 15:19

4735d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 4:29 p.m.

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

Full Names: Donna Patricia Mayes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Rotorua Postal Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand
Submission: 1. I want to live in a fair and just society that is committed to equity for all. The biggest threat to our beautiful country in my opinion is social inequity - the bigger the gap, the higher the crime rate and the sicker the poorer people get. All the international research shows that it doesn't matter how rich or poor a country is, the issue that affects the social fabric is the size of the gap between the rich and the poor. Somehow we need a commitment to the philosophy of social equity that is greater than the 3-year political election cycle and woven more fundamentally into the structures of our daily life at all levels. Equity needs to be a fundamental driver for decision-making at local and national level.

I want to be proud of my country as a world leader for the people things that truly matter in life - education, housing, equality, social equity, equal opportunity, care of the sick and disabled and elderly. At the moment I am often ashamed of how we compare to other countries in the areas of child abuse, crime rate (especially involving harm to people), domestic violence, work injuries, unemployment, poor housing.....

I am prepared to pay more tax if it ensures that our country's wealth is more fairly spread. I would rather live in a happier country than have a fat bank balance.

2. There is not a lot wrong with our current electoral system but there does need to be some higher independent authority that can ensure that no government can make foolish short-term decisions that adversely affect our country's long-term future. I think that the three-year term of government does make us vulnerable to 'short-term gain' decision-making but I don't think lengthening the term will improve the situation - we will just be vulnerable to suffering a poor government for longer until we can vote them out of office. I think the solution lies in a higher authority linked to monitoring of the government activities against the guidance of a strong Constitution document.

Submitted on the 31 July 2013 at 16:28

3654

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

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

Full Name:	Nikae Maynard	Organisation Name:		Email:		Phone:	
	Postal AddressA:		Postal AddressB:			Postal City:	
Gisborne	Postal Region:	East Coast	Postal Post Code:		Postal Country:	New Zealand	

Submission: I believe there should be one person to make the final decision on matters based on votes. All major issues to do with resources, immigrants and their rights in this country as it infuriates me that we are treated like we don't matter in other countries
but if they move here like the asylum seekers get given everything on a silver platter. Why not have free health care and completely free education and help then maybe there would have been more job creations less people on the benefit and more money to help the elderly and sick and the remaining poor people. This country has become a country of envy, not love as one people and the government is making it worse. Nevermind about trading worry about our people no rates on their own land, then they might be able to tend to their land properly and produce great crops and animals to feed our children and teach them how to run a farm and gardens not how to use a cell phone or computers. I could go on and on about various issues, sadly. As a nineteen year old half Maori half Pakeha female I have seen and heard many things in my short life so far and I wish it was like when my mother and grandfather was a child, excluding the violence and poverty. This country could have been shaped out of that, it is now but, with the envy of technology and money we have lost the love of looking after one another, looking after our people and country. Oh also, it's like we have become sheep. I can't remember the country but how the people ousted their president, why don't we just do that are we too scared or does everyone else in this country enjoy the pain and struggle just to eat because I do not!

Kiora :-)

Submitted on the 16 July 2013 at 14:26

3907

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 27/07/2013 7:04 p.m.

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

Full Names: stephan mazur Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: cheviot Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: 1. The question of binding
citizen initiated referendums should be discussed. ie: if 2/3 of voters agree with a proposal then it
must become law and is therefore binding on the government

2. Race-based legislation via references to the Treaty of Waitangi must be removed and all citizens
treated equally regardless of race or origin.

Submitted on the 27 July 2013 at 19:03

2706

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 12:53 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Malcolm McAll Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: The Treaty has served its
purpose in that it gave protection in return for sovereignty. As Maori have become increasingly diluted
the Treaty has become less important and is now becoming divisive.

This is not to say that Maori are not important, but they are no more or less important than anyone else. The Treaty should now be set aside in favour of a constitution that provides a level playing field for all citizens in which our multi-culturalism can be celebrated.

Sent on the 5 July 2013 at 12:52

2706a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 1:03 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Malcolm McAll Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: 1. Maoris should be represented in the
same way as any other citizens and should have no special treatment. An apartheid society is a
recipe for disaster.

2. Maori electoral participation should be improved by ensuring that their educational opportunities are
as good as any and that politics and real history are part of that education in order to foster good
understanding between our diverse communities.

3. Maoris should be represented in the same way as any other citizens and should have no special
treatment. An apartheid society is a recipe for disaster. We already have a situation where the
majority are supporting a minority. History teaches us that this
usually ends in persecution and bloodshed.

Sent on the 5 July 2013 at 13:03

27066

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 1:12 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Malcolm McAll Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: 2. Five years. Reasons: cost and stability

5. Unless a member has broken the law, it is a party issue. The member was legitimately elected and should have the right to remain in Parliament as an Independent for the duration of their term.

