

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

From:
To: <constitutionalreview@justice.govt.nz>
Date: 26/02/2013 7:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from [The Constitution Conversation](#).

Full Names: James Ian McCaig

Organisation

Name:

Email:

Phone:

Postal

AddressA:

Postal

AddressB:

Postal City:

Postal Region:

Postal Post

Code:

Postal New Zealand

Country:

Submission: I current system for voting in Maori into parliament is wrong and unjust. This system promotes Racial Segregation as it sets aside seats just for Maori therefore should we set aside seats for Asians and NZ European peoples of New Zealand. No it is unfair and Maori and Asians and any other ethnic group should have to enter parliament on the own merits.

Sent on the 26 February 2013 at 19:24

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

From:
To: <constitutionalreview@justice.govt.nz>
Date: 26/02/2013 7:14 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation.

Full Names: James Ian McCaig

Organisation

Name:

Email:

Phone:

Postal

AddressA:

Postal

AddressB:

Postal City:

Postal Region:

Postal Post

Code:

Postal New Zealand

Country:

Submission: I feel as a New Zealander that the Treaty of Waitangi is no longer a relevant document in the New Zealand constitution as it is a document that provides a mandate for Racial Segregation. This document is going against the values that New Zealand should promote coming together as one nation one people.

Sent on the 26 February 2013 at 19:12

2529

From: "Clive McCall"
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 11:12 a.m.
Subject: CAP Submission

Good-morning,

I wish to record my opposition to the continuation of the Maori seats in parliament.

I am opposed to the allocation of seats based on racial grounds & am strongly opposed to the continuing separation of society through radical racial agitation.

The creation of Maori seats in mid 1800's was a temporary short term measure, but a variety of ploys & arguments successfully debated by Maori has won their cyclical retention.

The 'use by date' for this system has long passed.

C W McCall

Christchurch

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.

Catherine McCarthy
Hamilton
New Zealand

580

From: "Dennis McCarthy"
To: <constitutionalreview@justice.govt.nz>
Date: 21/04/2013 10:52 a.m.
Subject: Please consider my submission.

Dear Panel Members

I am writing on my own behalf as a senior citizen of this country to let you know that I oppose any change to our Constitution based on the Treaty of Waitangi or on racial preference or discrimination.

This whole scenario has the appearance of a stitch up between the National and Maori Parties with a defined agenda which does not have the support of mainstream New Zealand. This perception is supported by the refusal of the current government to guarantee that any constitutional change will be put to the voters to be accepted or rejected in a binding referendum.

Yes, we do need some Political/Constitutional change but I suggest that it be in the form of more Direct Democracy where the voters actually control the politicians. I refer particularly to the Swiss model where voters, under certain conditions, can block unwanted legislation and initiate binding referenda.

Even though I think that this would be a good idea the last thing I would want would be a politician imposed change without allowing the people to accept or reject the proposal through a binding referendum.

You say you will be consulting the people. Does this mean you will consult the people and then do what the government planned to do anyway? This so called consultation means nothing if the people cannot make the final decision.

May I suggested that politicians are not greatly trusted and any assurances that they will act in the best interests of the nation are not likely to be believed. We've had unwanted and unmandated legislation before.

To conclude: You have no mandate from the general public to change the Constitution so leave it alone until you do get a clear mandate which actually comes from the people and not from vested interest groups.

Yours sincerely
Denis J. McCarthy

Invercargill

1810

newzealand.govt.nz

Our constitution is the set of rules that determines how this country is governed and how we all live together.



New Zealand Post

Tell us your aspirations for our country and let us know what's important to you about how this country is run:

I fully support the MMP system.
I expect the elected Government to represent the people of New Zealand. I do not expect arrogance that enables law changes to benefit overseas interests and disenables the real mum-and-dads of NZ.
I support a re-instatement of the Act which deselects waka-jumpers.

You can find out more about the Constitution Conversation and make a fuller submission online at www.ourconstitution.org.nz

Secretariat

Constitutional Advisory Panel

C/o Ministry of Justice

DX SX 10088

Wellington

Name(s):

Elizabeth McCarthy

Postal Address:

Takaka

☐ Tick box to receive regular updates by email

6088.1

3 7 2 8

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 22/07/2013 8:42 a.m.

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

Full Names: Graeme McCarthy Organisation Name: Email:
Phone: Postal AddressA: PO box Postal AddressB: Postal City:
Tauranga Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: 1.What are your aspirations for Aotearoa New Zealand?

A place where all New Zealanders can freely access places i.e. beaches, mountains, forests and lakes

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

Country that provides opportunities to those who are prepared to work hard, make welfare a privilege not a right and something primarily for New Zealanders and not for migrants

Submitted on the 22 July 2013 at 08:41

1077

From: [redacted]
To: <constitutionalreview@justice.govt.nz>
Date: 5/06/2013 8:23 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Patrick McCarthy Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: I became a New Zealand Citizen in 2002. It was a proud day. My children, one born overseas and two born here are New Zealanders.

1)I believe that there must be no change to the constitution giving one group of citizens more rights than others.

2)I am opposed to any changes that include "The principles of the Treaty" as these are nebulous and fictional.

3)I do not believe that Maori are Partners to the Treaty but are certainly Parties to the Treaty.

4) I support a 4 year parliamentary term.

Sent on the 5 June 2013 at 08:22

1599

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 10:29 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: Terry McCarthy - A submission on the Aspirations.docx

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

Full Names: Terrence John McCarthy Organisation Name:
Email: Phone: Postal:
AddressA: Postal AddressB: Postal City: Auckland Postal
Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: Terry McCarthy - A submission on the Aspirations.docx

Sent on the 26 June 2013 at 10:27

Terry McCarthy - A submission on the Aspirations for New Zealand and All New Zealanders

"As New Zealand's constitution reflects who we are as a country – our unique history, values and aspirations – the Panel is asking all New Zealanders to consider their aspirations for Aotearoa New Zealand and how they want this country to be run. The responses to these two aspirational questions will influence the final report."

I think the binding part of any constitution should be the right of all citizens to be seen as equal under all laws of this country.

If you are born in this great country, you have all the rights of any other person born of this country, and no person should have any privilege above another just through some luck/accident of birth.

If you have come to this country, and have made a determined effort to become a legal citizen of this country, and have been legally accepted as a citizen, then you are entitled to the same rights as one born to the land of this country.

While I understand the need to redress wrongs from the past, for particular NZ family groups, why this is race based I find abhorrent, and if you look at many other cultures that have been in NZ for the past 300 years we find other extreme instances of prejudice, that have not been redressed, this needs to be done for all, again not based on Race. All Citizens of this land are descended of immigrants.

If the treaty is to be built into the constitution as a document signed between early NZ people and the English Crown, then it needs to be ratified and enlarged to bring in all current NZ people, and changed to the NZ Government.

Perhaps it is time to put this past looking culture away and move forward, where your parents and grandparents entitlements do not hold you back or advance you unnecessarily in regard to other citizens.

Equal Education opportunities.

Equal Health care.

Equal care and protection for our elderly.

Protection from the rorts and frauds of persons in positions of power, either Financial, of Governance.

Protection from nepotism, cronyism and any form of protection that is unjustified when placing one person before another, that is not based on the person's skill, or suitable character.

Any private person or employer should have the right to deal with who they want so long as there is no intended physical or financial harm being done.

We live in a free society. The freedom to do as we choose, that it does not impinge on the freedom and rights of our fellow citizens.

This means the freedom not to be dictated to by Governments, National or Local, while we "The citizens" go about our daily lives within our own properties, business', leisure activities.

Government should be restricted, and any major decision should be made by the people, via binding referenda.

Government is at the will of the people, by the will of the people, for the good of the people. Not to dictate over the people or be the tyranny of the few over the people.

Finally the rights of any citizen come before the financial benefit or legal judgment of any Foreign corporation (owned) or government. Any action against a citizen, within NZ, should be at the full cost of the foreign entity, fully paid before the action.

Thank you and Kindest regards.

Terry McCarthy

584

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/04/2013 4:06 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Robert Bruce McCaw Organisation Name: Email:
 Phone: Postal AddressA: Postal AddressB: Postal
 City: Postal Region: Canterbury Postal Post Code: Postal Country: New
 Zealand Submission: What are your aspirations for Aotearoa New Zealand?

A secular country that is a truly representative democracy, where the first people are recognised and have their values incorporated into the constitution. A country that accepts new citizens but only if they accept and comply to our values e.g. conservation, freedom of thought, secularism. If they chose to abuse any of those then they get deported!

A country that respects the rest of the world and acts as a peace maker rather than wages war. A country that puts the wealth of its natural environment above personal and/or corporate wealth.

