

4404

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 11:19 a.m.

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

Full Names: Jackie Milford Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Dunedin  
Postal Region: Otago Postal Post Code: Postal Country: New Zealand Submission:  
Although I'm not overly familiar with the current state of New Zealand's various bills and laws, it seems as though there is a hierarchy of rights; with political and civil rights taking precedent over economic, cultural and social rights. I do think that entrenching an individual's economic, cultural and social rights in law is important, giving the people of New Zealand a strong legal framework with which they can address availability and access to affordable health care, education and housing.

As a student, I feel there is not enough emphasis placed on the responsibility of landlords for the standards of rental properties, lack of heating, insulation, and sometimes basic facilities leads to an increase in health problems. Considering the number of kiwi kids living in poverty, I think that making our rights law would provide a clearer framework for governments to implement meaningful policy that looks forward in reducing the number of children that go hungry, or are denied medical treatment because of the cost of living.

Our fundamental freedoms of expression, protest and assembly are crucial to achieving a working and healthy democratic society. Our rights to peaceful protest, assembly, address and freedoms of speech need to be cemented into law.

But most importantly for me personally is the need to create a strong legal framework for environmental protection, I believe that it is every individual's right to grow up in a healthy environment, with clean air, access to cheap and clean energy sources and not have to witness the destruction of native forests, the pollution of our lakes and streams and the extinction of our native species. The environment is not merely a resource for us to use for temporary gain, we need to embrace sustainable practices or risk endangering future generations. I want governments to be held accountable, I want them to be unable to implement backwards policies and unclean energy sourcing for financial gain. I have never felt more helpless than when witnessing politicians propose asset sales or giving big oil companies the chance to survey off the coast, even the possibility of these environmental disasters makes me fearful. At what point are the voices of citizens in opposition to greed and destruction heard? We need our right to a clean and healthy environment to be made law, this is an issue of growing importance globally, New Zealand should be at the very forefront of sustainable practice, yet we are shamefully backwards in our approaches to clean energy.

I think there is potential for a constitution to really benefit the people of New Zealand, but the emphasis needs to be on entrenching our rights and encouraging every Kiwi to be fully aware of those rights, we are all born equal in dignity and rights and any constitution we might have should reflect that.

Submitted on the 31 July 2013 at 11:19

3798'

**From:** "Elizabeth Millar"  
**To:** <constitutionalreview@justice.govt.nz> m>  
**Date:** 24/07/2013 11:30 a.m.  
**Subject:** CAP Submission

To whom it may concern

My name is Elizabeth Ann Millar and I live at , Inglewood.

I am concerned that New Zealand should retain the system of Government that we presently have and not change to a written constitution.

I think it is vital that all citizens of New Zealand should be treated equally - there should be one law for all!

The Treaty of Waitangi should not be included in any new laws and any reference to the Treaty in existing laws should be deleted.

There should be no Maori Seats in Parliament or on Local Government. The opportunities are there for all to take advantage of if they so desire.

The Declaration of Equality which has been prepared by the New Zealand Centre for Political Research should be enacted by Parliament.

The Declaration of Equality states:

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

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

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

Signed: E A Millar



# Māori Representation in Parliament

## *Constitutional Advisory Panel Submission*

Enforced Māori representation in Parliament stems back to 1867 when it was decided that it was the best means by which to recognise the shared governance of New Zealand, as envisioned by the Treaty of Waitangi 1840. The solution provided by the Māori Representation Act<sup>1</sup> was considered a temporary one<sup>2</sup> and now nearly 150 years old, the relevance of its reasoning and objectives are debatable.

The system had full intention of protecting Māori interests through ensuring guaranteed representation in Parliament<sup>3</sup>. There is little doubt that increased representation leads to an increased trust towards the Government thereby leading to a further increase in the level of public participation<sup>4</sup>. However, the question remains whether “reserved seats” are the most *effective* means by which to achieve this. I believe that not only is the system outdated, but serves no benefit to those it intends to protect. By making comparisons to other jurisdictions, I hope to illustrate its ineffectiveness and unintentional discrimination. This submission could be divided into two parts:

1. Comparative jurisdictions and the advantages and disadvantages of each, and
2. Applicability of the methods in the New Zealand context and possible alternatives to ensure adequate Māori representation in Parliament.

## 1. Comparative Jurisdictions

1.1 There are essentially four different options<sup>5</sup> that States have adopted throughout the world:

### I. Designated seats for indigenous people

This is the system used in New Zealand as well as the State of Maine<sup>6</sup> for the Penobscot and Passamaquoddy tribes. Maine has used essentially the same concept with the difference that the two representatives (from each tribe) are not afforded “Member” status of the State Legislature, which prevents them being able to vote on legislation. The lack of equality is due to the small size of the electorates (only one quarter of the general ridings) and the internal election process of the Tribal Government Representatives, which is a violation of the State and Federal Constitution.

<sup>1</sup> 1867, s 4

<sup>2</sup> Royal Commission *Towards a Better Democracy* (1986) at 3.9 and Māori Representation Act 1867, s 8

<sup>3</sup> *Ibid* 2, at 3.33

<sup>4</sup> Banducci, S. A., Donovan, T. and Ka  
rp, J. A. “Minority Representation, Empowerment, and Participation” (2004) 66 *Journal of Politics*, 534 at 538

<sup>5</sup> Brian Lloyd “Dedicated Indigenous representation in the Australian Parliament” (Research Paper no. 23 2008–09 for Politics and Public Administration Section, 18 March 2009) at 3

<sup>6</sup> Jennifer Schmidt “Aboriginal Representation in Government: A Comparative Examination” (paper prepared for the Law Commission of Canada, December 2003) at 11

## II Separate indigenous parliaments

This is currently used in Finland<sup>7</sup>, Norway<sup>8</sup> and Sweden<sup>9</sup> to recognise the Sámi (formerly known as “Lapps”). The Sameting/Samediggi/Sametine (respectively) acts essentially as an advisory body that the national government has an obligation to negotiate with on matters of concern and relevance. On a whole, this parallel government has been regarded as unsuccessful, with the *Finnmark Act*<sup>10</sup> as an illustration of its failings. The proposal invariably saw the Norwegian Government completely disregarding all recommendations made.

As the last to implement this system, Sweden (1992) has attempted to resolve these failings and given the body additional powers. These include the appointment of school boards to participate in physical planning and the ability to allocate money for public purposes (from state grants or the “Sami Fund” (derived from sources that include the sale of hunting or fishing rights))<sup>11</sup>. At best this is still tokenistic and does not have the ability to promote any real change.

This Scandinavian approach is comparable to the newly formed “Auckland Super City Council” where the Local Government (Auckland Council) Amendment Act, 2010<sup>12</sup> created the nine member Independent Māori Statutory Board<sup>13</sup>. In this capacity, two of the members have casting vote rights within majority of the council committees, which enables them to effectively oversee that the policies adopted are in accordance with Treaty provisions<sup>14</sup>. Although beneficial at a local council level I do not think that a parallel system, as a concept, is viable for New Zealand because it would be too disruptive and the legal force of the decisions would cause a lot of controversy. It is my firm belief that on a national level, Māori deserve more than a mere advisory role in a secondary government.

## III Electoral reform making Parliament more accessible to minorities

An example of such a reform is the mixed-member proportional representation (MMP), which following the enactment of the Electoral Act 1993, is the electoral process in New Zealand. This is indicative of further constitutional reform (since 1867) and although cannot be deemed conclusive and the solution to Māori representation, should provide evidence of the need for adaptive change.

---

<sup>7</sup> *Ibid* 6, at 13

<sup>8</sup> *Ibid* 6, at 14

<sup>9</sup> *Ibid* 6, at 15

<sup>10</sup> Norway Finnmark Act (Act No. 85 of June 17, 2005 relating to Legal Relations and Management of Land and Natural Resources in the County of Finnmark)

<sup>11</sup> Jennifer Schmidt “Aboriginal Representation in Government: A Comparative Examination” (paper prepared for the Law Commission of Canada, December 2003) at 15

<sup>12</sup> Section 81

<sup>13</sup> An independent Board (s 82) that promotes issues of significance for mana whenua groups as well as mataawaka of Tamaki Makaurau (s 81(a))

<sup>14</sup> S 81(b)



IV An approach incorporating education to the wider public about Indigenous issues and positive discrimination in relation to the pre-selection of Indigenous candidates

Australia provides a sample of this method with proposals through multiple reports<sup>15</sup>. As it stands however, Australia has been “on hold” in ensuring appropriate Aboriginal representation since the abolition of both the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2005 and the National Indigenous Council (NIC) in 2007<sup>16</sup>.

This approach offers no teeth as a stand-alone solution and should only be used in combination with a more finite and influential system.

1.2 The third option is that which I believe to be the most suitable approach to be developed by New Zealand, despite the first being the status quo since 1867. The reserved seats provide protection to the Māori minority to the exclusion of other minorities. To cater for such in discrepancy would tend toward the more pedantic approach taken by Jordan<sup>17</sup>, Lebanon<sup>18</sup> and Fiji<sup>19</sup>. This tactic could be necessary in those jurisdictions; however would be divisive here. Twenty-first century New Zealand should not be compartmentalised into synthetic groupings, rather a cohesive ‘cosmopolitan New Zealand society’ should be assumed. Not only would this reduce inter-group conflicts but would also ensure the introduction of unified and mutually beneficial policies<sup>20</sup>. Invariably we all go to the same Countdown and send our children to the same schools therefore we should all be afforded the same representative to ensure that the quality of our daily life is the most optimal. This ideal should be independent of ethnic origins. To compare to the 1867 circumstances is dangerous, as today sees the near complete cohesion of Māori and non-Māori social and economic goals. Nevertheless, similar aspirations does not equate to identical methods of implementation, the policies imposed to achieve the goals should be tailored to address the root of the problem<sup>21</sup>. One cannot always equate equality with justice; therefore it is imperative that the proposed solution does not undermine the rightful place of Māori in New Zealand society.