Sent on the 5 July 2013 at 13:11

2706c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 1:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Malcolm McAll Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: 1. I dream of a New Zealand where all
citizens are equal; of a time where self-interest groups and monopolies cease to govern; of a resilient
and healthy country, free from pollution; of a more equal country where the top earners earn no more
than 4 times
the lowest paid; of a country free from bureaucracy and of a country where everyone is proud to be a
New Zealander.

2. I would like to see an Upper House comprised of our wisest elders. I would like to see a free and
independent judiciary. I would like to see political decision making based on consensus enshrined in
our constitution. Slower but better change.

I would also like to see a ban on any member of a secret society from holding any public office.

Sent on the 5 July 2013 at 13:25

4635²

From: Jim McAloon
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 6:45 p.m.
Subject: CAP submission
Attachments: Constitutional Review.docx

Greetings

Please find attached a submission on the constitutional review

Kind regards
Jim McAloon

The Constitution Conversation 2013

My name is James McAloon and I live at You have not asked for any other identifying information but I am a 51 year old Pākehā male, a history lecturer by occupation, born and for most of my life resident in Canterbury and now working in Wellington.

Aspirations

A nation which belongs to all who live in it. A nation in which all may live in at least basic dignity, and which recognises that people depend on each other for many material and social needs - and directs economic and social policy to these ends. A nation in which diversity is valued – diversity of identity, of national and cultural origin, of philosophy and religion, of gender and of sexual orientation. A nation in which basic human rights are guaranteed. A nation which accepts and resolves the colonial past, which recognises and gives effect to the rights of tangata whenua and is a pluralist democracy. A nation in which people may be involved in the decisions which affect their lives. A nation where the land and waters are valued both as sources of livelihood and places of cultural and spiritual value. A representative parliamentary democracy, a republic, with a constitution which explicitly declares that political power is based on the free consent of all.

The Constitution and the Treaty of Waitangi

A constitution need not be a single document but simplicity suggests that a single document has much to recommend it. In this country, however, it may be preferable to identify three constitutional documents: the Treaty of Waitangi, the Bill of Rights (or a similar document) and a specification of the forms of government, which specifies the structure legislative, executive and judicial structures or at least provides for their establishment. This model is a little like the Swedish.

This way of proceeding might be a way of dealing with the question of whether the Treaty should be part of the constitution. I think it should, because it is the foundation of the New Zealand state and to an important extent specifies and guarantees the rights of Māori, iwi and hapu. It has sometimes been objected that including the Treaty in a Constitution would somehow diminish the Treaty's status. Dealing with it in this way addresses that objection. It would also make it clear that the Treaty isn't going away, however much some might wish that it would.

How this country's institutional structures should develop to give better effect to the Treaty might be best left to evolve. A problem with specifying too much in a constitution is that circumstances change. The status of many iwi authorities is in 2013 much greater than was the case thirty years ago (if by no means always satisfactory) and their relationships with local and central government are developing. The return of economic resources to iwi, too, is having a significant effect on their influence. Moreover, it is probably safe to say that there is a wide range of opinion within the Māori world as to the way in which rights guaranteed by the Treaty might be given effect to in the 21st century.

The constitution might therefore include a provision that the state must act in accordance with the principles of the Treaty and there must be an independent body to advise on this matter. Whether that is the Waitangi Tribunal or, in due course, some other body or bodies, might be left for further discussion and perhaps should not be over-specified. Whether in due course other constitutional structures emerge to give effect to the rights of tangata whenua is a matter on which I think the conversation must continue.

By definition, a constitution should be of superior legal status. Otherwise, legislation is simply amenable to change by the parliament of the day and may therefore provide insufficient protection of the fundamental rights of the people. This of course does not mean that it should be impossible to amend the constitution, but it should require a particular process beyond a simple parliamentary majority.

Decision on whether legislation, regulation or actions of the executive are unconstitutional should rest with the courts. The problem with leaving such decisions to parliament are, first, that parliament might therefore be a judge in its own case, and secondly, such issues are legal ones, and should be dealt with by those trained to decide them. I imagine that the present court structure would be adequate to deal with such matters. Objections might be raised about an unelected judiciary, or the term 'judicial activism' might be heard. The latter, it seems to me, is simply any judicial decision with which one disagrees; as for the former, the prospect of an elected judiciary is much worse than any objection that might be raised to an unelected judiciary. Election would sharply compromise judicial independence.

The Bill of Rights

The Bill of Rights Act as it stands is quite insufficient protection of the rights of the person. As I write, there is a graphic illustration of this point: the intention of the present Government to amend the law governing the Government Communications Security Bureau, effectively to declare legal in future what the Bureau had until now been doing illegally, that is, intercepting the communications of New Zealand citizens and permanent residents.

The more general reason why the Bill of Rights Act is insufficient protection is that it is not a superior law. Indeed, s. 4 of the Act declares:

No court shall, in relation to any enactment (whether passed or made before or after the commencement of this Bill of Rights),—

- (a) hold any provision of the enactment to be impliedly repealed or revoked, or to be in any way invalid or ineffective; or
- (b) decline to apply any provision of the enactment—

by reason only that the provision is inconsistent with any provision of this Bill of Rights.