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

By a proportionally representative parliamentary system that has some checks and balances for major decisions e.g. asset sales, social change. That could be an upper house of randomly selected citizens (for this to work they would need to be given unbiased in depth education on the issues before them), or a higher percentage of support in the house (say 60% of MPs). I would like to see Parliamentary reform to ensure that policy (ideas) are supported rather than supporting the party that puts them up i.e. if a particular policy is lost in the house then it just means it was a bad idea not that the govt has no confidence! Major policy should not be able to be introduced to the house if it has NOT been in a party's manifesto e.g. charter schools, asset sales in the 1980s.

Until such changes are in place I do NOT support a longer term of Parliament as a vote every 3 years is the ONLY input that a citizen can have at the moment. MMP, or a system that ensures that all votes are represented e.g. STV must be entrenched as it could be removed just by a vote in parliament at present. The voting system MUST belong to the voters NOT to Parliament.

If our courts are powerful enough then do we really need a monarch or president?

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

Yes

Why?

It gives it more importance and is easier to make citizens aware of it.

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

Yes

Why?

Things are too easily changed in Parliament it should be the over riding rules under which Parliament can operate.

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

The Courts

Why?

Parliament is too easily captured by emotional issues of the moment.

How should Māori views be represented in Parliament?

By what ever means our treaty partners wish. While one can argue that under proportional representation, and considering that they were originally instigated to limit Maori influence in parliament, the Maori seats could now be abolished however they should remain until Maori feel that they no longer need them. (I can see a situation at present where a parliament abolishes the Maori seats and then abolishes MMP and Maori have no representation!)

How could Māori electoral participation be improved?

By demonstrating that their involvement can make a difference to their lives.

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

I believe that there is a good case for Maori wards on a proportional basis of a local government areas population. i.e. if there is 15% of Maori in a council area then they should be entitled to 15% of the seats. Of course one could argue that the treaty implies shared governance so that maybe they should have 50% of the say.

How many members of Parliament should we have?

We need to look at successful democracies such as the Scandinavian and Northern European ones and average the number of MPs that they have per population.

Why?

Because it is an emotional issue - the general population always considers that there are too many!

We need a rational formula.

How long should the term of Parliament be?

3 years

Why?

Until there are better checks and balances then there is no way that the parliamentary term should be extended!

How should the election date be decided?

I'm ambivalent however maybe it should be the same weekend each election unless there is a vote of no confidence and the government is unable to govern.

Why?

It would give the electorate some certainty and remove the possibility of a government manipulating the election

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

Physical size and number of voters.

Why?

The need to maintain proportionality is paramount (an excuse that the number of list seats need to be reduced to allow for more electorates must be resisted firmly. Expand the size of parliament if it is an issue).

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

They leave parliament.

Why?

They were elected on a party ticket NOT as an individual.

If they are an electorate MP then a by election (if they get re elected as an independent then good on them). If they are a list MP then the next on the list comes in.

Sent on the 21 April 2013 at 16:05

2538

From: Sylvienne McClella
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 12:06 p.m.
Subject: CAP Submission

We are one nation of a multitude of diverse ethnic groups. It's wrong that one group should be kept separate creating a divisive culture which could develop into an apartheid type political system. Democracy should allow for all groups to have an equal say in the running of the country. Separate seats for one ethnic group forces that group to often take an opposing role and continue to see themselves as a people not belonging to but being different from the rest of their fellow New Zealanders. Our political system gives ample opportunity for all groups to make their views heard.

Sylvienne McClelland

WAIPU.

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:

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- 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.

Joe McClure
Wellington
New Zealand

1508

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/06/2013 2:41 p.m.
Subject: review

I strongly appose any legislation or reference to the Treaty of Waitangi in any current or future legislation.

If in the future a written constitution is drafted I am firmly apposed to any race based legislation.

To start with, what version of the treaty would be referred to, and how can we now interpret what was exactly meant by the people actually signed the document.

A.H.McColl

Wanganui

3483

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 9:11 p.m.

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

Full Names: Bruce McConchie Organisation Name: Email: z
Phone: Postal Address A: Postal Address B:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: My aspirations for New Zealand:

1. A country where I'm proud to be called a New Zealander
2. A country where New Zealand children and adults can fulfil their potential equally and without discrimination
3. A country where personal responsibility and initiative is recognised and applauded.
4. A country where civic involvement is encouraged and valued; where sacrifice in the service of the community is honoured.

This country of New Zealand should be run:

1. With each person having equal opportunity
2. Without fragmentation and preferences based on ethnicity
3. With a 'light' touch from central and local government, and a strong involvement of community and non-profit organisations.

Submitted on the 28 July 2013 at 21:10

3983a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 9:22 p.m.

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

Full Names: Bruce McConchie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Our constitutional arrangements are already working well. At best the
existing documents and precedents could be drawn together under a single heading "Relevant
Constitutional Documents 2013". This would occur AFTER electorate input into what is relevant.

These documents would be seen as "founding" rather than "supreme" documents.

Courts rather than Parliament should determine consistency of new legislation to avoid the distortion
of compromised politics under MMP. Better still the role of electorate referendums (as in Switzerland)
might be debated as a possibility.

Submitted on the 28 July 2013 at 21:21

3 983b

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 9:30 p.m.

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

Full Names: Bruce McConchie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Our constitutional arrangements are already working well. At best the
existing documents and precedents could be drawn together under a single heading "Relevant
Constitutional Documents 2013". This would occur AFTER electorate input into what is relevant.

These documents would be seen as "founding" rather than "supreme" documents.

Courts rather than Parliament should determine consistency of new legislation to avoid the distortion of compromised politics under MMP. Better still the role of electorate referendums (as in Switzerland) might be debated as a possibility.

Submitted on the 28 July 2013 at 21:29

3983c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 9:42 p.m.

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

Full Names: Bruce McConchie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Various settlements under the Treaty should be dealt with, and then the
Treaty seen as having served its purpose. Revisiting earlier settlements in the light of more recent
settlements is an avenue for more and more unreasonable demands. The divisive effect
of much present discussion of the Treaty is limiting New Zealand's development. The Treaty should
not be part of any constitutional arrangement. The mature discussion of 21st century constitutional
arrangements should be by New Zealanders not by members of
separate ethnic groups seeking preferential treatment.

Submitted on the 28 July 2013 at 21:41

39 83d

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 9:50 p.m.

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

Full Name: Bruce McConchie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Maori views should be represented in Parliament as for any other New
Zealander's views. There is no justification for special privileges for Maori views, either at the national
or local level.

Maori electorate participation should be "improved". It should be put on the same basis as every other
ethnicity's participation. Special privilege through dedicated electorates or plebescites is an affront to
the principles of equality in the Bill of Rights.
The same argument pertains to local government.

Submitted on the 28 July 2013 at 21:49

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 10:05 p.m.

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

Full Names: Bruce McConchie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: -
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Our representation (120 members or thereabouts) is already too many in
relation to population. It should be reduced to approx 90 by reducing the unelected list seats and
removing the Maori seats. That would be a step towards a more representative Parliament.

Who determines the date of an election is irrelevant. A three year term is presently the most effective
way of holding Parliament accountable, unless other checks and balances are introduced eg
electorate referenda for unpopular legislation.

The population of an electorate should be near as possible to equal over the whole country.

Submitted on the 28 July 2013 at 22:04

Te 20 o Pipiri 2013

Glenn Anthony Michael Rangitakaroa McConnell

Māori Representation

How should Māori views be represented in Parliament?

I believe that the Māori seats should be kept in the House of Representatives and continued to be run in the same way they are currently run. Adjusting the number of electorates with the number of voters registered on the roll. Increasing/decreasing in relation to the size of the roll.

How could Māori electoral participation be improved?

Simply all allegeable voters should be automatically enrolled on the Māori electoral roll. However compulsory enrolment should not be installed.

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

In local governments local iwi should hold more power and importance in the running of rohe. It is important that functioning iwi are giving proper consultation but also power to work alongside the councils. Working alongside council and consultation should not be made into a symbolic action but real input should be made by iwi into the running of their rohe. Possible powers of to object to council decisions effecting iwi and join business, social and cultural partnerships between iwi and local government would greatly benefit the country, iwi and local government running.

I see no need for a Māori seat type system to be implemented in local governments if iwi are involved in council processes.

Electoral Matters

I believe the parliamentary term and how the election date is decided is operating well and no change is needed.

Although it is easy to see problems with 'waka jumping' I think there are serious reasons why it should remain legal for a member to parliament to be able to leave their respective party but continue to remain in parliament.

Size of parliament and electorates

The way electorates are calculated is good at this current time.