---

<sup>15</sup> Brian Lloyd “Dedicated Indigenous representation in the Australian Parliament” (Research Paper no. 23 2008–09, Politics and Public Administration Section, 18 March 2009) at 3

<sup>16</sup> Peter Niemczak “Aboriginal Political Representation: A Review of Several Jurisdictions” (Background Paper, Law and Government Division, 27 October 2008) at 7

<sup>17</sup> Total of 104 members elected by a single, non-transferable vote the (92 for Muslim (including 9 seats for Bedouin in 3 electoral districts), 9 for Christian and 3 for Chechen and Circassian) + (6 for unsuccessful woman candidates)

United Nations Assistance Mission for Iraq, Fact sheet found at

<http://unamission.org/LinkClick.aspx?fileticket=26Vil4Pma-0%3D&tabid=4301&language=en-US>.

<sup>18</sup> Total of 128 members with half reserved for Muslim and half for Christian (further divided into religious confessions according to proportionality – 4 and 7)

<http://unamission.org/LinkClick.aspx?fileticket=26Vil4Pma-0%3D&tabid=4301&language=en-US>.

<sup>19</sup> Total of 71 members using the Alternative Vote (indigenous Fijians elect 23 members, Indians elect 19, Rotuman vote 1 and other vote 3 members) + 25 from all communities using an ‘open roll’ (these have been abolished since the 2006 coup)

<http://unamission.org/LinkClick.aspx?fileticket=26Vil4Pma-0%3D&tabid=4301&language=en-US>.

<sup>20</sup> Andrew Geddis, “A Dual Track Democracy?” (2006) 5 Election Law Journal 347 at 364

<sup>21</sup> Royal Commission *Towards a Better Democracy* (1986) at 3.24

## 2. Comments and Alternatives

2.1 As stated earlier, I believe that MMP provides the best solution to ensuring that Māori receive adequate representation and should be favoured over having reserved seats. My biggest contention with the existing system is that in its attempt to provide Māori with satisfactory representation in Parliament it inadvertently reduces Māori influence in political affairs. By restricting Māori issues to (seven) "Māori Members of Parliament (MP's)" it essentially confines the scope of debate, the ability to make a meaningful difference in decisions and spreads the elected Māori MP too thin to tackle all areas of concern. To provide an illustration; Rino Tirikatene is given the insurmountable job of representing 113,748<sup>22</sup> people throughout his extensive Te Tai Tonga<sup>23</sup> electorate. It is no surprise that an unemployed young professional in Hutt Valley would have substantially different needs to a retired elderly man in the Chatham Islands. Albeit an extreme comparison, the truth remains that Mr Tirikatene cannot possibly be able to give everyone in his electorate the qualified solutions they deserve, irrespective of all good intentions. The population of Māori descent has tripled since the Second World War and urbanisation results in increasing social problems as well as the inability of the MP's to consult rural chiefs to gauge the localised issues<sup>24</sup>. Ultimately unrealistic expectations are placed on the MP's as they are expected to look after their electorate and uphold the Treaty principles all without adequate resources<sup>25</sup>.

2.2 The impracticalities of this are vast and the Māori population are the ones that suffer. If there were no reserved seats, and consequently no Māori Electoral Roll, then parties and individual candidates would be forced to consider and address Māori concerns. This would provide more area-specific and all-inclusive solutions. The proposed means of doing this, and that favoured by the Report of The Royal Commission on the Electoral System 1986<sup>26</sup>, would be a combination of MMP and a *common roll*. Pages 98 to 103 lay out the plan which would result in the abolition of the separate seats and constituency and result in one general roll for the entire population, with consideration made to tribal interests when drawing the electorates. By waiving the 4% threshold for parties primarily representing Māori interests, there will be an inducement for parties to align themselves accordingly. The basic democratic concept centres on a party trying to generate the most support from the population; therefore it is fitting to assume that parties would try to orientate themselves in a way so as to address any Māori concerns. Logically, if Party A increases their Māori involvement then Party B would have to do the same so as to ensure that Party A does not singularly reap the benefit of 15.9%<sup>27</sup> of the populations vote. This would result in a healthy contest of ensuring votes whilst simultaneously intensifying the dialogue of Māori concerns and increasing Māori participation and representation in Parliament.

<sup>22</sup> Parliamentary Library *Te Tai Tonga Electoral Profile* (September 2012) at 8

<sup>23</sup> Comprises all of the South Island, Stewart Island/Rakiura, the Chatham Islands, and extends into the North Island to include Wellington and parts of the Hutt Valley as far north as Avalon

*Ibid* at 1

<sup>24</sup> Royal Commission *Towards a Better Democracy* (1986) at 3.48

<sup>25</sup> *Ibid* 24, at 3.45

<sup>26</sup> *Ibid* 24, at 3.113

<sup>27</sup> Andrew Geddis, "A Dual Track Democracy?" (2006) 5 Election Law Journal 347 at 357



2.3 By not having pre-ascertained guarantee of “Māori MP’s”, Māori voters would have a heightened incentive to cast their votes according to the fundamental policies they believe in. The Māori Electoral Option (whether they utilise the Option or not) gives Māori the ability to vote for another party/candidate as they know that there will be Māori MP’s regardless. By spreading their allegiances so thinly one is able to understand the conundrum that is a National-led coalition with the Māori party, whilst majority of Māori voters favoured Labour<sup>28</sup>. Therefore the common roll would combine the strength of all Māori voters to form a single large minority. This would further combat the perceived problem of despondence amongst Māori voters as it is believed that “Pakeha” retain power through sheer majority<sup>29</sup>. Although majority will always be held by non-Māori, this proposal would prevent the dilution of Māori political influence<sup>30</sup> through ensuring that Māori voters are able to choose which (inevitable) “Pakeha” majority is in power.

2.4 This approach allows New Zealand to focus on the similarities within our population rather than getting caught up on the differences. By concentrating on common interests there is an increased likelihood of mutual understanding between Māori and non-Māori and more chance for amiable compromises and concessions. It is impossible for one Māori, or even seven, to represent the diversity of Māori opinion<sup>31</sup> therefore this stage allows a more refined consideration of particular disputes rather than trying to serve “Māori” as a single homogeneous entity. With over twenty-one MP’s in Parliament today who recognise their Māori culture<sup>32</sup>, only seven of them are able to truly act upon it because the remaining fourteen are obligated to hold their parties policies above all else. If the common roll were used then all those twenty-one (or fourteen<sup>33</sup>) could be representatives of their heritage within their party.

2.5 As illustrated in the United States model, in which no guaranteed representation is afforded to the Native American Indians<sup>34</sup>, the relative state and local representation is generally on par with their overall population percentage<sup>35</sup>. The figures indicate that when American Indian populations are in a position to have a clear and positive impact on election outcomes, they take advantage of the opportunity. Although the numbers refer to local government, the principle still stands,

<sup>28</sup> Te Kaere DigiPoll (January 2013) - All Māori Voters (regardless of roll); Sample size of 1000, poll taken between 7-30 January 2013 with Labour 33.5% (National 9.1%)

“Te Karere DigiPoll Pt1 – 04 Feb 2013” TVNZ (New Zealand, 4 February 2013)

<sup>29</sup> Tina R Makrcrti Dahlbere “Māori Representation in Parliament and Tino Rangatiratanga” (1996) 2 He Pukenga Korero: A Journal of Māori Studies 62 at 67

<sup>30</sup> Grant Duncan “Māori seats: Why do they exist?” (17 January 2012) Policy Matters  
<<http://masspolicy.blogspot.co.nz/2012/01/Māori-seats-why-do-they-exist.html>>

<sup>31</sup> Tina R Makrcrti Dahlbere “Māori Representation in Parliament and Tino Rangatiratanga” (1996) 2 He Pukenga Korero: A Journal of Māori Studies 62 at 64

<sup>32</sup> *Ibid* 3, at 70

<sup>33</sup> Without the seven obligatory seats

<sup>34</sup> Except Maine, see Jennifer Schmidt “Aboriginal Representation in Government: A Comparative Examination” (paper prepared for the Law Commission of Canada, December 2003) at 11

<sup>35</sup> Total Percentage of American Indian Legislators in State Legislatures (1992) was 0.6% and Percentage of American Indian Elected Local Officials was 0.4%, (which is close to the overall American Indian population percentage of 0.8%)

Geoff Peterson and Robert Duncan “American Indian Representation in the 20th and 21stCenturies.” (University of Wisconsin-Eua Claire, WI) (South-western Oklahoma State University-Weatherford, OK) at 12 and 14

especially given the comparable size of New Zealand's population and the USA (both overall and specifically indigenous). As former Act Party Member Muriel Newman says, "The point is that if what they stand for has got a strong enough following . . . they've [Māori] got as good a chance as anybody."<sup>36</sup>

2.6 Without dismissing the symbolic importance of the Seats in upholding Treaty rights<sup>37</sup> it must be noted that although statistically a minority, Māori interests are at the forefront of most nationwide disputes<sup>38</sup>. This makes it highly unlikely that the absence of the Seats would lead to a complete disregard for the Treaty as New Zealand's unique constitutional structure ensures maintained recognition<sup>39</sup>. It needs to be emphasized that the creation of the seats in 1867 was merely a means of fostering Māori cooperation following political upheaval and unrest<sup>40</sup> rather than providing a permanent solution to effective Māori representation<sup>41</sup>. The "tokenistic and patronising"<sup>42</sup> contentions of the Seats will never be more pertinent as when a government is formed that does not involve a Māori Party coalition. This would see Māori have little to no influence on parliamentary proceedings. To ensure satisfactory representation as envisioned by our forefathers, Māori wellbeing needs to be considered by all parties.