This essentially makes the Bill of Rights a mere promise to be good. Section 7 is likewise completely unsatisfactory: if a bill before parliament appears to contravene the Bill of Rights, the Attorney-General shall inform parliament of the matter. No notice, however, need be taken.

That said, the Bill of Rights Act is a statement of the fundamental rights enjoyed by each

person and were it a superior law to which legislative and executive act had to conform, it would provide good protection.

I think the Bill of Rights could be improved in two ways.

The grounds on which discrimination is outlawed, currently in s 19 of the Bill of Rights defined by reference to the Human Rights Act, should be specified in the Bill of Rights itself.

Without taking the Bill of Rights into the territory of economic and social policy, it would be desirable to include the right to a basic standard of living consistent with human dignity.

Māori Representation

So long as it is the wish of sufficient numbers of Māori people to retain the Māori electorates - a wish demonstrated in the periodic Māori electoral option - the Māori electorates should be retained. At present Māori views are represented in Parliament by both the representatives of the Māori electorates and Māori members representing general electorates or holding list seats. It is axiomatic, of course, that there is a range of Māori views on most political questions, but at the same time it is evident that Māori parliamentarians work with each other across party lines on many issues. It is not evident to me that much needs to change in terms of parliamentary representation, except that a higher turnout needs to be encouraged (and not only among Māori: the turnout in the 2011 election was apparently the lowest in all the days of our democracy, which is to say since 1887). Whether this is a matter for a constitutional review is another question, although one relevant dimension is the population threshold for a parliamentary electorate.

So far as Māori views and perspectives in local government are concerned, section 81 of the Local Government Act 2002 already provides that local authorities must 'establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority'. Whether this provision is sufficiently observed at present is a matter for enquiry. If it is not sufficiently observed, it may be a matter for the normal processes of government to ensure that it is sufficiently observed, and if it is insufficient provision then a review should be undertaken.

Noting the current provision for Māori wards, it might be observed that many of the issues that arise in local government are between councils and iwi/hapu organisations rather than 'Māori' and therefore Māori wards may or may not be a suitable approach to take.

Some more general issues with local government might also be relevant, at least in public policy if not in a constitutional document. The increased tendency, by the Local Government Commission, to reduce the number of elected representatives in a given local authority causes me concern. In simple terms this means that membership of a city council, which not very long ago was a part-time form of community service that could be combined with fulltime external employment, is now increasingly the preserve of full-time local government politicians. I cannot regard this as a positive development, because it raises concerns that many able people - perhaps particularly including Māori and others not well represented - may be deterred from seeking election. Further, the language that one often hears, equating a local authority with the board of directors of a business, is obnoxious. So also is the continuation of the right to vote in local elections by non-resident property owners. That

matter, at least, is a constitutional concern. No one should vote otherwise than by citizenship or residency.

Electoral Matters

I think that 120 members of parliament is no more than we need, and I would be comfortable with an increase. I note that some other small democracies have larger parliaments: Norway has 169 members of parliament for a population of 5 million; Denmark 179 for a population of 5.6 million; Ireland 166 for a population of 4.5 million (and Ireland has a Senate as well). These figures, respectively, give one member of parliament for every 29585 inhabitants (Norway), for every 31284 (Denmark), and 27104 (Ireland). Even based on the 4 million population in New Zealand's 2006 census, this country has one MP for every 33000 inhabitants.

Even as it stands, the population criterion for each electorate results in some electorates being very large geographically. This is particularly the case in the South Island and for some of the Māori electorates. Lowering the population threshold for each electorate and increasing the number of list seats might be a positive step. This might also allow better attention to 'communities of interest' which in some large electorates can only be notional. Such a step would presumably increase the number of Māori electorates but if their existence is accepted the number of electorates follows according to normal criteria.

Despite what some might think, the workload of even a backbench MP is very considerable, and a larger parliament might ease things slightly.

It has been noticeable in recent parliaments that some very able members have taken significant roles in select committees, and of course in a larger parliament the Cabinet is less able to dominate because the ministry is a smaller proportion of the whole. A larger parliament, too, might well be a little more representative of the population as a whole.

I do not feel particularly strongly about the parliamentary term. A four year term might be attractive to allow slightly longer-term thinking, but I think more than four years would be undesirable (and might increase the temptation to time elections for political advantage).

That said, I do not think that the process for setting the election date should be changed. Especially in a parliament elected under proportional representation, political circumstances (and I do not mean the advantage of a particular government) may make an early election desirable. External events, too, may have an influence. There is no evidence that the current system has significantly undesirable consequences.