Looking to future it may one day be necessary to increase the number of electorates and members of parliament to achieve a better ratio between people and representatives.

Te tiriti o Waitangi

That the Treaty should be made a formal part of the constitution?

It is essential that **The Treaty of Waitangi** is included into any constitutional document that New Zealand shall create.

The treaty of Waitangi is important in not only recognising the founding of New Zealand but insuring racial harmony and upholding the rights of iwi in the decision making processes that concerns themselves.

Also, the principles of the treaty are about maintaining basic rights for all people. Therefore not including the treaty in any constitutional document would be ridiculous and a dangerous step for the country to take.

Future roles of the Treaty of Waitangi

I think it is important that the Treaty of Waitangi status and power is strengthened. Particularly the Waitangi Tribunal and its power amongst government, which has been continuously weekend by successive governments. It is important that the Waitangi Tribunal hold greater power with the ability to not just make suggestions to government but hold the government to account and actively enforce some tribunal findings. At the moment Waitangi Tribunal is operating inefficiently that groups have to move higher and higher in the court system to influence the government. Currently the Tribunal do not hold the power to make change and ensure the Treaty principles are upheld.

The treaty of Waitangi should be considered when any legislation is amended or created and all legislation should abide by the treaty. The treaty's full implantation in a constitution would be able to ensure this consideration.

I think the treaty should be fully installed into any constitutional document.

Bill of Rights

Additional rights

Although the Bill of Rights encompasses the core important rights any constitution should also include rights such as a right to education and the Human Rights Act. In doing so it is ensured that education is achievable for all people and Basic Human Rights are given equal status as the Bill of Rights.

Ensuring adherence to the Bill of Rights

It is important there are systems in place which can veto legislation/orders passed by the crown which could intrude on the Bill of Rights. Whether this be courts or a separate entity.

However it is important that there are limits to the extremity of the Bill of Rights as well such as limiting the right to expression when endorsing hatred, racism or violence. Therefore I do not think that the Bill of Rights in its entirety should be considered as 'supreme law'.

However the right to vote have a fair hearing and especially the right to life should be ensured as untouchable from any institution possibly as supreme laws.

The Constitution as a Whole

Courts

- The Waitangi Tribunal will need increased power to operate properly
 - The Supreme Court or another separate non-political body will need to be responsible for interpreting and enforcing the constitution.
- Something else

Higher Legal Status

- The constitution will need to be difficult to be changed by future governments
- It may be necessary to hold the constitution as 'supreme law'.
- Possibly making the Governor General, Courts and maybe even unanimous agreement in the parliament to agree to any changes to constitutional law.

Finally

The future New Zealand

I believe the future Aotearoa should be a nation priding itself on true racial, religious and social harmony.

Shrinking the gap between well off and impoverished and allowing individuals to forge their own futures instead of being restrained by their individual backgrounds, succeeding by guaranteeing an education for everyone.

New Zealand needs to be proud of their past and it is crucial that the treaty of Waitangi be included in any constitutional document as the nation's founding document.

Stamping out social or racial discrimination can only be achieved by giving everyone equal and fair opportunities well acknowledging the past and creating measures to stop any discrimination which is why the treaty of Waitangi plays an important role.

Of course respecting basic rights such as the ones included in the Bill of Rights is also important.

Glenn McConnell

Anthony Michael Rangitakaroa

Submission for the New Zealand Constitutional Review
Submissions

Secretariat, Constitutional Advisory Panel

C/o ministry of Justice

DX SX10088

Wellington

1542

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/06/2013 11:27 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jill McConnochie Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Napier Postal Region: Hawkes Bay Postal Post Code: Postal Country: New
Zealand Submission: I feel that our "unwritten Constitution" has served us well to date.
The Bill of Rights likewise. I would like to see all New Zealanders of all races and ethnicity regarded
as equal under the law.

Sent on the 24 June 2013 at 11:26

1866

newzealand.govt.nz

Our constitution is the set of rules that determines how this country is governed and how we all live together.



Tell us your aspirations for our country and let us know what's important to you about how this country is run:

It is important to me that NZ is run as a democracy, rather than by a race-based minority. Therefore I do not wish to see the Treaty of Waitangi enshrined in a written constitution. Our present constitution has served us for many years. I see no reason to replace it with a formal written constitution.

You can find out more about the Constitution Conversation and make a fuller submission online at www.ourconstitution.org.nz

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

E. R. J. McCormack
Name(s): *Ngati Rangui*
(*Ngati Rangui*)

Email or postal Address:

☐ Tick box to receive regular updates by email

6088.1

From: "Kevin McCormack"
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:14 p.m.
Subject: CAP submission
Attachments: Submission to CAP.doc

4522

Greetings

I attach my personal submission in relation to the Constitutional Review.

Thankyou for your consideration.

Regards.

Kevin McCormack

, Wellington

I
E

SUBMISSION TO THE CONSTITUTIONAL ADVISORY PANEL

INTRODUCTION

I welcome the opportunity to make this submission and I do so on my own behalf. I have two main points that I wish to present to the Panel – first, the need for a specific written constitution, and second, the length of the term of Parliament.

A WRITTEN CONSTITUTION

A constitution is described as a set of rules that determines how a country is governed. The long time absence of any specific written constitution for New Zealand has made it difficult and well-nigh impossible for most citizens to find, and even harder to understand, the content let alone the relevant detail in relation to those rules.

There are important considerations in relation to a constitution, and the most important from a citizen's perspective is that it be accessible. Rather than be written in a single document (as the first question on that topic asks), it is far more important to produce a single document that contains the substance of the “existing constitution”.

In other words the basic obligation of this exercise is primarily to coordinate the existing constitutional arrangements into a comprehensive document, which does at least provide a platform for further development. One way of achieving this is to identify the particular components and include a description and a summary of their main features. Anything less is reprehensible. The general public of New Zealand deserve to have this kind of access rather than leave it for lawyers and academics to debate. The need for younger people in particular, to gain education in Civics is likely to be greatly enhanced by such a document, and will enable them to understand better as well as increase their capacity to participate in public affairs.

The extent to which it may be possible to gain even a reasonable degree of consensus in the course of this exercise is questionable, and the lack of this degree of consensus may make it too difficult to proceed and end up with the entire exercise consigned to the “too hard basket”.

Moreover, in the absence of this kind of base, it is demonstrably unfair to proceed to tinker with numerous miscellaneous components which could in those circumstances really only be considered within the context of a vacuum, rather than in a more holistic manner.

PROPOSAL – I suggest that the Panel recommend that the existing range of constitutional documents (preferably by way of description and summary of their main features) and principles be incorporated into a single document.

LENGTH OF THE PARLIAMENTARY TERM

The real difficulty in considering whether the term ought to remain at the existing 3 years or be extended to 4 years, is that this kind of proposition is being viewed in a vacuum. It is really just tinkering with the *status quo*.

This kind of approach is virtually *ad hoc*, and is one where a particular (existing) perspective is pitched against another. This is a difficult dynamic if there is to be an outcome governed primarily by principle rather than by pragmatism.

Undoubtedly there are advantages in having a longer term of government, but these actually accrue

to a favoured few and most of those persons are in a position of advantage already, so such a move will greatly enhance those positions.

Better, in my view, to consider any extension of the term of Parliament by ensuring that the benefit of a longer term be balanced by a reduction in the current level of autonomy exercised by the Parliament, or more specifically by the Government. In recent years, for example, the Government has -

introduced and passed legislation with retrospective application;

over-ridden decisions of the Court by introducing and passing legislation specifically to nullify those Court decision;

used the Supplementary Order Paper procedure to introduce new amendments to a Bill, a process which denies New Zealand citizens any capacity to make a submission in relation to those amendments;

used urgency when there was little objective justification for haste (budget items excepted); and ignored Citizen's Referenda.

Specific limitations on the use of urgency, and specific criteria as to when urgency is justified, are essential trade-offs for an extension of the term of Parliament. Likewise, criteria relating to Citizen's Referenda need to prescribed setting out those circumstances in which they become binding on the Parliament is an essential part of this scenario.

PROPOSAL – I suggest that any recommendation to be made by the Panel in relation to an extension of the term of Parliament also include requirements for the several limitations on the current level of autonomy exercised by the Parliament, or more specifically by the Government.

SUMMARY AND FINAL COMMENTS

I appreciate that this exercise is a rather daunting one, especially if there is to be a reasonable degree of consensus. It is for this reason that I suggest that a single document which incorporates New Zealand's current constitutional arrangements be the minimum practical outcome from all the deliberations being undertaken.

Likewise, the apparent increase in the number of occasions where Parliament, or the Government, has acted in an autocratic and dictatorial manner contrasts starkly with the generally accepted view that democracy is government by the people for the people. Any increase in the term of Parliament needs to be balanced by a range of reductions in the present level of autonomy available to that institution.