2.8 To conclude, this submission does not support the continuation of the Māori seats and considers MMP *and* a common role as the best solution to effective Māori representation. New Zealand should strive to be governed by the best principles and policies rather than ethnic orientation, therefore the country as a whole, needs to vote for the candidate(s) that best represent these ideals regardless of ethnic origins.

---

<sup>36</sup> Elton Smallman "Māori seats 'undemocratic relics'" *Waikato Times* (7 March 2012)  
<<http://www.stuff.co.nz/waikato-times/news/8387610/Māori-seats-undemocratic-relics>>

<sup>37</sup> Royal Commission *Towards a Better Democracy* (1986) at 3.99

<sup>38</sup> See *New Zealand Māori Council v. Attorney-General* [1987] 1NZLR 641, Foreshore and Seabed Act 2004 and more commonly, similar sections as to s 8, Resource Managements Act 1991

<sup>39</sup> *Ibid* 38, along with bodies such as the "Waitangi Tribunal"

<sup>40</sup> Ann Sullivan, "Maori Participation" in Miller (ed) 5<sup>th</sup> ed, *NZ Government & Policy* at 539

<sup>41</sup> *Royal Commission Towards a Better Democracy* (1986) at 3.102

<sup>42</sup> Brian Lloyd "Dedicated Indigenous representation in the Australian Parliament" (Research Paper no. 23 2008–09, Politics and Public Administration Section, 18 March 2009) at 5



1957

## CONSTITUTION CONVERSATION

Thank you for the opportunity to make a submission on the Constitutional Conversation.

### New Zealand Constitution:

We do not need a separate Constitution.

### Bill of Rights:

Property Rights could be added.

### Treaty of Waitangi:

The Treaty of Waitangi is a document that declared Sovereignty of the Crown and Equality of Maori as the Queen's subjects. No more, no less. It is not a partnership between the Crown and Maori neither were there any principles included.

### Maori Representation:

Maori views should be presented on an equal basis with all other New Zealanders. There are many nationalities living in New Zealand as citizens of New Zealand, and by giving privileges and preferences to one section of New Zealanders, e.g. Maori, is racism.

I am against special seats for Maori on Regional and Local Councils for the same reason.

### Electoral Matters:

Around 120 - 125 members of Parliament is a good number. Maori Electoral seats should be abolished and absorbed into Electorates which can then be re drawn up geographically so they don't cover such a large area.

### Other Matters:

Maori Blood Quantum – For Maori to claim any special rights as Maori, under any Constitution, should it become law, they must have 50% or more of tangata maori ancestry quantum.

Who are Indigenous People of New Zealand? Answer: Everyone that is born in New Zealand is Indigenous to New Zealand.

### In conclusion:

I believe in one law for everyone with no special treatment based on race.

Our society must be developed in equality, fairness, and comradeship.

I oppose any laws that establish or promote racial distinction or division.

I reject references to the Treaty of Waitangi or it's principles in any constitutional documents and that such references are removed from all existing legislation.

Race based Parliament seats and representation on local bodies must be abolished.

The Waitangi Tribunal must be abolished, it is a sham.

*Gail Miller*

325

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 14/04/2013 5:21 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission  
**Attachments:** constitution.docx

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

Full Names: Dr Ian James Miller Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Belmont Postal City:  
Postal Region: Wellington Postal Post Code: Postal Country: New Zealand  
Submission: Submission Upload: constitution.docx

Sent on the 14 April 2013 at 17:20



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

Why?

The advantage of having the constitution written in a single document is that it permits everyone to know what it is, and what it means. A possible disadvantage is that it leads to more litigation, but on balance I believe the former outweighs that latter, especially since the only reason there is less litigation in the latter case is because you cannot litigate against something that has no substance. That encourages governments to be more arbitrary.

There is a problem that we have to write the correct constitution. Perhaps the biggest argument against writing a constitution is that we do not have people of appropriate ability. Very few can step back from their preconceived opinions.

Accordingly, my answer is, reluctantly, no, we do not need a written constitution, but that is only because I do not have faith that we would get a good one.

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

Why?

Yes.

A constitution must be pre-eminent, otherwise there is no point in having it, BUT having said that, it must not venture too broadly. Its ONLY purpose should be to delineate the rights of individuals and to protect them from acts of government, so it must define the rights of the individual, the obligations of the individual, and the limits to the power of government.

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

Why?

Ideally, neither. If parliament can over-ride the constitution, there is no point in having a constitution. The whole point of the constitution is to limit what Parliament can do. The Courts can interpret whether a given individual has had his rights taken from him, but the Courts should stay away from deciding the validity of legislation; their job is to interpret the law, not to make it, although there are certain activist judges who do not seem to see things this way. Nevertheless, I believe it is imperative that the justice system is not politicized. This is the worst aspect of the US constitution – what happens in certain cases depends on which President appointed the Supreme Court judges, and that is wrong.

I believe we need a further institution, which, for want of something better, I shall call a Senate. The concept I am advocating is inspired from Plato's "The

Republic". We have a crowd of people in a boat lost at sea. What do they need: a vote or a navigator? The purpose I see in this Senate is that it comprises people voted in, (with each citizen getting to vote for maybe 2-4 senators only) but with stated expertise in a given field (say 2-3 Senators for each given cabinet portfolio) and they can only speak on matters within that portfolio, or reasonably affecting it. They have the unfettered right to see all government files relating to that portfolio, and unfettered right to speak about it in the Senate, and to have that published broadly. The purpose, therefore, is to prevent Parliament making statements that are simply untrue to ram through policy, and to inform the public about the true nature and consequences of such potential law.

They should also have the right to block legislation for sufficient time for public discussion, and if necessary call for a binding referendum on a given issue if sufficient public groundswell could be shown. An example could be the current selling of state assets. The problem with this act is that it meets a criterion of affecting future governments, there is evidence that the majority oppose it, and because there is a petition for a referendum. Accordingly, this Senate could constitutionally stop the sale until the referendum was held. This would give genuine constitutional democracy. The problem with what we have (a version of a Republic, not a democracy) is that at election time, everyone gets one vote, but that cannot be spent on an issue.

Obviously, this is a little brief. In the odd event that anyone is interested in further details, I would be willing to present them.



5014

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 24/07/2013 10:44 a.m.  
**Attachments:** Constitutional Submission.docx

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

Full Names: Joss Miller Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Dunedin Postal Region: Postal Post  
Code: Postal Country: New Zealand Submission: Submission Upload: Constitutional  
Submission.docx

Submitted on the 24 July 2013 at 10:43





### **Submission against New Zealand having a Written Constitution**

In New Zealand we enjoy a stable democracy with a sound legislative and judicial system. Our Parliamentary and Legal frameworks are substantially based on the British System with Common Law principles dating back to the Magna Carta in 1215.

Neither Britain nor New Zealand have written constitutions in contrast to the majority of countries in the world that do. Frequent reference is made to the United States' Constitution which is written. A Constitution is basically the set of rules, usually written down, under which a country is ruled. In simple terms an unwritten constitution provides flexibility as opposed to written constitutions which can have significant rigidity. The benefit of an unwritten constitution is that Parliament is sovereign and the Judiciary applies and interprets the laws that Parliament makes. With a written constitution, such as in the United States, the Supreme Court is frequently asked to resolve arguments relating to Constitutional issues.

One of New Zealand's strengths is that the Westminster model of Government has been our guiding light for over 160 years. During this time we have developed as a nation in our own unique way with much to be proud of. Our sense of egalitarianism was once a major strength, perhaps less so now. The welfare state model established in the 1930s and 1940s was farsighted and evidence then of strong political and social consciences. Despite the market economy of the last 30 or so years, governments still display social awareness evidenced in providing assistance for those less well off, with an example being Working for Families.

The Bill of Rights Act 1990, The Human Rights Act, Race Relations Act and a multiplicity of legislation has ensured New Zealanders are well protected under the law in an equal and non-discriminatory way which is consistent with and reflects our national diversity. However, given the power which our unwritten constitution confers on Parliament, we need to be assured of and expect our politicians to act with probity and in the best interests of New Zealand. Our Parliament doesn't have the equivalent of the British House of Lords to provide some semblance of checks and balances in relation to major issues. The New Zealand equivalent (the Legislative Council) was abolished in 1950. Legitimate public concerns are expressed at times in the way, for instance, emergency legislation, is rushed through Parliament in great haste. Legislation was passed recently affecting the rights of caregivers and specifically denying any right of challenge to this law in the Courts. "The Hobbit" legislation where the Government overrode established employment law was also not consistent with the standards we should expect from our politicians. MMP to some extent helps to ensure the integrity of Parliament. There may also be a case for reinstating an Upper House in our Parliament where matters of national interest could be given a greater depth of consideration before there is any final decision by the government. Perhaps a Parliamentary Code could be instituted that would curb legislative excesses such as the examples referred to. The use of referendums would also enhance the democratic process.

A Constitutional Advisory Panel has been travelling the country, seeking views of the public with a deadline for written submissions being 31 July 2013. The origins for this panel date back to a coalition agreement between the National and Maori parties at the last election. There is a dominant Maori

composition on this panel which not surprisingly has raised questions about the panel's impartiality. Also, whether a political agenda is driving this process rather than something that is conceived to be in the national interest.

It seems there is not a strong case in New Zealand for a written constitution. In general, New Zealanders are fair, tolerant and inclusive. Our institutions overall are very sound, despite occasional concerns from time to time being expressed. Our unwritten constitution has served us extremely well and there appears to be no obvious reasons why it shouldn't continue to do so. A written constitution has the potential to be divisive and problematic. As evidenced in Egypt recently, where a Constitution was drawn up strongly favouring a particular group, leading to disenchantment from the population at large and resulting in the overthrow of President Morsi's government.