So far as a member of Parliament separating from his or her party is concerned, there are considerable difficulties in prescribing particular steps that should be taken. Presumably the rules would be different for an electorate MP than for a list MP. The former is, theoretically, elected independently of his or her party. The latter, however, owes his or her position to the share of the votes achieved by the party in question. It might follow that such an MP should forfeit her or his position in the event of separation from the party. Yet there are problems: it might be that the MP was expelled from the party through the undue influence of an autocratic leader, or that the MP in question believes that the party has abandoned the manifesto on which the last election was fought. Parliamentary politics has an element of

contingency in it, and no constitution or legal provision can cover all eventualities.

It is an open question how far a constitution should specify the matters raised in the Submission Guide. My own view is that the nature of the electoral system should be specified as this is a matter of some fundamental importance. Whether the population basis for calculating electorate size, and the other matters discussed above, should be specified is another matter. It might be better to require, more generally, that an Electoral Act including such matters should require a significant majority of parliament to be amended.

Other Matters

I referred at the beginning to my hope that New Zealand will become a republic before too many years have passed. This, too, is a conversation which must continue. Some misconceptions should be disposed of. A republic need not differ in substance from our present arrangements; in other words, the presidency could (and I think should) simply replace the Governor General. The way in which a president is selected should be a matter for further discussion but the Irish model is worth considering. An electoral process, on the evidence of Ireland since 1990, does not produce unworthy candidates. Nor, of course, does becoming a republic mean leaving the Commonwealth – this matter was clarified in the late 1940s!

Like the question of a republic, a number of other matters discussed above require further conversation on a national basis. In many dimensions, it is not desirable to change until there is widespread consensus – ‘the settled will of the people’.

However, I believe very strongly that the fundamental rights and freedoms specified in the Bill of Rights Act are so important that the Bill of Rights Act should be elevated to supreme law without delay.

I referred above to some other matters relevant to local government.

Lastly, it has been good to reflect on these matters even though, if I may say this, the range of questions was an interesting mixture of the broad and general (appropriate to such an exercise) and the oddly specific – such as the fate of MPs who separate from their party. Many other fundamental issues could also have been raised for consideration.

Thank you for your work. Kia ora.

631

From: Lynne Rebecca McNulty-Street
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt...
Date: 24/04/2013 8:36 p.m.
Subject: C A P : NZ Constitution Consultation

I am a retired teacher and lecturer from Rotorua. I wish to make a submission on all the Subjects of the NZ Constitution consultation. My apologies for it not being an attached document. iPads don't seem to offer such a facility. I trust your offices can work around the discrepancy.

ASPIRATIONS: These are the questions we would like your feedback on:

1/- What are your aspirations for Aotearoa New Zealand?

Reductions in the cases of child abuse and neglect, the numbers of schools providing basic meals to pupils, the numbers of beneficiaries being permitted to gamble and drink, and use illegal substances. A reduction in the avenues by which marijuana, heroin, cocaine and methamphetamine etc., are imported and distributed.

Reduced tax spending on fripperies such as money given to professional sports or cultural events; reduced class sizes in Primary & Intermediate schools, reduced days of school holiday, reduced numbers of children being failed by poor teachers - so, with that a reduction in the number of poorly trained teachers at those levels.

An increase in tax spending on essential medical and scientific services and research (and conversely, a reduction in the number of charity and fund-raising programmes trying to fund what our government should be providing).

An increase in our Navy and Air Force personnel and equipment, with the establishment of a fourth military arm - Coastal Guard - to prevent foreign refugees crossing into our waters and foreign fishing fleets entering our territorial waters - this would assist in the reduction of drug smuggling as well as providing employment for our young men who are not able to find work.

An eighteen month compulsory military training for male AND female eighteen year olds.

Raise the smoking and drinking age back to twenty.

Additional benefits would be a desirable reduction in the numbers of people fit enough to work but choosing to remain unemployed.

A reduction of instances where Maori people expect separate development, which is in Breach of Article 3 of the Treaty of Waitangi.

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

Parliamentary system, with ...

No reserved Maori seats - there are no pure Maori; the Maori political party is their people's voice in the House;

An Upper House, comprising those New Zealanders who have earned Royal and New Zealand Honours, to give a higher level of judgement on Bills passed by the Lower House. Positions Not hereditary; number of members defined within the nation's Constitution.

GST to be removed from the retail sale of fresh produce, and from literary works (e.g. books, newspapers, scripts, textbooks, magazines ...) to enable schools, students and families to purchase more reading material. This would assist in raising the literacy of our pupils and students, thus compensate for the number of poorly trained reading teachers.

A one-off purchase tax on the purchasing of household garbage disposers; these "appliances" make sewerage disposal or processing plants less efficient, and the tax should go directly into the coffers of the local body managing the sewerage treatment.

I want to be able to walk any street in any time at night without my family feeling they have to remind me how dangerous it is. I want Self Defense made part of the Health and Physical Education curriculum.