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.

Michelle McCormack
Otaki
New Zealand

4236

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 6:05 p.m.

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

Full Names: Jacquelyn McCormick Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: I would like to recommend that much wider publicity and education about this is undertaken before anything is considered. There seems to have been very little media coverage of real and practical implications, public debate or educational sessions. It would be criminal to proceed without this. So little publicity. It is just not right as there will be practical consequences for New Zealanders if change occurs.

It is my view that there should be one class of New Zealander. Much political activity in recent years has increased a feeling of separatism and this is certainly not desirable. It is time to strive as one again - as New Zealanders - not divided by race. The suggestion that NZ adopts a situation such as that of other countries that have approved indigenous legal systems running parallel to a country's established system is abhorrent. There must be one law for all. One set of rules.

We need to be very careful regarding the constant modern re-interpretation of The Treaty , the constant expansion of meaning. At the same time we do need to ensure that we protect and value all New Zealanders .

I do not feel this process regarding constitutional reform has been handled at all well to date. As stated in the opening paragraphs, the consequences need huge public explanation and exposure in every forum possible. If constitutional change occurs the resultant document will be our foundation document. All kiwis should be educated about this and be in a position to reflect on varying viewpoints so that they are able to come to an informed decision. It is the only responsible and transparent course of action.

Thank you for the opportunity to submit these views.

Submitted on the 30 July 2013 at 18:04

264

From:
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 11:24 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Amy McCorquodale Organisation Name: Email:
Phone: Postal AddressA: Postal AddressR: Postal
City: Postal Region: Auckland Postal Post Code: Postal Country: New
Zealand Submission: I am concerned that the same face for freeview is the same face for
something as serious as the conversation you want to undertake. Surely there is another indeginous
appearing spokesperson that you could have harnessed for something as serious as this.
It's also confusing and making a stacked deck of the opinions you want when in the ad for the
conversation, you have to explain what a constitution is. What are you expecting to get out of this? Do
you respect individual intelligence, or do you need to coat
it with a friendly face and get a vote you want?

Sent on the 12 April 2013 at 23:23

302

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 8:44 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Paul Francis McCourt Organisation Name: Email:
 Phone Postal AddressA: Postal AddressB: Postal City:
 Turangi Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
 Submission: "Some rights are protected in other legislation such as the Human Rights Act 1993 and "some" British statutes that are now New Zealand law, such as the Magna Carta."

Funny how the Bill Of Rights 1689 is totally ignored in our country! I read somewhere that The Bill of Rights 1689 is STILL FULLY LEGAL and Valid in ALL English Speaking Countries, ALL Common Wealth Countries, including Australia, New Zealand, USA and ALL Countries Colonised by the British.

Whenever anyone brings up the Right of Self Defence (The People shall be Armed for their Protection according to Law - Bill of Rights 1689), they always refer to the American Bill of Rights and their 2nd Amendment. "The Rights of the People to Keep and Bear Arms Shall NOT be infringed." The Americans took it from the Bill of Rights 1689 and CHANGED it so the wording of it GUARANTEED Their Rights would be Protected, and that's what they're fighting over today. Its THEIR rights, not just ONE particular set of people. EVERYONE'S RIGHTS.

Our Rights are absolutely NONE EXISTANT!! "Basic Rights"? What are we? Criminals? NO! The Governments that TOOK AWAY OUR RIGHTS at the stroke of a pen and now refers to them as "privileges" are the criminals. Our Troops fought and died to protect our "Freedom", but Governments have taken them from us. I am a creature from the Old World, and I KNOW our Universal Rights, and I ignore the Laws of today, which in my Honest opinion are INVALID. They are Dictatorial and wrong.

HOW can The Right to Life" be "protected" if OUR VERY LIVES are being attacked in the Streets, Schools, and worse, our OWN HOMES and we cannot PROTECT OURSELVES? The bill of rights 1689 said it all! The People SHALL be Armed for THEIR PROTECTION According To LAW. Translated, The Law can't be bothered protecting us, so we MUST Protect Ourselves.

Our country is becoming very dangerous, and the murders becoming more vile than ever before. The cases in the News recently are the chopped up teenager, the poor girl killed by her mother's ex-"boyfriend", Violent home invasions reported recently. The Road Worker shot for no apparent reason, drug and gang wars, the youth burned alive, the woman burned alive, etc. WE, the People NEED the Right to Protect Ourselves. The Governments can't be bothered. They DON'T TRUST us!! They seem to forget that it is also THEIR RIGHTS they're trampling on, too. They can't think that these Rights are ONLY for them, because they're politicians and think they need more protection than us? Surely they aren't THAT pompous and self important. They aren't! WE put them there to serve US, NOT the other way round, and WE CAN take them out, which is why they don't want us to know about The Bill of Rights 1689.

I Fully recognise our Universal Rights and Live by those alone. There's a line that must NOT be crossed, but, our Governments crossed THAT line many years ago. Even our police are well and truly OVER that forbidden line. No grey zones or sitting on the fence, they are well and truly over the line. I DON'T trust them.

We MUST have some of our Laws reset to Zero and start again. There are just TOO MANY laws in New Zealand and many of them are unbelievably ridiculous and wrong.

The Bill of Rights 1689 IS Our Constitution as far as I am concerned.

Make it so!

SUPPLIMENTARY.

Common Sense is the most important thing in Life, so too is education. The people should be taught right from wrong from a young age. Most people have Common Sense, others need to be shown.

ABUSE of our Rights is a crime. Freedom is being RESPONSIBLE for our own actions. Those who are obviously abusing their rights and freedom, by living on the dark side, are the criminals. Politicians who strive to take away our Freedom, to Live, Work, Earn,

Hunt, Fish, Protect Ourselves, Speak Up, Defend Our Rights, are the criminals. They should THINK seriously about WHAT they're doing. We are ALL ONE People in New Zealand. WE are ALL One World in Our Solar System, and to most who don't know any better, The Universe.

Let us ALL Live together FREE.

Sent on the 14 April 2013 at 08:42

3029

From:
To: <constitutionalreview@justice.govt.nz>
Date: 15/04/2013 9:24 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Paul Francis McCourt Organisation Name: Email:
Phone: Postal AddressA Postal AddressB: Postal City:
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: 2. Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?

Our Constitution should have a higher Legal Status than other laws because, The Constitution, like the Magna Carta, is a document that tells us and the Generations of the Future, what their Rights are and that they are OURS Forever.

They DO have a higher legal status than other laws, because they over rule ANY future dictatorial laws and demands made by future MAD Governments and politicians. e.g. The Right to BREATHE. No-One can stop us from Breathing!! But, there will be some bastard out there who will try. A bit over the top, I know, but it is just an example of some of the most OBVIOUS Rights we have, as mentioned in my first submission.

Rights that have been fought and died for in past wars, and totally removed by our past and present Governments with the stroke of a pen. ALL Illegal, not matter what they say. ALL done because of their own personal agendas (John Banks' Arms Amendment Bill, after Aromoana, ALL done without THINKING. It was the action of a dictator!) Our Government is made up of SEVERAL DICTATORS, and they are ALL there to try and get their own interests and agendas made into law. They don't care about OUR Rights!! But, they're THEIR RIGHTS, too!

I may sound "out spoken" but, I am ALLOWED to be! Its FREEDOM of Speach. Also, I Speak ONLY the Truth. I am told I am "Too Honest for My Own Good," whatever that means. Everything I have said here is NOT just for MY interests, it is for EVERYONE!!

IF we are supposed to be living in a FREE World, PROVE IT!! We are supposed to be living in a stable country, civilised, "SAFE," and a responsible country, then we should do things right and have a Constitution that ENSURES that OUR FREEDOM and OUR RIGHTS (ALL if our Universal Rights, NOT just a few of them) are Protected from Tyranny and Governmental Madness, such as we have now.

I am not a "Lawyer," I don't pretend to be. I DO, however, know right from wrong, and I DO know our Universal Rights. We're BORN with them, and they are UNWRITTEN. Like Horns on a Triceratops, Teeth on a Lion, WE have Natural Rights that can NOT be taken from us. I Live by those Rights. WE ALL should live by those Rights. Anyone turning MAD DOG? Well, that's OBVIOUS, isn't it?

DON'T forget! ANYTHING written into this proposed Constitution, will be PERMANENT and LEGAL FOREVER! IF ANY of our Rights and Freedoms are omitted, because someone doesn't want them, or they are "controversial," (such as the Right To Keep and Bear Arms as in the Bill of Rights 1689. Which is WHY most of these tyranical laws are made anyway. CONTROL!), anyone who "breathes" will be considered a criminal. Keep that in mind. They're YOUR Rights!!