Recently in the United States, Louis Seidman, one of America's leading constitutional scholars, in a book entitled "On Constitutional Disobedience" actually advocates discarding their written Constitution. Tom Bingham, a former Lord Chief Justice of England and Wales, in a book titled "Tom Bingham on the Rule of Law" published in 2010, stated "to substitute the sovereignty of a codified and entrenched Constitution for the sovereignty of Parliament is, however, a major constitutional change. It is one which should be made only if the British people, properly informed, choose to make it."

What would happen in New Zealand with a written constitution is that the sovereignty of Parliament would largely be usurped by the Courts and could result in never ending legal arguments and create unnecessary dysfunction and disharmony in our political institutions. Our unwritten constitution has served us well. May it continue to do so.



1575

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 25/06/2013 2:54 p.m.  
**Subject:** [http://www.ourconstitution.org.nz/form\\_submission](http://www.ourconstitution.org.nz/form_submission)  
**Attachments:** Constitutional Review.docx

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

Full Names: Jennifer Miller Organisation Name: Email: om Phone:  
Postal AddressA: Postal AddressB: Postal City: Lower  
Hutt Postal Region: Wellington Postal Post Code: Postal Country: New Zealand  
Submission: Submission Upload: Constitutional Review.docx

Sent on the 25 June 2013 at 14:53





## My vision for our country

This Constitutional Review is the perfect opportunity for us to move forward into mature nationhood and again become a world leader in human rights. How do we do this? Firstly by ensuring all our citizens are treated equally and have the same rights, privileges and responsibilities. The Treaty of Waitangi sets this out very clearly in giving all equal citizenship but we seem to have lost sight of it. Race-based policies have crept in, with good intentions, but sadly race-based policies are, in the end, as bad as the wrong they are designed to correct. We cannot teach our children race-based discrimination is wrong while practising it ourselves in government. Our first step must be to restore full democracy to all on equal terms.

Today's taxpayer has been made responsible for 170 years worth of other peoples' mistakes. None of today's citizens caused the problem. None of the recipients were the ones directly involved. Huge efforts have been made to make up for nearly two centuries of history. As a nation we need to say enough of looking back. It is time to embrace the future.

A constitution that enshrines this very basic principle of democracy, equal rights for all its citizens, could be a good start along this road to national healing.

There are several reasons why The Treaty of Waitangi should not be part of our Constitution

1. It is a 19<sup>th</sup> century document written for the conditions that existed at that time. They no longer exist. We must legislate for the 21<sup>st</sup> century.
2. Translation difficulties make it ambiguous and open to widely differing and difficult to verify interpretations.
3. It has created huge anger and frustration in both the Pakeha and the Maori communities. We need to mature as a nation beyond these emotions.
4. There has been a huge amount of intermarriage and intermingling since its writing. We are not the same society it was written for.
5. It has caused division in the community.

## How I would like to see the country run

It is vital that we maintain full democracy in our government, both national and local. This means all our representatives must be elected by qualified voters not appointed on race. While that practice superficially appears a way of encouraging participation, it is patronizing and unsoundly based. This inevitably means the Maori Seats should not be perpetuated in the long run.

Any group getting taxpayer funding must be able to be held accountable.

We seem to have splintered into self interest groups. It is time for unity not division.

Please don't fail our grandchildren.

1915

14 June 2013

**WANGANUI**

To: The Secretariat  
Constitutional Advisory Panel  
C/- Ministry of Justice  
DX SX 10088  
WELLINGTON

**SUBMISSION TO THE CONSTITUTIONAL ADVISORY PANEL**

**Constitution**

There is no need for New Zealand to have a Constitution as the present laws, statutes and conventions serve this country well. We currently have one of the most flexible, robust unwritten constitutions in the world.

There is no place for The Treaty of Waitangi in any proposed constitution. I strongly oppose 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 strongly opposed to any race based legislation.

**Number of MP's**

The number of MP's should be decreased and the list system be done away with as being totally undemocratic. List MP's are not voted into Parliament.

**Parliamentary Term**

The Parliamentary Term must remain at 3 years. This puts the power into the hands of electors to oust a rogue government.

**Electoral Integrity Legislation**

Democracy needs to be brought back with electorate elected MP's only with no List MP's. If an elected MP does not fulfil the 3 year contract then they must resign and a by-election will need to be held.



### **Size and Number of Electorates**

The number of Electorates in both the North Island and South Island should remain the same.

### **Maori Representation in Parliament and Local Government**

Abolish the Maori seats in Parliament. Separate racial representation is totally unacceptable in a Democracy and this includes local government. There is no place for a separate Maori roll and resultant Maori MP in New Zealand.

### **The Bill Of Rights**

It works perfectly as it is so leave it alone.

### **In conclusion**

The foundation of democracy is that all citizens must be equal with no regard to race, religion or gender and all citizens must be treated exactly the same under the law.

Democracy must be based on citizenship and not ethnicity.

If the treaty is enshrined in law the governance of our country will be drastically changed. It is a recipe for apartheid.

Yours sincerely

M P Miller

5088

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:32 p.m.

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

Full Names: Martini Miller Email Address: Postal City: Wellington  
Postal Country: New Zealand Submission: In response to the third conversation "How  
should Maori views and perspectives be represented in local government?" I feel that the best  
way for Maori to be represented would be to acknowledge the bi-cultural aspect of our nations  
government  
by supporting

the formation of Maori local government that can work alongside traditional government to provide a  
variety of perspective and insight into matters concerning local governance.

Submitted on the 17 June 2013 at 14:22

555

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 19/04/2013 1:56 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Ross Shepley Miller. MNZM, JP      Organisation Name:      Email:  
Phone:      Postal AddressA:      Postal  
AddressB: Te Haumi Heights      Postal City:      Postal Region: Northland      Postal Post  
Code:      Postal Country: New Zealand      Submission: I oppose the continued separate Maori  
representation in both central and local government. I have read with interest the background to the  
creation of the four Maori seats enshrined in the Maori Representation Act 1867. Clearly it was  
designed to give  
Maori a voice in Parliament they would not have otherwise enjoyed. I can understand that especially  
noting that pre 2006 it was a rarity for a Maori to be elected in a General seat.

But all that changed with the advent of MMP. It is a matter of record the 1985 Royal Commission  
Report into the electoral system that paved the way for the adoption of MMP recommended the four  
Maori seats be abolished. It was argued that any serious political  
party had a duty and obligation to produce a Party List that reflected the diversity of New Zealand  
and that in turn would see Maori contesting and being elected in General seats. Parliament in its  
wisdom did not agree to that proposition but, in deciding  
not to entrench the Maori seats, it left the door open to their eventual abolition.

The outcomes envisaged by the Royal Commission have come to pass. MPs of Maori descent,  
members of the National and Labour Parties, hold both General and List seats. MPs of Maori descent  
are elected on the Green and NZ First Party Lists.

I submit that the New Zealand electorate has shown greater maturity than the Parliament in  
understanding the realities of MMP. The rationale for separate Maori seats has been overtaken by  
political reality. All that is left is an anachronism that serves to  
divide our two peoples.

The same applies to local government.

We do not need two franchises. We do not need representation determined on race. We do not need  
a relic of our Colonial history to shape the way forward.

That is my submission. Thank you.



578

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 21/04/2013 8:32 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: David guy Millett Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:  
Given the increasing levels of religious tension in the world, I think it is important for the New Zealand Constitution to be secular, Our government and government agencies should also be secular, and declare themselves to be so. This would mean they would neither recognise or support one religion over another and remain completely neutral on the subject of religion generally.

A secular government does not mean a secular society. New Zealanders should always be free to practice whatever religion they choose, as long as it doesn't infringe the rights of other New Zealanders

Sent on the 21 April 2013 at 08:31

Auckland

Retired fire-fighter 73yrs age.

Concerns to be addressed:

Freedom of speech and expression.

Separation of church and state.

Upholding Law of Land.

Given:

Freedom of expression etc.

1. That countries overseas similar to NZ are suffering the effects of unwise policies in the matter of immigration and integration or should it be lack of integration of immigrants.? Ghettos in London are "no go" areas for law enforcement.

2. The backlash of attacks on 9/11 (and before ) have resulted in moves by OIC (Org of Islamic Cooperation) requesting member states of UN to implement laws prohibiting or criminalising speech or communication by any means likely to cause offence to any religion. Blasphemy was even suggested to be made a capital crime but was overruled.

This has caused an Australian Church to be prosecuted for running a teaching series on Islam. In a Continental case the court held that it did not matter whether the statements were true or not; it mattered whether "offence" had been caused.

The chaos that ensues when cartoons deemed to be offensive cause riots and deaths and fatwas calling for the death of the cartoonist indicate the level of fanaticism inherent in some adherents of Islam.

The present ruling of British Home Secretary Theresa May prohibiting Robert Spencer and Pamela Geller speaking in Britain because of "concern for public good" illustrates exactly what I mean by "freedom of speech". Their purpose was to explain their concerns over Islamic aims and public rhetoric plus history of violence by Islamic radicals. They were denied this basic right by someone deciding for the public what they should hear; or not hear.

Separation of Church and State.

Some world Ideologies advocates a totalitarian state. Fascism, Nazism and Communism come to mind but a current one is Islam.