I want the NZ School Curriculum to be redrafted and return to a Prescriptive curriculum/syllabus, not the vaguely Descriptive curriculum it is now. This too would reduce the effects of having so many poor teachers in our schools.

I want school uniforms to be not approved for State funded schools. I want schools to tend to the

curriculum and not focus on fripperies which merely entertain, not teach. I want a reduction in the numbers of local parents coming to me asking me to offer remedial tutoring in reading and or writing.

CONSTITUTION: These are the questions we would like your feedback on:

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

Yes, one document which defines the singular principles by which New Zealanders are to live, without reference to race or religion, wealth or status, which is accorded the status of supremacy in defining procedures and laws of governing the nation, can be the sole, highest level of control of drafting new legislation, checking proposed Bills, and monitoring government departments' and personnel performance.

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

Yes. If it were to be only of secondary status, or equal in status to other documents which we "claim" are a constitution, it will be argued and belittled, as are the Tiriti et al.

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

Neither.

Our parliament is influenced by its Party, by popular poll, and can be corrupted by a single member with a private agenda.

The courts are the servants of the nation's law-keeping, not the masters, and are not reliable, nor accountable, nor corruption proof.

I propose that a Constitutional Advisory Council be established to provide checks and balances on Constitutional matters, to advise the Governor-General/Queen or King.

BILL OF RIGHTS

1/- Does the Bill of Rights Act protect our rights enough? Why?

No. We have children in violent homes returned to the family by the same agency that is supposed to protect them, children whose family fails to provide love, care, food, health care; ethnic groups who are publicly belittled; police and justice system which fails to protect our citizens and to get retribution from offenders.

Those citizens of the GLBT population are not protected against breaches of their rights in general life, and in employment, tertiary education, WINZ, StudyLink or Health and Mental Health agencies or government departments.

2/- What other things could be done to protect rights?

For all crimes of violence, define a Minimum custodial sentence from which time spent in police cells before the trial cannot be deducted;

sentences should Not be permitted to be served concurrently,

Life sentences should Not gain parole.

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

A Bill of Rights' content should be within the supreme document - the NZ Constitution.

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

Neither. The Governor General or ruling monarch serve as our highest level of government, and as such are the only posts with the credibility, power and right to make decisions regarding what would be our highest level ruling document.

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

The basic rights of mankind: the right to shelter, food, protection, health, education, guidance, liberty and freedom from racial or ethnic or religious prejudice, slave labour, sexism, or violence

TE TIRITI O WAITANGI

These are the questions we would like your feedback on:

1/- Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution? I strongly would deny it has any relevance in the 21st century. It was written so that Britain could show the world how well its relations with colonized natives could be managed.

As most non-academic (i.e. real) people don't even know what it says, many are demanding special treatment or favour in the name of the Tini, when their claims more often than not are in fact in breach of Article 3. In article 3 the native New Zealanders were pledged access to the same rights and privileges as accorded to British subjects.

That was implying (and accepted by the native signers) access to British-based Education, Health, Housing, Government, Justice, etc systems. And what are we being asked to provide? Maori schools and pre-schools, Maori quasi-police, Maori prisons, and more.

We expect our citizens from China, or India to maintain their culture and religion on their own funding. Our Constitution should accord rights equal for ALL New Zealand citizens and residents, without specifying any particular ethnic or racial group.

2/- Do you think that the Treaty should be made a formal part of the constitution? Why? No. It has outlived it's well intentioned purpose, and its goals are being misinterpreted by racist Maori.

PARLIAMENT

[New Zealand usually has at least 120 members of Parliament (MP's), currently there are 121 MP's. It's made up of 63 general electorate members, 7 Māori electorate members and 51 list members.] These are the questions we would like your feedback on:

1/- How many members of Parliament should we have? Why? 55 in an Upper House, comprising NZ citizens who have earned a Crown or National Honour, 99 in a Lower House comprising NZ citizens who have been elected by public ballot, without specially designated Maori seats.

2/- How long should the term of Parliament be? Why? Four years; three is not long enough for a new ruling Party to prove the worth (or lack thereof) of their new policies, regulations and laws.

3/- How should the election date be decided? Why? By the Governor-General or ruling Monarch; Party leaders can be prone to choosing the date thinking of their own party's probable success or agenda.

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

The current system is working, but could be tempered by examining the needs of an electorate in terms of industry, commerce, employment opportunities, transportation within and between other areas.

Electorates based only on citizen numbers do not reflect community needs - more obvious in Auckland and South Auckland electorates.

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

He should instantly be required to stand down from Parliament.

If elected as an electorate representative, second polling candidate to be asked to step up, or a by-election held.

To be permitted to remain in House is a travesty of the voters' intentions.

Further, no more MMP election. Single Transferable Voting as in Australia.

Don't insult our intelligence by claiming it would be too hard for New Zealanders to understand.

I mean if the Aussies can "get it", surely Kiwis can! (joking)

And, Compulsory Voting - not just compulsory enrollment for the Electoral Roll.