I want only the BEST for our country, and that includes ALL of our Rights taken from us, to be returned to us. We are civilised enough to know how to repsect these rights, and just in case people

decided to get carried away (As if they've just won LOTTO), they need to be EDUCATED about Our Rights and how NOT to abuse Our Freedom (Something the Americans do all the time, and they've got it lucky with their Constutution).

On ANZAC Day, DON'T just say how our Troops fought and died for our Freedom, GIVE US BACK OUR FREEDOM!! DON'T pay "lip service" to it. Its telling us we're FREE, then arresting us for doing something we thought we were allowed to do, by RIGHT!

There is TOO MUCH CONTROL in this country. TOO MUCH REGULATION, TAX (on EVERYTHING), LEGISLATION, DISTRUST, RED TAPE, LACK OF CARE. TOO MUCH GREED, NO HONESTY, FAIRNESS or TRUST.

Get it RIGHT or we're stuffed. . . FOREVER.

PLEASE don't go off about this!! How many others have said something similar? Who is being Honest with their submissions? Some may not like what I've said, but even vegetarians must agree that just because they don't eat meat, they cannot take the RIGHT of us Meat Eaters to Hunt and feed our families and communities. Its the same with fish eaters. Anyone allergic to Milk cannot BAN Milk. It MUST be Balanced! Like all the other Life Forms on Planet Terra. We are just another life form, and looking DOWN HERE, from OUT THERE, very insignificant ones at that.

Sent on the 15 April 2013 at 09:21

2455.

From: Paul McCoy
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...
Date: 4/07/2013 9:02 a.m.
Subject: CAP Submission

Hello

As a strong advocate for 'One New Zealand' where every citizen is treated equally I believe that the Maori parliamentary seats should be abolished. Having these 'exclusive' seats can be construed as an act of racism and does not contribute to an ethnically harmonious New Zealand.
Paul N McCoy

3939

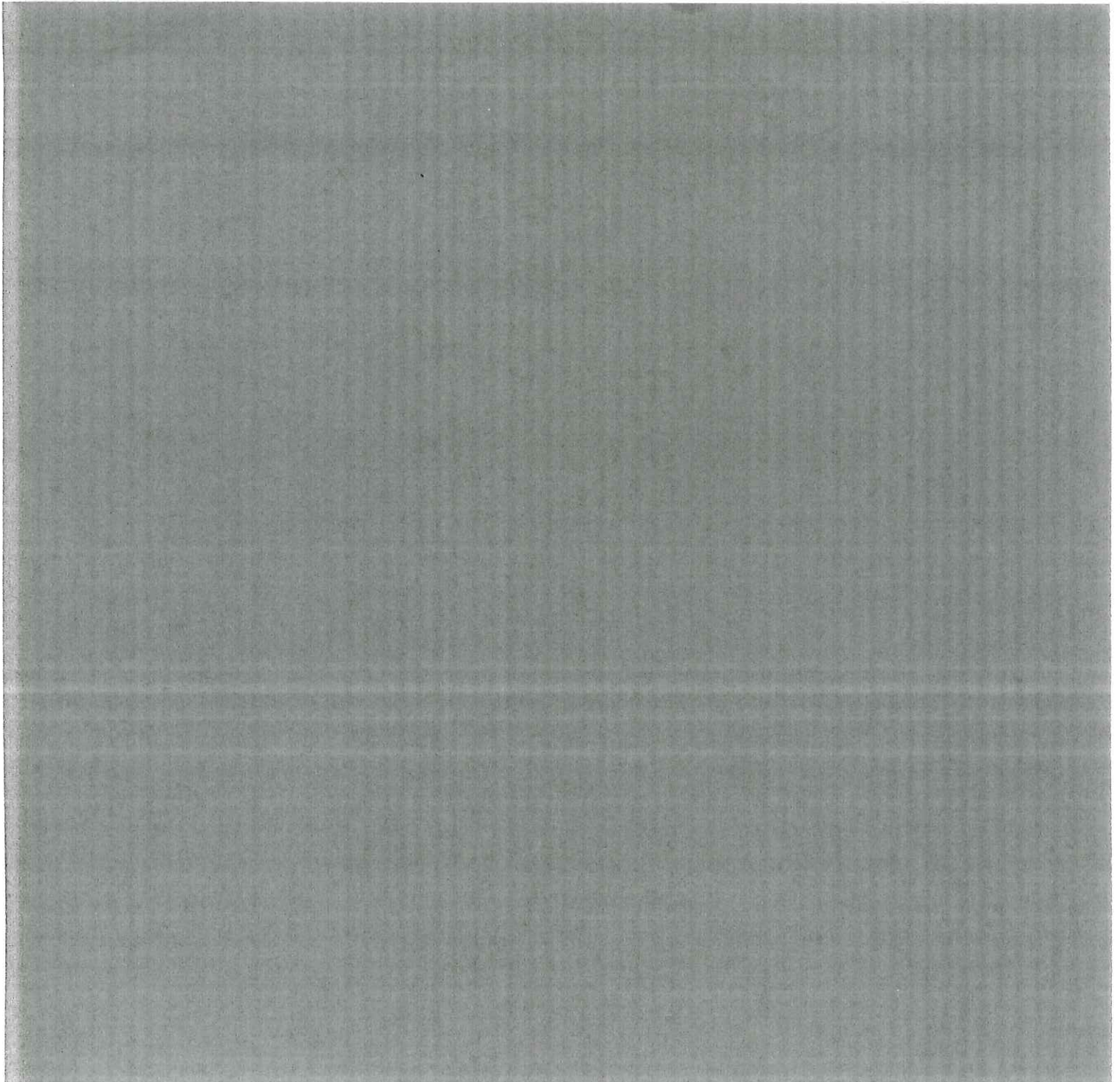
timeforchange.co.nz submissions - 10

Name: David McCrostie

E-mail: .

Your submission:

A New Zealander as the Head of State for New Zealand. YES! New Zealand is not a colonial clone but an independent future focussed country.



4740

From: "Debbie McCulloch"
To: <constitutionalreview@justice.govt.nz>
CC: <fairgo@slingshot.co.nz>
Date: 31/07/2013 2:35 p.m.
Subject: CONSTITUTIONAL REVIEW

In respect of the Constitutional Review

I say that a N.Z. constitution written or unwritten should have these basic principles

One Law for All Citizens

One Court system

One Social Welfare System

One NZ Health System

One NZ Education System

One Flag

We all own the Foreshore and Seabed

No reference to Race in any statute

The results of referenda shall be binding on Parliament
which shall under urgency pass any legislation necessary.

The form, size and shape of units of Local Government shall be determined
not by Parliament or the Bureaucracy, but by the citizenry of those areas.

Should there be hearings in respect of the Constitutional Review then I
wish to be heard.

Alan McCulloch

Phone:

118

From:

To: <constitutionalreview@justice.govt.nz>

Date: 8/04/2013 6:25 p.m.

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

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

Full Names: Matthew McCulloch Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Postal Region:
Franklin Postal Post Code: Postal Country: New Zealand Submission: I believe the treaty
should be scrapped and a new founding document be formed that will not separate Maori and NZ
born Europeans, and that will give all New Zealanders equal rights and opportunities rather than NZ
Maori having everything given to them
yet they do nothing with it.

Sent on the 8 April 2013 at 17:23

486

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/04/2013 11:10 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Cheryall Gay McCullough Organisation Name: Not applicable Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Northland Postal Post Code:
Postal Country: New Zealand Submission: 1. No I do NOT think the Constitution should
be in one single document or Statute, because no-one in NZ (or elsewhere) would be capable of
getting it right - fair, equitable, just and capable of NO misinterpretation by activist judges in NZ.

2. No, for the same reasons as my response to question 1.

3. The Supreme Court, and ultimately the Privy Council of the Commonwealth reinstated to have
jurisdiction in New Zealand. It is appropriate for the Courts to interpret law and Parliament to create or
amend law. In that way the abuse of power by the Executive
or Judges is limited.

Sent on the 16 April 2013 at 23:09

5217

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 8/08/2013 12:03 p.m.

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

Full Names: Peter McCully Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Tauranga Postal
Region: Bay of Plenty Postal Post Code: Postal Country: New Zealand Submission: A
new Constitution for New Zealand should be inclusive of all citizens of NZ. Our family has been in NZ
since 1857. I am completely opposed to using the Treaty of Waitangi in any shape or form in forming
a Constitution. The Treaty is not relevant for todays

population. Polititians, please have the guts to stand up to a minor part of the population, and do what
is right for the majority!