**Although sometimes described in religious terms the core doctrines indicate a desire for world government and domination thus making it a political ideology. Islam is often described in Sharia law as a total system and way of life. There is one "law" for true Muslims and that is Sharia. The law of the land occupied is deemed to be subservient to Sharia and sharia courts are set up when numbers are sufficient. (England is a case in point) Non believers in a Moslem majority state also would have to obey Sharia as a matter of course.**

### **Upholding Law of Land:**

**An Australian Muslim male convicted of rape, was recently given leave to appeal his conviction on the grounds that his "culture" did not see his offence in the same light or severity as Australian law did. A recent case in NZ involved a Pakistani couple wishing to adopt a child ex Pakistan. Because adoption is not part of Islam the people wishing to adopt did not fill out adoption papers and were refused immigration papers for the baby. A NZ judge overruled in favour of adoptive parents as the NZ concept was not inherent in Islamic culture.**

**le NZ law was overruled to accommodate Islamic practice.**

**We have presently in NZ laws forcing an employer to accede to an employee who has a religious "duty" during work hours.**

**Honour killings and arranged marriages are a cultural/ religiously motivated custom for some immigrants.**

**Because Muhammad married a 6 yr old and consummated at 9yrs many ardent believers seek to emulate the role model for the "straight path," arranged marriages at very young age is a common event in Islamic countries. I believe a Members bill is waiting for presentation to ensure this does not happen in NZ although I believe it already has.**

**Upholding the law of the land necessarily means overruling some concepts of Islam and other belief systems.**

**NZ laws are based upon the Judaic Christian ethic and the UN Universal declaration of Human rights 1948.**

**When first formulated in 1948 Saudi Arabia along with communist countries refused to vote for it.**

**In 1992 the "Cairo Declaration," the Organisation of Islamic Cooperation, superseded the 1948 UN declaration in the eyes of those signing.**



**It must be said that not all Islamic states endorsed it and some are seeking a review to try and make it more acceptable. This, in my view, is unlikely to succeed.**

**The Cairo declaration effectively states that Sharia law, because it is deemed to be given by Allah supersedes any man made laws. It is composed of Koranic and Hadithic plus Sira rulings and is purportedly immutable and unchangeable although various interpretations are made by different Islamic schools of thought.**

**Thus it clearly is at variance and in conflict with Constitutions such as the USA and New Zealand.**

**This should be made very clear to immigrants.**

**Clearly this is not a politically correct document.!!**

**I have not called a spade a device for tilling the soil.**

**Attachments.**

**1 ex USA =Sharia law, female mutilation, foreign money going to universities**

**2 ex Britain =Banning of contrary view and suppression of free speech.**

**Sincere regards A P Mills.**

# Quick Submission

Your name:

ALAN. PETER Mills

Name of the organisation you represent (if applicable):

Postal address or email address:

Auckland.

As described in  
attached script with  
some background:

A NZ citizen should  
be able to say what  
he wishes but, of course,  
be responsible for veracity  
& open to libel in the  
normal course of law.  
Causing "offence" should  
not be considered a  
reason for censorship or  
silencing (as per UK & AUS.  
Separation Church & State  
to be continued as is.

upholding law of LAND,  
self explanatory, & of  
course at present time in  
operation

But, as in attached  
background an  
essential tension exists  
across some cultures.

The induction phase of  
immigrants should include  
detailed teaching on the  
nature of NZ society &  
the responsibilities of those  
wishing to join it -  
ie Separation of belief & State.

I am not a lawyer but  
consider a ~~ring~~ ring fence  
should be made to ensure  
that civil law is  
enshrined as the supreme  
arbiter of conduct. ~~that~~  
This is being done in  
US at present. (Bit late)

## Privacy and Confidentiality

Your personal information will be held in accordance with the Privacy Act 1993. This Act outlines the requirements for transparent collection, ethical use and secure storage of personal information.

The personal information you provide in this submission form will be used for the purposes of the Consideration of Constitutional Issues only.

You can also make a submission online  
at [www.ourconstitution.org.nz](http://www.ourconstitution.org.nz)



## NEWS ANALYSIS

## Taking Action: State Initiatives to Combat Islamism in the U.S.

The failure to confront the Islamist ideology on the federal level does not mean that nothing can be done. States laws are now taking on this task.

By Christopher Holton and Ryan Mauro | Thu, June 27, 2013

Recommend 151

Tweet 18

Email Print



## Headlines

FBI's Most-Wanted Ads Blocked by Muslim Brotherhood Group

ACLU to NYPD: Curb Surveillance in Muslim Community

Jordan Teens Think Honor Killings Justified, Study Says

Lynch of Shiites in Egypt - Iran Issues Condemnation

The failure to recognize, let alone confront, the Islamist ideology on the federal level does not mean that nothing can be done. An increasing number of states are passing or considering legislation designed to take on this task.

Below are five initiatives you can promote in your state:

### American Laws for American Courts

**1** In 2011, the Center for Security Policy released a studied titled *Shariah Law and American State Courts: An Assessment of State Appellate Court Cases*. The study found 50 appellate court cases in 23 states where Shariah-based legislation from 16 foreign countries contradicted American law.

The primary victims of this "conflict of law" are Muslim-Americans. A review of 10 cases where Shariah-based law and American law clashed in court found:

"In cases 1-3, the Appellate Courts upheld Shariah law; in cases 4-7, the Trial Courts upheld Shariah, but the Appellate Courts reversed (protecting the litigant's constitutional rights); in cases 8-10, both Trial and Appellate Courts rejected the attempts to enforce Shariah law."

The American Public Policy Alliance explains that unclear state law has resulted in "the courts and the litigants hav[ing] repeatedly failed to recognize that comity to a foreign judgment may be at odds with our state and federal constitutional principles..."



American Laws for American Courts is model legislation that prohibits courts from putting foreign law before American law. This has often been described as "Anti-Shariah" legislation, but it doesn't even mention Shariah or Islam. Its purpose is to protect Americans from being abused by any kind of foreign law.

American Laws for American Courts has been passed in Tennessee, Louisiana, Arizona, Kansas and Oklahoma. It was recently passed by the Alabama legislature as a constitutional amendment and will soon be put to a vote by the people. In Missouri, the legislature will meet in September to try to override the Governor's veto of the bill.

### Free Speech Defense Act

2

Dr. Rachel Ehrenfeld was sued by a Saudi billionaire named Khalid bin Mahfouz because her book linked him to terrorism-financing. Because 23 copies of the book were bought online in the United Kingdom, Mahfouz was able to exploit the U.K.'s libel laws and sue Ehrenfeld even though she lives in America. Altogether, he targeted 45 publishers and journalists and only she refused to settle.

In 2008, the United Nations Human Rights Committee warned that loose libel laws "discourage critical media reporting on matters of serious public interest, adversely affecting the ability of scholars and journalists to publish their work, including through the phenomenon known as 'libel tourism.'"

Federal legislation called the SPEECH Act, also known as "Rachel's Law," has been passed but there is a glaring loophole that could result in Americans being denied a trial in U.S. courts.

The Free Speech Defense Act protects the First Amendment rights of Americans from foreign libel tourism. A modified version of this legislation has been passed in South Dakota, New York, California, Illinois, Florida, Utah, Tennessee, Louisiana, Maryland and Oklahoma. It is pending in the South Carolina legislature.

### Andy's Law

3

"Andy's Law" is named after Private William "Andy" Long, a soldier who was shot to death by an Islamist terrorist outside of a recruiting station in Little Rock, Arkansas in 2009.

On June 1, 2009, terrorism literally hit home in Little Rock, Arkansas when a jihadist terrorist, Abdulhakim Mujahid Muhammad (formerly known as Carlos Bledsoe) shot two US Army soldiers outside a recruiting office in a shopping mall. Private William "Andy" Long was killed. Private Quinton I. Ezeagwula was wounded.

To fully comprehend the true nature of the threat of terrorism, one must understand that, though Muhammad has been labeled a "lone wolf," such terrorism does not happen in a vacuum.

Before he became Abdulhakim Mujahid Muhammad, Carlos Bledsoe was recruited. He was indoctrinated. He was selected to receive training in the far off land of Yemen and, after that training, he committed horrible acts of terrorism in what he himself termed "jihad."

Terrorism doesn't just happen. Terrorism is committed and terrorist acts are perpetrated by individuals who are motivated and trained. In some cases they are funded directly, but all of the activities involving recruitment, indoctrination and training cost money.

All of these types of activity form material support for terrorism. Not only did Abdulhakim Mujahid Muhammad commit a horrific act of terrorism, but others provided support that eventually led to his act. For that, those people should have been made to pay. Unfortunately, there was no specific mechanism to see to it that they should pay.

Andy's Law was designed to change that.

The law allows for seizure of the assets "including money, used in the

course of, intended for use in the course of, derived from, or realized through" terrorism. This would empower law enforcement to prevent terrorists, or attempted terrorists, from keeping their assets.

The bill also creates a civil cause of action against terrorists by victims that allows victims to recover actual damages, treble damages and attorney fees. The pain of the terrorist attack does not end with the healing of wounds. Victims suffer financially, further exasperating their emotional stress. Inspired by the documentary *Losing Our Sons*, this legislation permits the distribution of some of the seized terrorist assets to the victims to help cover damages and legal fees.

This law would allow victims of terrorism to sue those who committed the terrorist act; those who provide material support for the terrorist act; those who make a terrorist threat; those who falsely communicate a terrorist threat; those who hinder prosecution of terrorism; those who expose the public to toxic biological, chemical or radioactive substances, or those who use a hoax substance.

Current state laws do not clearly establish such a cause of action. Further, some states lack their own RICO (Racketeer Influenced and Corrupt Organizations) statute, which in some other states would provide some remedy. The federal RICO statute does not provide meaningful remedies because it only allows damages for business losses and property damage, and not for personal injury or wrongful death.