Thank you for the opportunity to participate.

Y Lynne R McAnulty-STREET

Name: Kieran McAnulty

E-mail:

Your submission: New Zealanders are proud of their national identity. We climbed Everest first, led the world in becoming Nuclear Free and women voted here before anywhere else in the world. We are quick to correct anyone who identifies us as Australian or British.

We value our independence.

However, the reality is New Zealand will not be fully independent until we have a New Zealander as head of state. Having the British Monarch as our head of state may not directly affect our everyday lives, but that does not make this issue insignificant. Just because it has always been this way does not make it right.

Much of the reluctance to New Zealand becoming a republic appears to stem out of respect for Queen Elizabeth II. This is entirely reasonable. She has reigned over the Commonwealth for 60 years. For a significant proportion of New Zealanders, having the Queen as head of state is all they have ever known. It therefore comes as no surprise that while polls indicate New Zealanders are comfortable with the idea of a republic, they simply wish to wait until the Queen passes.

It is also important to acknowledge and respect the views of those that fought under the New Zealand flag and have sworn allegiance to the British crown. There is no denying the shared history between our two nations, nor should it be forgotten. However, moving towards a republic should not be seen as disrespectful to our past but rather a logical step in the evolution of a young nation.

Both major political parties have acknowledged that a New Zealand republic is inevitable.

While Governors-General increasingly act in ways that befit a head of state, the reality is that New Zealand is still not regarded as being fully independent of Great Britain. Appointing the Queen's representative in New Zealand is inadequate. A New Zealand head of state will make it clear that New Zealand is an independent and mature country.

The republican argument is quite simple: New Zealand is a unique, dynamic and diverse country. New Zealand's constitutional arrangements, national symbols and head of state should reflect this.

A King or Queen living in England does not.

Becoming a republic and electing New Zealand's head of state will foster a deeper and more sophisticated sense of nationhood. It will clarify to New Zealanders, and to the world, what New Zealand stands for.

The debate and discussion around becoming a republic affirms the values that are important to New Zealanders. It will promote discussion about New Zealand's history and future - including the role of the Treaty of Waitangi. It will clarify the values we all see as important. Becoming a republic will be a celebration of New Zealand's unique culture and heritage. It will demonstrate New Zealand's confidence and independence and it will symbolise a shared sense of nationhood.

Becoming a republic will not revoke our Commonwealth membership. In fact, the majority of Commonwealth countries are now republics. New Zealand would still be able to compete at the Commonwealth games with pride.

Electing the head of state is a basic democratic right. A Monarchy is based on the principle that hereditary privilege alone should decide the head of state. It represents a belief that government authority is embodied in a single individual. In a republic the head of state would be elected — either directly by voters, or indirectly by parliament.

The Monarch is an absentee and ineffectual head of state. The position is unaccountable to New Zealanders. In a republic the head of state would work on behalf of all New Zealanders. They would proudly reflect our nation, its culture and identity.

It is time to have a New Zealander as our head of State.

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.

Sally McAra
Auckland
New Zealand

3866

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 9:58 a.m.
Attachments: G McArthur-ConstitutionalReview - May 2013.pdf

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

Full Name: Gerald McArthur Organisation Name: Barrister Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Iauranga Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: G McArthur-Constitutional Review - May 2013.pdf

Submitted on the 25 July 2013 at 09:57



Constitutional Review 2013

Topic questions – submission form

The topics in the 'constitution conversation' are:

- Share your aspirations
- New Zealand's constitution
- Bill of Rights Act
- Treaty of Waitangi
- Maori representation
- Electoral matters

You can make a submission on some or all of the topics in the Panel's terms of reference. You can also make a general submission on other aspects of New Zealand's constitution (if there is sufficient interest in a constitutional topic outside the terms of reference the Panel may report on it).

For more information on the topics, reading materials, and how to make a submission: see <http://www.ourconstitution.org.nz/>

Topic: *Share your aspirations*

Q1: *What are your aspirations for Aotearoa New Zealand?*

An egalitarian society not characterised by have and have nots. A fair society where there is access to decent education, health care and justice no matter ones financial position. Where people are treated equally by the laws no matter their race or religion.

Q2: *How do you want our country to be run in the future?*

The existing parliamentary system is fine.

Topic: *New Zealand's Constitution*

Q1: *Do you think our constitution should be written in a single document? Why?*

Yes. It will enshrine fundamental principles to be remembered and focused on by parliament when drafting law and by the courts when upholding it.

Q2: *Do you think our constitution should have a higher-legal status than other laws (supreme law?) Why?*

Yes. Otherwise it can be made void by the simple passing of the law of a given government.

Q3: *Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?*
The courts because they are impartial.

Topic: The Bill of Rights

Q1: *Does the Bill of Rights Act protect your rights enough? Why?*
Yes.

Q2: *What other things could be done to protect rights?*
Enshrined as part of the constitution.