Submitted on the 10 June 2013 at 13:17

2648

From: McCutcheon
To: <constitutionalreview@justice.govt.nz>
Date: 5/07/2013 9:56 a.m.
Subject: CAP Submission

abolish maori seats

3311

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.

Peter McDermott
Palmerston North
New Zealand

771

From:
To: <constitutionalreview@justice.govt.nz>
Date: 7/05/2013 10:58 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Alexandrina Jane McDonald Organisation Name: Private individual Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Postal Region: Golden Bay , Tasman District Postal Post
Code: Postal Country: New Zealand Submission: Our constitution should remain as it is,
a composite of the British historical documents such as the Magna Carta, NZ Bill of Rights and the
collection of laws that have been developed in this country from colonial times to the present day.
This reflects
who we came from and has been an effective guide for the laws of NZ. It is also the very basis of
ancient law developed over hundreds of years used by the legal system in Britain and most other
Commonwealth countries.

It should be the primary law governing practices in NZ and not required to abide by global influences
other than reference to the Privy Council. In other words NZ should not be obliged to have various
agreements with the United Nations made into law. Parliament
should be able to make decisions about the latter but the constitution should be free of tampering.

Therefore the power to decide whether legislation is consistent with the Constiution should be left in
the hands of the Courts who are far better qualified to make such decisions based on law and are not
subject to lobbying by political and social factions.

I strongly believe that NZ should NOT become a Republic and that our historic links with the
Monarchy and the tried and true practices of Westminster style government which supports our
democracy, must remain the principle of law in NZ.

Sent on the 7 May 2013 at 10:56

4217

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 3:53 p.m.
Attachments: Submission to ConstitutionalReview McDonald 300713.docx

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

Full Names: Barry William McDonald Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: Submission to Constitutional Review McDonald
300713.docx

Submitted on the 30 July 2013 at 15:51

Submission to Constitutional Review

Aspirations

- I want our country to be one with three pillars of values: Fairness, Freedom, and Prosperity. All three are equally important and any law needs to have a balance of all three.
- All citizens should have equality of opportunity under the law, and all adults equal voting rights. It is not possible or desirable to force equality of outcomes because some will make better choices or work harder or be more talented than others etc.; but effort must be made to care for the poor, sick and elderly etc.
- I do not see the necessity to define some single-document written constitution of supreme laws. It is true there are some laws more important than others: freedom of speech, freedom of religion, and the other freedoms of the bill of rights must be protected, along with the right to own and use property. But I am not interested in entrenching laws that will forever bind future generations and simply provide the income of lawyers seeking to continually redefine the meaning of words.

Treaty

- The Treaty of Waitangi is an important historical document for creating a union between Maori and Pakeha. However some of its clauses are now redundant. I hope eventually New Zealand will become a society where, aside from providing unification, the details of the treaty gradually become less important as time progresses.
- In the meantime however, I support ideas that allow Maori to access services (e.g. health, education, justice) in a cultural way that is most likely to help Maori succeed and achieve their great potential. Similarly for Pacifica and Asian citizens. [This is in keeping with the principles of fairness, freedom and prosperity].
- I recognise Maori have the right to form political parties to promote their own interests, as do any group of citizens. Given this is facilitated by the MMP environment, and by other parties seeking to include Maori, Pacifica and Asian MPs, I would like to see the separate Maori seats abolished well before 6 February 2140, in line with "He iwi tahi tatou".
- At the moment Maori have low voter participation, which may be partly due to the fact that representation gets handed to them on a platter. It is possible voter participation would increase once Maori have to compete for parliamentary representation or miss out.
- I do not believe there is any value in enshrining a quickly-drafted treaty as some sort of basic law, and I abhor the "living document" idea that some use to make constitutions and treaties mean something beyond to what the writers intended. Better to be honest and change what needs changed, with open debate rather than quasi-legal subterfuge.
- The past does not vote. Future generations must be free to make laws without being totally restricted by the past.

- Compensation for treaty grievances, reconciliation, and improvement to Maori prosperity, should be a priority. Maori should not be second-class citizens in their own country, but equally my children and grandchildren must never become second-class citizens in their own country just because they are not Maori.
- It is fair to ask local government to consult with Maori where possible, but the extent of consultation and the powers of that consultative group should be up to the local government to decide for itself (to an extent that may be subject to judicial review).

Waka-jumping

I oppose reinstating anti-‘waka-jumping’ legislation. We have a very thin parliamentary system with only one house of parliament. We need all the checks and balances we can, and the ability of a parliamentarian to be a whistle-blower and walk away from his party is one of the few checks we have. If the party leader can essentially sack an MP from the house at whim, that is too much power, and promotes a dictatorial style and a sloppy choice of candidates since they are expendable. Political parties should know they have to live with the consequences of their choices until the next election.

Aspirations, again

Since this is described as a conversation, I will finish with a song I wrote some years back when I was trying hard to think what values represented, not me personally, but common positive New Zealand values. Here are my aspirations.

Just by heaven's door, there is a peaceful land of green
Under Southern Cross and where the day's first light is seen
Fields and ferns and forests rare with snow-capped mountains high
Surrounded by Pacific blue beneath the clear blue sky
We call her God's own country, 'cause he kept her 'till the end,
Treasure in the Long White Cloud we call New Zealand.

Two ancient peoples met in peace beside Pacific's shore,
And there they made a covenant, they joined forevermore.
Justice and prosperity and freedom are our aim,
And in this hope, the children of every nation came
To build this land our home, this is our place to stand
Keeping faith and hope and love in our New Zealand.

Freely men and women came to build their lives anew,
Not judged by class or creed or race, but just by what they do.
With courage, self-reliance and ingenuity
Alone, or in their teams, they faced the world - and so will we:
We'll honour those who work hard, and those who lend a hand,
And those who serve with pride will say 'We are New Zealand!'

The song is sung at <http://starfern.co.nz/index.php?pr=JustbyHeavensDoor> which also has some explanation. Kia ora.

5114

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:57 p.m.

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

Full Names: Claire Virginia McDonald Organisation Name: N/A Email:
: Phone: Postal AddressA: Postal
AddressB: Postal City: Wellington Postal Region: Wellington Postal Post Code:
Postal Country: New Zealand Submission: I have done my background research and concluded
that our present constitutional arrangements are perfectly satisfactory

I do not want a written constitution.

I do not want a written constitution embodying the principles of the Treaty of Waitangi.

I do not care that NZ is one of only a handful of countries without a written constitution.

Just to be perfectly clear on this: as a NZ born and bred citizen I do not want any changes to our present constitutional arrangements.

Submitted on the 16 June 2013 at 10:58

4580'

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 3/08/2013 11:59 p.m.

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

Full Names: Ivan McDonald Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: Leave our constitution alone and stop the Treaty gravy train. The panel is stacked with
part-Maoris (more white than Maori) and PC Whites who are Maori sympathisers.

I'm sick of the racist policies being implemented in this country on behalf of pro-Maori interests

Submitted on the 3 August 2013 at 23:58

1643

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 7:40 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Jonathan McDonald Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
I disagree with having the Treaty as part of our constitution as it is an agreement between Māori and
the British Crown. The Treaty does not encompass the other cultures that have become part of this
nation. It is also already a legally binding document.

Sent on the 26 June 2013 at 19:39

114

From:

To: <constitutionalreview@justice.govt.nz>

Date: 8/04/2013 6:58 p.m.

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

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

Full Names: Linnea McDonald Organisation Name: Email: Phone:

Postal AddressA:

Postal Address

Postal City:

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

Submission: How should Māori views be represented in Parliament? Just like everyone else. Maori are Pakeha, Pakeha are Maori. We are many different cultures now. What about Asian? We are one people, humans. Treat all equal.

Sent on the 8 April 2013 at 17:57

1149

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 6:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Linnea McDonald Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: We should have a constitution. One document. One people. Equal rights. Equal responsibilities. Courts to override legislation. 2/3 to pass the change.

Sent on the 8 April 2013 at 17:50

1146

From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 6:43 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Linnea McDonald Organisation Name: Email: " Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: We need to make the treaty settlements within the next five years.

We must treat ALL New Zealanders equal. One can not have more rights than another. As soon as one has more rights we create different classes of people creating jealousy and envy. We must all be equal and treated the same.

We are not Maori and the Crown. We are a melting pot of all nationalities in 2013 that all need respect.

Sent on the 8 April 2013 at 17:42

114c

From: constitutionalreview@justice.govt.nz
To: <constitutionalreview@justice.govt.nz>
Date: 8/04/2013 6:35 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Linnea McDonald Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Hi,

I worry about the rights of our children. They have the right to life, to live in a safe environment, to be feed and be educated.