By passing Andy's Law, Arkansas has set the example for other states, in particular Tennessee, where Carlos Bledsoe became Abdulhakim Mujahid Muhammad, and empower state and local law enforcement, as well as victims of terrorism to not just prosecute the perpetrators of acts of terrorism but also those who provide material support—funding, recruitment, indoctrination, training and other forms of support—which lead up to those acts.

Forms of this legislation have been passed in Arkansas and Louisiana.

## 4

### **Disclosure of Foreign Gifts to Higher Education Act**

It is not rare for Middle Eastern money to make its way to American universities. This legislation does not prohibit foreign gifts, but requires their disclosure by public colleges and universities so they can be held accountable.

The legislation does not stop Islamist groups in the U.S. from making donations to universities, with the Muslim Brotherhood-linked International Institute of Islamic Thought being a prime example. However, it goes a long way in establishing transparency.

This law has been passed in New York, Louisiana and Utah.

## 5

### **Female Genital Mutilation Act**

This legislation specifically outlaws the act of female genital mutilation, sometimes euphemistically referred to as "female circumcision." It is a common and brutal practice in the Islamic world.

The passing of this bill stiffens penalties for this crime. To avoid state penalties this crime, perpetrators of FGM have transported their victims who are minors across state lines. This bill closes that loophole.

A total of 21 states have outlawed this practice, with Louisiana and Kansas being the most recent additions. The bill is pending in Pennsylvania.

**STAY INFORMED! GET OUR FREE NEWSLETTER »**



**Peter Mills**

**From:**

**Sent:** Friday, 28 June 2013 2:20 p.m.

**To:**

**Subject:** and most of the uk media stay silent.....Theresa May's ban on Robert Spencer and Pamela Geller reveals a troubling relativism

Yes, indeed, the double standards are seen here too, although to a lesser degree (and may it stay that way).

**From:**

**Sent:** Friday, 28 June 2013 7:17 a.m.

**To:** undisclosed recipients:

**Subject:** and most of the uk media stay silent.....Theresa May's ban on Robert Spencer and Pamela Geller reveals a troubling relativism



HOME

ABOUT

NE

COMMENT

THE TEA ROOM

PODCAST

CONTACT

# Theresa May's ban on Robert Spencer and Pamela Geller reveals a troubling relativism [ Search

*The British Home Secretary's ban reveals a bias in the United Kingdom's approach to tackling extremism. Here's why...*

by Media Hawk on 27 June 2013 11:38

14

Let me clarify something from the outset of this blog, so you are not confused by what I am about to say. I am no fan of Pamela Geller (Sorry Pam).

I find her to be shrill, abrasive and her work to be overly concerned with the controversy it attracts rather than the merits of its own arguments. Her comments about the Srebrenica massacre are spurious at best.

Robert Spencer, while sadly recently attracted to the thuggish English Defence League (that I have denounced on previous occasions) and indeed a good friend of Gellar, has a far more academic and rigorous approach to his work. Don't get me wrong, flirtation with the EDL reflects ignorance and rightly arouses suspicion - but does it require a curtailment of the freedom of travel and freedom of speech? I don't think so.

Even an Imam had to recently admit that Spencer knew his stuff. Don't believe me? Listen to this interview of his with the BBC Asian Network last week. And also, weep at how uninformed Nick Lowles of the Hope Not Hate group is. And before you claim, "OMG you're endorsing Robert Spencer!" No I'm not. I'm just

8/06/2013

...ing, he's not as "out there" as people claim. And he's certainly not ban-worthy.

But anyway, it doesn't really matter if I agree with them or not. And that's the point, isn't it?

Britain likes to trumpet itself as a 'tolerant' country. The government and politicians certainly do. It sounds lovely, doesn't it? We're incredibly 'tolerant' over here, don't you know?

But not so much that we can tolerate people who have a critical reading of Islamism and Islam, it seems. No. That'd be too much. Deport the atheists (like me) while you're at it. Because we think all religions are cuckoo. So perhaps the Home Secretary's rationale for banning Gellar and Spencer (being 'not conducive to the public good') would extend to all of us, too?

Yeah okay - some people might be a bit 'offended' by some of the things these bloggers say. It can be terribly 'offensive' when people hold you up to the standards of your own religion. "Islamophobic", even! Some of the reactions from people who think they're doing Islam a favour is practically tantamount to: "Don't quote the Koran at me! That's Islamophobic!"

But I digress. Because what we're really interested in is whether or not it is indeed fair to ban people from Britain at all. I would say yes. Just about. If it can be proved that their words or their work is basically inciting violence or legitimising terrorism or similar. I've never seen anything from Gellar or Spencer that encourages that kind of thing. Maybe you can find me something - but I bet most of the stuff people quote back will be along the lines of "this can be construed as...". Again, if in doubt, listen to the BBC Radio interview. It's incredible how poorly read on the issue Spencer's critics were.

In the case of someone like Zakir Naik, who professed his admiration for Osama Bin Laden, you can see how blocking his entry from the United Kingdom might just be a good thing. I'd even agree with the ban on Fred Phelps and Shirley Phelps-Roper due to their persist demonisation of homosexuals. These are the types of things that can cause violence.

But let's even park the concerns of the non-Muslim population in the UK, and look at the recent entry of someone like Muhammad Al-Arifi, a Saudi scholar who has been widely criticised for his sectarian views. Al-Arifi has declared that Shia Muslims are "evil" and that they "set traps for monotheism" - a sure sign of creating division and discord, bringing an entire community into disrepute. Conducive to the public good? I think not.

But he was allowed into Britain, no problems at all. And allowed to proselytise on British airwaves. Again. No problem.

In February 2013 he also stated that "Al-Qaeda members do not tolerate accusing other Muslims of apostasy and they do not tolerate bloodshed" and that "...al-Qaeda leader Sheikh Oussama Bin Laden, may his soul rest in peace, did not adopt many of the thoughts that are attributed to him today".

There's also Shady Al-Suleiman, the Australian cleric who has called, "*for Allah to destroy the enemies of Islam*" and who has endorsed the terrorist outfit Hamas (which Britain recognises as a terrorist entity). He's even endorsed the killing of British soldiers, saying, "*Give victory to all the Mujahideen all over the world. Oh Allah, prepare us for the jihad*".

And yet, not a peep from Theresa May or the Home Office. Even amidst the concerns from the Muslim community.

So let's recap: Gellar and Spencer banned for blogging critically about Islam. Al-Suleiman and Al-Arifi given free passage despite actively fomenting sectarian divisions and endorsing terrorism.

*think I'm beginning to see how this all works...*

**Read more on: Fred Phelps, Muhammad Al-Arifi, Shady Al-Suleiman, Pamela Gellar, Robert Spencer, Zakir Naik, Theresa May, extremism, Islam, BBC, English Defence League, and EDL**

EMAIL

28/06/2013



5006

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 27/07/2013 1:42 p.m.

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

Submission: If a constitution ensures equal rights to all, how can it exist in a bicultural society, or are some people's rights more important than another persons rights and is this the kind of thing that is outlined and made clear in a constitution. Confusing.....for me Full Name: Eric John Mills Email:

Submitted on the 27 July 2013 at 13:42

1609

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 26/06/2013 12:35 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Edward M Mills Organisation Name: ))))))))))) Email:  
Phone: Postal AddressA: Postal AddressB:  
Postal City: Postal Region: Lower Hutt Postal Post Code: Postal Country:  
New Zealand Submission: What is it going to take for the government to give the majority of NZers  
the kind of country we want. Research results suggest that over 75% of the NZ population do not  
want a race based constitution Racially based political parties should not be allowed  
in parliament.

Citizenship! If we are to base our legislation around the 'treaty' then the treaty should be amended to  
the Littlewood version which was signed by Maori giving equal rights to all New Zealanders

How can democracy be based on anything but citizenship? Anything else makes no sense, and would  
be against one's basic human rights.

If it is race based it is apartheid, no matter how anyone wants to dress it up.

The Constitutional Review is nonsense –with a very loaded panel the outcome was know before the  
first sitting !! the fact that the most important issue facing this country , is the 'constitutional  
review' the general media is silent, to me it indicates that  
it will be hushed up, by the time you wake up it will be a done deal. Who can you fault on this issue,  
my humble opinion is, the silent majority.

Sent on the 26 June 2013 at 12:33

4095

**From:** "Mills, Glenn"  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 7:58 p.m.

Dear Sir/Madam

Having left NZ in 1988 and lived in Australia ever since...I fear for NZ.

The exodus of NZers to Australia in the past 10 years has been dramatic and unprecedented in NZ's history.

I speak to many NZers living in Australia and one of the largest underlining concerns is that there is now a nation of 2 peoples, with preferential rights based on race.

Any further constitutional tinkering to effect a greater division or sovereignty to one group will likely accelerate the exodus of the disaffected and therefore there should be no change to the Treaty.

I therefore believe that :

The points agreed in the treaty are

1. That New Zealand shall have one sovereign government. At the time of the signing of the treaty this was the British monarchy and subsequently has become our democratically elected parliament.
2. That the government shall protect property rights.
3. That all New Zealand citizens shall have equal rights and responsibilities.

The above points were explicitly agreed to in the Maori version of the Treaty, which is the only version of the Treaty that has legitimacy in our view.

The treaty endorsed the colonisation of New Zealand by the British, and while not without problems, colonisation did bring significant benefits to Maori.

Policy Objectives:

1. To respect, regard, and deal with all citizens of New Zealand fairly and equally.
2. To protect our nations sovereignty and ensure rule by democratic government.
3. To ensure justice is done.
4. To build unity.

There should be a single voter roll in New Zealand :

There needs to be an end to the division of the voter roll on the basis of race. As this is a change to the way the people are represented we believe a binding referendum should be held to ratify this proposal.

The end to all Treaty claims and closing down the Waitangi Tribunal

No new claims shall be considered by the Tribunal

Legislation and legislative changes that remove differential treatment on the basis of race.