Q3: *Do you think the Act should have a higher legal status than other laws (supreme law)? Why?*
Yes to avoid it being voided by the passing of another law by a given government.

Q4: *Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts? Why?*
The courts because they are neutral.

Q5: *What additional rights, if any, could be added to the Act? Why?*
Have not analysed this.

Topic: Treaty of Waitangi

Q1: *Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?*
Essential that the rights and agreements contained in the Treaty of Waitangi be contained in the constitution.

Q2: *Do you think the Treaty should be made a formal part of the constitution? Why?*
Yes because it is large part of our society that we have honoured the Treaty or tried to.

Topic: Māori Representation

Q1: *How should Māori views be represented in Parliament?*
No more so than for other groups in society – just through chosen MP's.

Q2: How could Māori electoral participation be improved?

I don't know but there might be a risk of maori rights having force in our country beyond what should be the situation.

Q3: How should Māori views and perspectives be represented in local government?

It seems from what I have heard that iwi are able to hold developers to ransom – that is not right. Any rights that they have to prevent development should be made through the Waitangi Tribunal rather than at local government level.

Topic: Electoral Matters

Q1: How many members of Parliament should we have? Why?

I don't know.

Q2: How long should the term of Parliament be? Why?

Four years – more time for the government to be honest.

Q3: How should the election date be decided? Why?

Don't know.

Q4: What factors should be taken into account when the size and number of electorates are decided? Why?

Don't know.

Q5: What should happen if a member of Parliament parts ways with the party from which he or she was elected? Why?

Don't know.

Topic: Other Issues

Q1: Do you have any other comments or suggestions about New Zealand's constitution?

Can we reduce the amount of legislation and law and generally work to simplify the system. We seem to be getting more and more bogged down with a whole lot of detail and political

correctness so it is actually harder and harder to do things that matter. If this continues the country will end up strangling itself.

2708

From: "Judith McArthur"
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 1:30 p.m.
Subject: CAP Submission

We are all supposed to be NZers and equal under the law. Why do we need such a separate group of people needing their own seats in Parliament!! I would wish to see the Maori seats abolished.
What about all the other ethnic groups of people in N.Z. This is only encouraging separate divisions in our lovely country.
Judith McArthur
Red Beach

5019

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:51 p.m.

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

Submission: I do not want to see much change in the way our country is run and feel parliament should rank higher than the courts as at least the people have some say every 3 years. We do not need a situation as in the United States where parties push for judges that

will suit them and good men are blocked for the top positions in the courts. I am very afraid of the reasons for this review as it is a sop to the Maori Party and a small pressure groups. The majority of the people are satisfied with the status quo and most

don't know or want to know about it as you will have seen by the feedback on it. As for the Treaty of Waitangi it should not be part of any constitution as it was written in 1840 between full blooded Maoris and the crown. Today we have the farcical situation

where part Maoris are claiming special rights and getting special treatment forgetting the other side of their forbearers. Your whole review is a farce as nobody is talking about as basically we are content with the present situation. I would love to submit

in person Full Names: Terence Joseph McAtamney Organisation Name: personal Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Otago Postal Post Code:
Postal Country: New Zealand

Submitted on the 26 June 2013 at 12:23

2217

From: "Bob McAuley"
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 1:56 p.m.
Subject: CAP Submission

The seats should be abolished .

Ethnicity has no bearing on Exclusivity.

Bob

Bob McAuley

Auckland
NEW ZEALAND

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From: "Bob McAuley"
To: <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 1:48 p.m.
Subject: CAP Submission

Sir,

The Maori seats should be abolished.

They are no longer necessary.

Bob

Bob McAuley

Phone
Mobile

Auckland
NEW ZEALAND

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98

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 9:23 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Peter McAuley Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Hawkes Bay Postal Post Code: Postal Country: New Zealand
Submission: Hi

Please can we become one nation. The history is the history and we need to move on. My birth country is full of history about invaders who came and did wrongs. Yet several hundred years on we have accepted that those wrongs are part of our history. Sadly NZ is crippled by shame and spends too much time worried about past wrongs that hinder how as a country we move forward.

In summary I am asking that our constitution only looks at our people today and of tomorrow and treats all those people as equal. Irrespective of colour, creed or race we are all equal. Please can we stop the positive discrimination of a minority at the expensive of the majority.

Sent on the 8 April 2013 at 20:22

502

From: [REDACTED]
To: <constitutionalreview@justice.govt.nz>
Date: 17/04/2013 9:12 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: McAvoy, Lois Garrv, Tom, Arna, Casey, Beth Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Wairarapa Postal Post Code:
Postal Country: New Zealand Submission: I hope u got more typing space than this! New Zealand should slam GM for a starter, it will destroy our environment destroy seeds, once u go there ,there is no going back. Only a few are pushing this mostly for there own gains, for the love of god lets make some long term decisions and not short gains that they havent thought through to 40 years down the track. The focus of New Zealand needs to come back to people. Start making long term social decisions, not short term money making decisions. We need to follow through on all recources we produce everything is leaving here as a raw material ie wood wool meat sand coal the list goes on. Govt needs to focus on industry that produces products, get people working, STOP loaning money to pay benefits. We produce the best raw materials in the world, lets make some ong term decisions to follow through with these products. Stopp selling our resoucrs for short term gains govt should always be in control of primary resources ie water. power rail who pays our teachers etc.