Some, children because of their families, are not safe, feed or living with joy. Children are not your right to own, they have a right to a safe environment. Children need to be removed permanently from P addicted families, volient families, neglected families etc.

I worry about the rights of our children, not their parents.

Sent on the 8 April 2013 at 17:34

597

From:
To: <constitutionalreview@justice.govt.nz>
Date: 22/04/2013 11:17 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: paul.denis .mcdonald Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: auckland Postal Region: nth island Postal Post Code:
Postal Country: New Zealand Submission: i submit we need to repeal 98a.gangs
association act .being ilegal under nu.human rights agreement we signed .

Sent on the 22 April 2013 at 11:15

2427

From: "Bob McDonald" <
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:07 a.m.
Subject: CAP Submission

abolish maori seats

robert.mcdonald

1097

From:
To: <constitutionalreview@justice.govt.nz>
Date: 5/06/2013 2:59 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: William Clive McDonald Organisation Name: N/A Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Paeroa Postal Region: Hauraki Postal Post Code: Postal Country: New Zealand
Submission: Close all Treaty Negotiations forthwith.

The Treaty has become a gravytrain for Maori and is not good for New Zealand.

Sent on the 5 June 2013 at 14:59

1543

From:
To: <constitutionalreview@justice.govt.nz>
Date: 24/06/2013 11:45 a.m.
Subject: constitutional Review

New Zealand does not need a written constitution and we strongly oppose any legislation or reference to the Treaty of Waitangi should one be drafted now or in the future.

Robert and Shirlev McDonald,

auranga

5183

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:51 p.m.

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

Full Names: Brian McDonnell Organisation Name: Massey University Email:
Phone: Postal AddressA:
Postal City: Postal Region: Auckland Postal Post Code: Postal
Country: New Zealand Submission: CONSTITUTIONAL REVIEW SUBMISSION

Brian McDonnell

Introduction

I am grateful for the opportunity to make a personal submission as part of the constitutional review process. I intend to outline here my considered thoughts on what is perhaps the most vexed aspect of the terms of reference of the present review: the place

of the Treaty of Waitangi in any future constitutional arrangements in New Zealand.

I write this both from a personal perspective as someone of mixed heritage: Maori (Tuhoe), Irish and French ancestry, and in a professional capacity as one who has studied successfully in the formal educational system up to the acquisition of a Ph.D. and has

taught both in universities and high schools for more than 30 years. As a senior academic, much of my professional work engages me in the close scrutiny, analysis and interpretation of texts, and this has informed my views on the Treaty of Waitangi as a document.

During my career, I have also been deeply involved in critical interaction with New Zealand culture, society and politics. Maori Television saw fit to broadcast in 2008 a documentary about me and my links with Ngai Tuhoe.

I am all for Maori development and Maori structures and self-definition (e.g. I attend the Maori Sports Awards with pride, ditto with my whanau reunions, and was happy in my youth to play representative Maori rugby), but I definitely do not want a constitution

for New Zealand that creates two classes of citizenship based on the order in which some of one's ancestors migrated to this land. Maoris like any other people are free to form groups that foster a sense of commonality and identity, but that is different from

any official attempts to perpetuate an imaginary division between one section of our citizenry and another. All individuals should be equal as far as democratic governance is concerned and, to me, that extends to bodies like the Auckland Council as well as

to Parliament.

I agree that it is easy and understandable for members of any minority to feel vulnerable, defensive and even angry. However, instead of the Treaty of Waitangi being seen as an object of historical study or as a source document for assisting contemporary formulations

of ethnic relations, it has instead in recent decades been raised to an altogether higher status by some Maori activists and Pakeha sympathisers whom I (only semi-facetiously) have termed "Treatifarians". These people would like it to be seen virtually as

a sacred text and adopted unmodified as the pre-eminent foundational document of our nation: a compendium of Magna Carta, the Provisions of Oxford, the US Constitution and the Declaration of Independence. Treatifarians approach the Treaty as Holy Writ to be

subjected to exegesis by a high priesthood.

I base my ideas on a strong wish for New Zealand to progress and prosper in the future, to look forward, not back (not so much anyway), to be united in what will be a trying world environment, for people to have equal opportunities to succeed and prosper, and

for advancement to be the result of merit, not advantages of gender, ethnicity or your particular rung on the socio-economic ladder.

It has been the move to enshrine the Treaty of Waitangi in a written (or more formalised) constitution that I feel should be the "bridge too far" for well-meaning, reasonable, moderate people, both Maori and Pakeha, and prompt them to stand up and say: "enough",

"taihoa". I would certainly place myself among their number. And for me it is not Maori-bashing to say so. As I have noted, there is a strong Maori element in my make-up and I want success for all Maori people. But I think dependence on a Treaty-burdened constitution

will not help Maoris as its advocates claim. Instead it will trap us in a suffocating self-definition as being in need of special pleading and a special status. True equality comes with being treated as responsible adults who shoulder responsibilities as well

as crying out for rights.

One Standard of Citizenship for all New Zealanders

At the heart of my submission is the notion of one standard of New Zealand citizenship for all, not two different standards based on ethnicity. We need in this country to stick to the principle of "one person, one vote", insisting that the vote of every individual

citizen should carry the same weight. Constitutionally we cannot have two types of citizenship, two groups of citizens defined by your ethnic group: one made up of people (like myself) who whakapapa back to iwi and hapu, and those who don't. The order in which

your ancestors arrived as migrants, settlers to this country cannot give you a constitutional status that is different from anyone else. To embed this in some permanent way is intolerable. People who are born here belong to the land equally. The elected Parliament

is at the core of our democracy and must have primacy, must have sovereignty. We should not give sweeping new powers to the unelected judiciary who are very hard to hold to public account, to the courts.

There are already troubling developments at both a national and a local level to move away from the

principle of individual votes carrying the same weight. The recent Tuhoe treaty settlement has provisions for "mana motuhake" in social welfare and justice.

The Auckland Super City has instances of governance being defined differently on ethnic criteria (mana whenua), with the steering group of the Hauraki Gulf Forum having equal representation of Maori and non-Maori members and unelected members of the Maori

Statutory Board voting on council committees. Similar moves are being made in connection with the Christchurch earthquake re-build.

We must move away from grievance and blame. And from monolithic descriptions of Maoridom and Maori people. This can be as patronising as redneck racism. Don't say Maoris will always need help, always need a special deal or a special constitutional status. Do

not say we must be differently defined as already exists with our separate electorates. Let us get beyond an eternal narrative of disadvantage that would only be cemented and perpetuated by constitutional changes about Treaty. Let there be no more ethnic fundamentalism.

The two separate groups that met at Waitangi in 1840 no longer are separate. 173 years of change, intermarriage, admixtures, merging, and the continual addition of new elements mean there are no longer in New Zealand's population two clear "partners" to the

Treaty. There are hundreds of thousands of New Zealanders who blend a Maori ethnicity with something different: European, Asian, Pasifika. When there is intermarriage, it is a bridge between ethnic groups, not a process in which one identity is sucked and

absorbed into the other until it disappears.

If a Maori and a Pakeha marry and have children, why call the children Maori" and not "Pakeha"? I can whakapapa back to my Tuhoe forebears and am proud of that, but a huge part of my make-up is Irish, those first "sufferers" of British colonising zeal. Children

of mixed parentage should not increase the census count of one ethnicity at the expense of the other(s). I experience consternation when academic speakers at conferences parade their iwi affiliations but are mute on the subject of their European ancestry.

We are now a modern, progressive, evolving nation state. Therefore we must have one standard of citizenship for all, and the over-arching identity in the progressive New Zealand nation-state must be unified citizenship, not class divisions based on 1840 groupings.

The Treaty, its advocates assert, can help "unwrite" subsequent history and reinstate Maori back to the level of equality of power enjoyed in 1840. This project creates a redemptive history in which the elevated Treaty performs an almost messianic function:

that of saving the country's present-day population from the wrongs of its colonial past. Such wrongs are unarguably very real, especially in the loss of land, and I am all for specific cases being addressed fairly. But the process must not resemble a cargo

cult.

A really troubling shift of argument by some boosters of the Treaty has been from the actual wording

of the document to vaporous "principles" of the Treaty which they confidently list as including "partnership, protection and participation". I feel that any

further official status given to the Treaty, its fictive "principles" (and the undemocratic cataloguing of these imagined principles including "partnership" by mandarins of our courts) will have a toxic effect on New Zealand's future as a modern, progressive,

evolving, democratic nation-state. Treatyfarians tend only to be interested in Article 2 of the Treaty, giving scant attention to Articles 1 and 3. It is my view that sovereignty was ceded to the Queen of England in 1840 and that we would do well to consider

more positively Governor Hobson's unfashionable statement that "we are now one people."