A repeal of the foreshore and seabed legislation (Marine and Coastal Area Act). This legislation gave some Maori the right to claim title to areas of the foreshore and seabed. We believe that the foreshore and seabed in its entirety should be held by the government in trust for the use and enjoyment of all New Zealanders.

A cessation of all work on the Constitutional Review, including all discussions relating to the place of the Treaty in a new constitution. No further work should be done at all until it is established that the people of New Zealand wish to have their constitutional arrangements reviewed.

I would be happy to discuss.

Regards, Glenn Mills

Note: This email, including any attachments, is confidential. If you have received this email in error, please advise the sender and delete it and all copies of it from your system. If you are not the intended recipient of this email, you must not use, print, distribute, copy or disclose its content to anyone

1060

**From:** <  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 4/06/2013 5:41 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: John Francis Mills Organisation Name: Private Citizen Email:  
Phone: Postal AddressA:  
Postal AddressB: Postal City: Wellington Postal Region: Postal Post Code: Postal  
Country: New Zealand Submission: Constitution

1. There should be no single written constitution. Such a document is restrictive and does not move with the times. Good examples of the problems a written constitution can give can be found by looking at issues which arise in Australia and the USA. Our society should be governed by evolving laws and precedent.

2 A constitution should not be supreme----the laws passed by Parliament at the time are supreme until they are repealed or replaced (by Parliament).

3. Should we be foisted with a single written constitution it is important that Parliament decides whether legislation is consistent with such a constitution----Parliament represents the people

#### Bill of Rights

1. Yes-- the current Bill of Rights is protection enough---as it stands it can and is misused and it should not be expanded.

2. It should not have a higher legal status than other laws---it is merely a law against which other laws should be measured. If for good reason in the view of Parliament it should be ignored then it should.

3. Parliament should decide on the relevance of legislation vis a vis the Bill of Rights----Parliament represents the people.

#### Treaty of Waitangi

1. The Treaty of Waitangi has become a divisive rather than a unifying feature of our life. It should become a historical document to be admired for what it set out to achieve at the time. It should not be given the prominence it currently enjoys and in no way should it be written into any written constitution (should one be foisted upon us)

2. The Treaty of Waitangi is being misused as a vehicle to obtain rights/redress that should properly be pursued through normal legal channels.

3. Note that I write this as one whose distant and distinguished relative was a paramount chief of the Nga Puhi who signed the Treaty.

#### Maori Representation

1. The time has surely come when the Maori seat option should be dispensed with. Maori are well represented in Parliament other than via the Maori seat route.



2. The major parties would be more inclusive of Maori candidates (and therefore Maori views) should the Maori seats be abolished.

#### Electoral Matters

1. The size of Parliament should be reduced --- take out the Maori seats and that is a start.
2. The Parliamentary Term should be 4 years. It would let the Government enact its policies in a more orderly manner without an election looming. General elections disrupt the life of the country and the economy and they are expensive.
3. The PM should set the date for a general election as it allows the PM to seek a renewed mandate early if they feel it necessary.
4. The number of electorates should not increase regardless of population growth. We could do with less List MPs. Commonality of population interests and geography should decide electoral boundaries.
5. Should a List MP part ways with their party they should stand down from Parliament and be replaced by a member selected by their previous party. An Electorate Member was elected by people in the electorate and should stay representing them as an Independent until the next election.

#### Other Issues

Future constitutional issues/legislation should not be a vehicle for divisiveness. Our life and our country are evolving all the time and that is how we should be governed---by precedent and by laws passed by Parliament reflecting the values and issues of the day. A written constitution does not do that.

Sent on the 4 June 2013 at 17:41

692

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/04/2013 7:10 p.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

Full Names: Toby John Mills Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City: Masterton  
Postal Region: Postal Post Code: Postal Country: New Zealand Submission: I think it  
would be good to supersede all of our existing constitutional documents into a new document that is  
both much clearer in its intentions and also more relevant to modern NZ.

This would also force us to agree an interpretation of the Treaty because the new constitution should encompass all of the aspects of the Treaty that exist today but spell out clearly what they mean for all NZ'ers.

The Treaty is an important document in our history but also causes division due to the difficulty interpreting it. As part of forming the new constitution we would all have to agree what the contentious aspects of the treaty mean and preserve these in the constitution with clear language that anyone can understand.

This is a fantastic opportunity to become a society that formally and properly recognises all aspects of our culture which comprises people of all races and creeds and locks in our rights and obligations as members of that society.

At the moment it's difficult to know what being a kiwi actually means, with a single document we could move forward as New Zealanders that recognise where we have come from, what we can and should do now and where we are going together.

Sent on the 29 April 2013 at 19:09

1740

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 30/06/2013 11:04 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission  
**Attachments:** Constitution.doc

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

Full Names: Beverley Milne Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB. Postal City:  
Tauranga Postal Region: Bay of Plenty Postal Post Code: Postal Country: New  
Zealand Submission: Submission Upload: Constitution.doc

Sent on the 30 June 2013 at 11:03



1740

New Zealand does not need a written constitution. It is far better and more flexible to maintain the present system whereby the constitution can evolve over time.

I strongly oppose any reference to the Treaty of Waitangi in any form of constitution or legislation. The Treaty is an historic document that should only be interpreted in the context of 1840; it has no relevance to contemporary NZ. I object to the 1970's "translations" of the Treaty into an attempt to put 20th and 21st century interpretations on early 19th century thinking.

I am concerned that NZ is rapidly descending to an apartheid state. It is astonishing that so much has been achieved towards this end and any white person who dares to state the truth is accused of being racist, while our brown friends can say whatever they like with total impunity.

My personal experience is that most if not all people want inclusion not separation, and yet separation is what is happening. I am totally against a written constitution, particularly one which plans to enshrine the Treaty and so much of this is being done under cover.

1893

DAVID MILNE

AUCKLAND NZ

19<sup>th</sup> June 2013

Mr John Burrows,  
Constitutional Advisory Panel,  
Ministry of Justice,  
SX10088,  
Wellington.

Dear Mr Burrows,

I attended the meeting last Monday at St Heliers on the Constitutional Review. It was well organized and informative, and all speakers presented very well.

However, while you stated several times that the Panel wanted to hear from us there was very limited opportunity for the audience to participate, except for written questions which were mainly elicited prior to the meeting, and then pre-selected by the Chairman. I do not believe anyone could say that this meeting supported, nor objected, to any of the issues raised, because there was no opportunity for discussion or debate, despite the publicity stating "There will be time for questions"

I accept that the format adopted avoided the awkwardness of "ranters" at the meeting, but the 70 plus attendees wanted more than a presentation, and there should have been an opportunity for general discussion. You would then have been able to assess the receptiveness of this audience to the issues raised, and receive their input.

As it was, a question from Michael Littlewood on his recently discovered ethnicity was lost in an explanation about the existing Maori seats. Michael, who I have known for some time, has recently researched his ancestry, and discovered that he is 1/32<sup>nd</sup> Maori. His story is published in the latest Listener. A copy of this is enclosed, which I hope you will find the time to read, because it embraces what being a New Zealander is going to mean in the future. (This was one of the issues you raised at the meeting.)

Michael told me that in a recent trip to London he had to have some dental work done, and the English dentist called a colleague over to take a look in his mouth. Michael asked them what the fuss was about and he said: "We are fascinated by a Polynesian jaw in a European skull"

This Country has a comparatively small population and, in 50 years time, we are going to be so genetically-crossed, blood lines will be all but meaningless. So, entrenching historic Treaty of Waitangi principles in a Constitution now, will not only be unnecessary in the long term, but will be very disruptive in the short term, and may well derail the Constitution altogether. Leave the Treaty to resolve historic issues, and develop a Constitution under which we can move forward as one people.

Sincerely,

(1893)

The submitter included the following published material which was removed for copyright reasons:

- **NZ Listener** – 18/6/13, '*A question of identity*', by Michael Littlewood.



4910

Fax: \

Wellington

Submissions,  
Secretariat, Constitutional Advisory Board,  
C/o Ministry of Justice,  
DX SX 10088,  
Wellington

<constitutional.review@justice.govt.nz>

Dear Sir/Madam,

I have pleasure in enclosing my Submission on the Constitutional Review.

I have appreciated the opportunity to participate in this democratic process to consider important national constitutional policy options and developments.

However, to be fully democratic I submit that if the end-result of this process results in recommendation/s to change the status quo then, to ensure democratic propriety, it must in turn be subject to public confirmation whether by a stand-alone binding Referendum (preferred) or, at the very least, by specific electoral mandate as a party policy at a General Election.

I submit therefore it is democratically improper for elected representatives to suggest far-reaching Constitutional change can occur without a firm electoral mandate to proceed. The reason for this concern is that when Mr English announced the present Constitutional Review he was quoted as committing that "...significant change will require *either* broad cross-party agreement *or* the majority support of voters in a referendum" (my emphasis). I submit the former alternative is not an acceptable option for any far-reaching Constitutional change, after seeking wide public input, without electoral validity, acceptance and confirmation via a public referendum.

Finally, I note 'The Constitution Conversation' states the Panel plans to prepare a draft report for release later this year for further public feedback on its deliberations. I would request a copy of the Panel's draft report in due course.

Yours sincerely,



J.H.G. MILNE

## Submission to the Constitutional Review Panel

### A VISION FOR A NEW NATIONAL CIVIC IDENTITY

Looking 20 years ahead, I would regard New Zealand as being a successful, prosperous & lucky country if by then all Citizen Residents were treated equally before the law with protected common civic and property rights, with each Citizen having equality of opportunity without regard to race, religion or gender - but with a concomitant personal responsibility from each Citizen to help ensure those goals can be achieved so as to form a new *National Civic Identity*....and source of multi-cultural pride out of our increasingly diverse cultural mosaic.