Every industry is incredibly top heavy CEO's head of departments, board members etc are way over paid and top heavy making New Zealand and expensive place to live. Far tooo much red tape, in all sectors, simpicity is the key to life, pure logic.

We need to live in the present we are all humans we need to be treated as one we are one, no more treaty stuff or separated Maori anything. We are waisting time and resources. There should be no Maori party or anything it is racist.

Education in New Zealand is margina!d ! Kids are failing big time get back to basics and teach them on how the body works I.E energy how we creat it how to use it, how to honour yourself and other people, Have tons more to say got to go. Shall put a put another submission in.

Sent on the 17 April 2013 at 09:11

1455

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 19/06/2013 8:28 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Glenys McBain Organisation Name: Email Address:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: <http://www.nzcp.com/ConstitutionalReview.htm>

This site mirrors my opinion 100%. We cannot embed apartheid in legislation and lock out non Maori. The Treaty of Waitangi at the very least must not be embedded in a new constitution. In fact we do not need a new constitution at all

Sent on the 19 June 2013 at 08:26

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.

Ellen McCabe
Seattle
USA

3761

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 23/07/2013 12:35 p.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]

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

Full Names: Owen Paul McCaffrey Organisation Name: Email:
Phone: Postal AddressA: t
Postal AddressB: Postal City: Hamilton Postal Region: Waikato Postal Post Code.
Postal Country: New Zealand Submission: 1 New Zealand needs a written constitution.
So the Bill of Rights could be combined in one document with the basic powers, structure and roles of government as well as elections basic election rules.

2 The size of Parliament is fine but I don't think it needs to grow any. At 120 MP's this is enough to produce good proportional MMP results but it should not grow. We are over represented internationally.

3 MMP party threshold should be reduced to 2-3%. That would allow more democracy as too many votes get wasted because of the 5% threshold and parties don't try to campaign because the bar is too high.

5 Maori seats/Electorates are important for NZ so must stay in my opinion.

6 There should be a fixed Election date that can be changed only under certain circumstances.

7 One of the most important things needed is a "Chief of Independence" position. This person can be elected by the people (or by a supermajority of the parliament such as 75%) to be the chief government watchdog and operate for example the below independent bodies that need to advocate for citizens sometimes against the government or to investigate the government.

- Auditor General
- Independent Investigations
- Human Rights Council
- Victims Commissioner
- Health & Disability Commissioner
- Elections Commission
- National Forensics Lab
- Law Commission

- Local Government Ombudsmen
- Public/Loc Gov Pay Review Body
- Monetary Authority
- Statistics New Zealand
- Appoint public Company directors
- Consumer Affairs
- Privacy Commissioner
- Police complaints/victims
- Ombudsmen
- Public Broadcasting
- National Archives/Library
- Public Registers: Land/PPCRcredit ratings, names,

Submitted on the 22 July 2013 at 02:46

3761A

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 12:01 a.m.

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

Full Names: Owen mccaffrey Organisation Name: n/a Email:
Phone: Postal AddressA Postal AddressB: Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: 1 Entrench Maori Parliament seats in Constitution

2 Put dedicated Maori seats into local bodies by law in proportion so that they can influence. For example in Regional and city councils.

3 A "National Legal Insurance Scheme" funded though general taxation is needed to ensure everyone the right to representation. Poorer people can have no deductible (=legal aid) whereas working people can receive a sum of money to help defray the costs of a legal defense or challenge should they need it. This is only for individuals not businesses.

4 Fair elections require limiting TOTAL donations able to be received by any party and also it requires the government to INCREASE the provision of public monies to all political parties contesting the election and in the case of public broadcasting time before the election this should be shared equally taking into account according to some formula NEWS TIME GIVEN TO MAJOR PARTIES. Also public funds should be gifted to parties with more than 1,000 members to upgrade their website to compete with the major parties.
OUR elections must be about ideas NOT money.

Submitted on the 28 July 2013 at 00:00

3761B

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 2:22 a.m.

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

Full Names: Owen McCaffrey Organisation Name: N/A Email:
Phor: Postal AddressA: Postal AddressB: Postal
City: Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: An Independently elected Ombudsman/Chief of Independence should also
take over many functions of Parliament on a non partisan basis:

1 Speaker of the house

2 Privileges Committee

3 Approve benefits and Pay

Politicians should not be able to police themselves or decide their own pay.

Submitted on the 31 July 2013 at 02:20