The boosters often say that critics of Treaty of Waitangi exaltation are forgetting our history, but they themselves seem to believe that history "froze" in 1840 and that we should ignore all the developments since then. The Treaty was only the founding document

for the British colony of New Zealand. It is not the founding document for the modern nation-state of New Zealand. The two groups who signed the Treaty are no longer separate. They have blended irrevocably. Democracy is the best system of governance for our

future, not the mix of democracy and neo-feudal, tribal oligarchies that confound both national and local government entities. A small example of this is the fact that thirteen years after the tree was sawn down on One Tree Hill we are still no closer to getting

another tree planted and growing than we were in 2000.

Conclusion

In short, I think the pendulum has swung too far in favour of cementing ethnic divisions in New Zealand, and it's time to draw it back to the centre. Maori people have certainly been marginalised in the past, and there are specific wrongs to be righted (but

not too many now), but New Zealand's polite middle ground has become too fawning and the government too accommodating to the shrill cries of the extremists. In an effort to be nice, you can be seen as a soft touch. Who can blame Maori groups for asking for

the stars when the Government (and the Auckland Council) seems ready to grant power and funds while ignoring democratic processes.

People of goodwill are at the very least bemused by this continuing chain of events. Even sympathetic, liberal and moderate people are getting fed up and do not want this to indefinitely be the tenor of New Zealand life. We are at a risky time in our nationhood.

We are like a boat being rowed by people looking fixedly towards the past. We need someone looking ahead to steer us where we need to go, not onto the rocks. The complex modern world instead demands on-going and fluid cultural adaptability. Maori culture,

like any other, has to adapt and develop rather than look backward to a romanticised past. It can be argued that the cry of "Honour the Treaty" has become inadequate for the real task of improving Maori standards of living.

Statements such as the open letter from Tariana Turia in the NZ Herald on Waitangi Day 2012 give the impression that there is a general consensus of opinion among Maori and right-thinking Pakeha that separate power structures and the expansion of the 1840 Treaty

of Waitangi provisions into a permanent power partnership between Maori and 'the Rest' are the best ways forward for the benefit of New Zealand in general and for Maori in particular. I believe, however, that this is actually not the case by any means. Apart

from large sections of the Pakeha population who view such trends with concern, there are a number of Maori people whose agendas vary from this more extreme line. They might argue that policies begun with the best of intentions can actually end up being counter-productive.

In the final analysis, it is what the majority of people in New Zealand will accept, not the statements of judges or the battle cry of lawyers and politicians that will carry the day. This is why any suggested constitutional changes, modifications or evolving

definitions should be subject to testing of their popular support by national referenda.

Thank you again for this opportunity.

Dr Brian McDonnell

College of Humanities and Social Sciences

Massey University Albany Campus

Submitted on the 11 June 2013 at 16:00

2294

From: Norm McEwan
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 4:41 p.m.
Subject: CAP Submission

In my opinion all Maori seats should be abolished.
Their retention creates a race based problem that New Zealand does not need.
It is a form of apartheid as was used in South Africa and leaves all
people who are not Maori or part Maori on the fringes and of society.
The Treaty should also not be included in any review of the Constitution.

521

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 1:35 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gavin and Rebecca McEwen Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Manawatu Postal Post Code: Postal Country: New
Zealand Submission: 1, We do not believe NZ needs a written constitution. Further more we
believe that this whole constitution concept has been pushed by a racist agenda by those like Pita
Sharples who want to see "treaty principles" for ever enshrined onto NZ written law
so as to ensure Maori privilege and dependency. As is evidenced by the heavily pro Maori advisory
panel that he has hand picked with a predetermined outcome suiting his own racist agenda in mind.

2. We do not believe that the "treaty" should be made part of any constitution, and further
more we would like to see all the recently invented "treaty principles" etc scrapped
altogether. It is our observations that these things have become corrupted and are
now nothing more than the tools of racists which are used to create disharmony for most and special
privilege for a few. While meanwhile tribal elitists in corporate iwi, and those in the multi faceted
networks that support such grievance industry nonsense
have made themselves fat on the tax payer money of good hard working New Zealanders .

Sent on the 18 April 2013 at 01:34

521a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 18/04/2013 1:37 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Gavin and Rebecca McEwen Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Manawatu Postal Post Code: Postal Country: New
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Sent on the 18 April 2013 at 01:36

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.

Brent McFadden
Christchurch
New Zealand

I am writing ask that we protect previous rights, as well as the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights. As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

Rights recently lost fall into individual rights such as not being discriminated against such as for belonging to a union or have fair employee conditions. These have been eroded under the current government, as has the right to be fairly covered under ACC, to have economic benefits when unemployed or unable to work (without having to lose choice that those not on benefits have on child health and education, and pre-work drug testing), protesting on the sea, not to be electronically bugged, the right to public health money for unbiased that is being replaced by vested interest industry and many other losses that financially benefit large companies. In addition, this government is selling out to large countries and their monetarist policies such as NZ signing up to the transpacific partnership, whereby further erosion of our public health and personal rights will be thrown aside if this country does not accede to brand and copyright requirements of large companies. Other trading partners are putting pressure on NZ to exploit our resources with minimal benefit for the public as a whole.

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.

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From:
To: <constitutionalreview@justice.govt.nz>
Date: 8/06/2013 12:26 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: NEW ZEALAND CONSTITUTIONSUBMISSION.doc

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

Full Names: Andrew Peter McGiven Organisation Name: Email:
Phone:) Postal AddressA: Postal AddressB: Postal
City: Te Aroha Postal Region: Waikato Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: NEW ZEALAND CONSTITUTION SUBMISSION.doc

Sent on the 8 June 2013 at 12:26

NEW ZEALAND CONSTITUTION SUBMISSION

My name is Andrew Peter McGiver and I am a dairy farmer from Te Aroha, Waikato. I am 42 years old and am married with two children. I am at least a fifth generation New Zealander and would like to make a submission regarding New Zealand's constitutional review/reform. I am also willing to present this submission personally if required.

I believe that as a nation we are long overdue for a constitutional reform. As a nation we need a document that can act almost like a mission and values statement giving us a framework as to what rights and privileges we should have and enjoy, and in turn what is expected of us to keep enjoying living in this great nation of ours. While the Bill of Rights Act 1990 will have a large influence in the design and outcome of the new constitution, people who infringe upon the basic rights of others should lose some of their rights when being judged in a court of law. This may include a restriction in Legal Aid assistance, reduced bail opportunities, longer and more severe sentences for repeat offenders and higher reparation for victims. I believe the general public has had enough of the current "soft" approach currently employed by the judiciary and would like them to take a more "hardline" stance which they may be unable to under the current Bill of Rights Act.

I believe the role of the Treaty of Waitangi is now redundant, and as a nation should not be held hostage to a document that a limited number of people signed, and obviously did not represent the majority viewpoint at the time. I find the current referral to the treaty to be very divisive as we are no longer a bicultural society. The Maori Land Wars were held after the treaty was signed, so in theory this should annul any treaty signed previously, and if we were to make comparisons, there are no land claims or compensations sought from the various parties involved in the Crimean War or American Civil War which were conducted in a similar time frame. So why do we still allow it here? As a nation we simply cannot afford to continue to keep paying out a small minority of the population for what are in some cases outlandish claims and keep propping up the framework that allows this to happen. We need to accept the fact that we are all New Zealanders, whether we are of European, Maori, Pacific

Island or Asian descent, and that we all have equal rights and opportunities. Currently the system is skewed towards a small minority of our population who base their argument on an outdated and irrelevant document. It is for this reason that I do not believe that Maori should have separate representation in national and regional government, as we are all of equal status if we are New Zealand citizens and should not have to rely on a race based quota system, when personal qualifications, experience and attributes should be all that counts. I find it ironic that when Maori move to Australia where there is no favouritism towards them, they invariably do very well for themselves, because they are just lumped into the general kiwi population and are not expecting any sort of handout. To quote Dame Whina Cooper, "Let us all remember that the Treaty was signed so that we could all live as one nation in Aotearoa." Unfortunately current policy and self interest seems to be driving us further away from this ideal.

Another issue that the constitution could address is the size of our Parliament and the length of term that the current electoral cycle operates under. For a country of four million, we do not need 120 members of parliament. A truly efficient and effective parliament could operate easily with only half of this number which would cut down on the petty politics that seem to currently dominate the political landscape. This would allow Parliament to be run in a much more businesslike manner, and get better and timelier decisions in regards to the running of the country. This scaled down Parliament would then need a more effective term to implement its decisions, and so a move to a four year term would also be appropriate, so that the government of the day are establishing policies that benefit the whole country, and not being swayed or influenced by popular opinion which is poor governance.