The counterfactual scenario would be a country riven with inequality of opportunity, sectoral preference, risk of associated corruption and legalised dictatorship over civic and property rights by majorities over minorities – or, *vice versa*.

In short, a failed nation without a coherent common and inclusive identity.

The inevitable consequence would be further emigration of some, maybe many, of our citizens, especially the educated young, for pastures new – just as our forebears have done ever since arrival here as Polynesian and subsequent migrants seeking to carve out a new identity arising from a better, fairer and more prosperous life in New Zealand.

### B WHAT FACTORS WOULD FACILITATE NATIONAL IDENTITY ACHIEVEMENT?

1. Role of Government. Although NZ has a Bill of Rights, which is necessary, it is not sufficient as it stands. It omits protection of property rights with compensation if property is 'taken' for whatever reason for the greater good.  
I have seen a "Declaration of Equality" proposal with the general theme of 'one law for all'; that is, equal access to a *principles-based* law available to benefit all, easily administered, understood and legislated by the majority to protect the minority.  
I subscribe to that objective.
2. Our History. Undoubtedly past Governments have broken past agreements and understandings with particular reference to the Treaty of Waitangi (ToW) as reflected in historic claims and grievances. As I understand it, all historical claims are now registered; many have been and are being addressed by negotiated settlements coupled with agreed apologies by the Crown on behalf of New Zealand. Virtually all others are in course of negotiation where mandated counter-parties are identified. That process may be expected to be completed within the next (say) four years.  
These 'settlements' are fully consistent with B.1 above.  
I believe all New Zealanders want to draw a line finally, fairly and squarely under the past – and then move on to achieve a common National Identity Vision.  
In short, the current ToW process is necessary to redress past wrongs but not to create fresh or imagined grievances in a self-perpetuating cycle.
3. The Treaty of Waitangi. This has influenced our past. It is not dissimilar to other Treaties negotiated in the 19<sup>th</sup> Century by the English Crown with various Indigenous Peoples and First Nations. This was a unique initiative by the English where other nations instead achieved their colonial objectives by conquest, repressive marginalisation and/or extermination.



There is thus an historical and proud heritage...mutually recognised by Maori and other Immigrants alike but that heritage should not lock NZ into a backward-looking time-warp.

Once historical grievances are settled 'fully and finally', the Treaty can be recognised for what it is: a founding document, as one of New Zealand's founding documents, our Magna Carta, which has, over time, been superceded by other more pertinent principles-based legislation relevant for new or evolving circumstances.

This obviates concerns that the present legislated ToW may not in fact be the original 'version' following later discovery of the "Littlewood" version...nor would the need arise for continual legislation, re-litigation or judicial interpretation of what any supposed or undefined 'principles' might be for circumstances which were never contemplated in February 1840.

In short, the Treat's history and rectification of past responsibilities is important - but once settled, NZ needs to review and renew its constitutional arrangements better to reflect and achieve an over-arching National Civic Identity Vision.

#### C. HOW TO LEGISLATE FOR A NEW NATIONAL VISION

##### 1. New Zealand Constitution.

I submit we do not need a prescribed written Constitution.

A revised Bill of Rights, a *principles-based* Declaration of Equality and continuation of the unwritten constitutional arrangement of vice-regal powers, conventions, judicial precedents and Parliamentary practice is infinitely more flexible and adaptive than a formal written Constitution. Ours has been an example of "a story of pragmatic evolution" (Prof. Philip Joseph).

It should continue. There is no compelling reason for change.

Experience elsewhere shows that countries with written Constitutions have locked themselves into *rules-based* entrenched legislation –perhaps appropriate at the time, but which prove inflexible for unexpected situations or with unintended consequences. For example, inflexibility can give rise to activist judicial interpretation beyond what an elected sovereign Parliament (or the People) intended – or worse, populist or martial intervention to topple elected representatives *inter alia* to re-write a different Constitution. Moreover, where changes are necessary these may be frustrated by legalistic opportunism or lack of the defined majorities necessary to effect change.

It follows, I submit, it is unnecessary to enshrine the Treaty of Waitangi in any written Constitution. Shortly, it will have served its purpose. In addition, it obviates the question of determining how and where sovereignty will lie and what degree of consanguinity constitutes a continuing 'Maori' qualification for constitutional, electoral and general legal purposes.

##### 2. Electoral Matters.

This is a key issue.

New Zealand is unusual in having a unicameral Parliamentary system whereby Abraham Lincoln's *Government of the People, by the People, for the People* can easily



be corrupted, as has occurred during our recent history, into becoming an elected dictatorship until that Government is removed at the next election.  
The National Identity Vision is impaired.

There are few (if any) checks and balances in NZ's constitutional system as is contained, for example, in a bi-cameral system. Even the exercise by the Governor-General of the theoretical ultimate power to remove an existing Prime Minister or Government could lead to a constitutional crisis with unintended consequences.

### 3. Frequency of Elections

Given the inherent risk and weakness of a unicameral system, there is no incentive for the voting public to forego their existing power to remove an unpopular Government at the end of a three year term. In short, there is no current offer, compelling or otherwise, as a *quid pro quo* to remove that entrenched electoral 'right'.

The counterfactual claim espoused for a four year term is it enables a Government to plan better, achieve more and have greater stability – all self-serving for an elected dictatorship. A refreshed popular mandate, after three years, provides a longer period of governing than achievable by a single four year term.

The alternative is to provide a Second Chamber as is usually contained in countries with a written Constitution. In a country of 4 million this implies an element of greater over-governance than now – but that may be an acceptable trade-off for extending the life of a Parliament to four years in order to achieve adequate checks and balances. That could imply a smaller fully elected sovereign 'Parliament' – for example, of 99 representatives (per the Referendum) with the Second Chamber used for wider referral purposes as, for example, a super-Select Committee. It may also initiate legislation for reference to the Parliament itself. Its representatives could comprise half appointed as party list members with proportionality derived from the concurrent election with the other half merit-appointed from, and elected by, a 'senior' constituency comprising, say, the pool of eminent Knights and Dames (with term limits) who are independent of Government, Ministries, Parties and currently serving members of the Judiciary.

A further option to a three-year electoral cycle might be a four year term with dissolution of half the elected (and list) members every second year – as a check and balance in a unicameral system. The disadvantage is a higher level of electoral activity – but that happens now anyway – and could be coupled with and benefit from holding virtually cost-less concurrent binding public Referenda on pertinent issues.

### 4. Electoral System and Specific Maori Representation

The 1986 Royal Commission into the Electoral System recommended the German-based MMP electoral basis (as opposed to other alternatives, including FPP) which was subsequently approved by a public referendum, and recently re-confirmed. The aim was, inter alia, to improve gender and ethnic representation complemented by the Party List system. It recommended as part of the 'package' the Maori Seats be abolished. Experience has shown wider parliamentary diversity has occurred with Maori achieving high positions on Party lists and elected in their own right in General Electorates.

Once the historical Treaty of Waitangi settlements are achieved that would be a logical occasion to cease maintaining separate seats reserved solely for Maori (which were only originally a temporary measure) as opposed more generally to the opportunity for Maori (or Polynesian or Asian or Other) political parties to be represented on the General Roll for General Electorates with proportionality governing List appointment to the Parliament (or Upper House).

It is instructive that fewer Maoris are now electing to transfer onto the Maori Roll, as reported yesterday. The issue may be resolvable via successful resolution of the settlement processes.

The result would be the achievement of a more unified and inclusive, not potentially divisive, National Civic Identity through Parliamentary equality of representation.

D. OTHER MATTERS

As an Observer I have been disappointed in the 'Consultation' to date. The so-called national 'debates' appear to have been one-sided giving the (unintended?) presumption the consultation process is pre-ordained or, at worst, a sham.

There have been few instances of general advertising the Consultation was in progress. The due date had to be extended by a month, to tomorrow, reportedly because of the disappointingly low number of submissions (1,500 by end-June?) for such a major public initiative.

There is the opportunity in the next Consultation Stage for the Panel to obtain wider buy-in once, and if, New Zealanders have a clear exposition of what the ultimate Vision is – as opposed to focus on some of the components of a constitutional review process – and what the counterfactuals might be or will prevail if that Vision is partial, incomplete or is incapable of achievement.

Accordingly, I have chosen to express this Submission in terms of identifying a potential National Civic Identity Vision – with some counter-factuals – with the ultimate objective of achieving a better New Zealand constitutional process that is more inclusive for our increasingly diverse multi-cultural communities.....and for the Nation as a whole.

Thank you.

John Milne  
30<sup>th</sup> July, 2013

4885

**From:** "John Milne"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 5:07 p.m.  
**Subject:** CAP Submission  
**Attachments:** Constitutional Submission 130730.doc

A further bounce-back received. Trying again.

From: John Milne  
Sent: Wednesday, 31 July 2013 5:03 p.m.  
To: 'constitutionalreview@justice.govt.nz'  
Subject: CAP Submission - JHG Milne

Resending yet again - the message bounced back as undeliverable

From: John Milne  
Sent: Wednesday, 31 July 2013 5:00 p.m.  
To: 'constitutionalreview@justice.govt.nz'  
Subject: RE: Submission on Constitutional Review - JHG Milne

Resending again - my 'Sent File' is not recording an attachment was enclosed.(?)

From: John Milne  
Sent: Wednesday, 31 July 2013 4:55 p.m.  
To: 'constitutionalreview@justice.govt.nz'  
Subject: RE: Submission on Constitutional Review - JHG Milne

Resending the address line on my earlier message appears to have been corrupted.

From: John Milne  
Sent: Wednesday, 31 July 2013 4:49 p.m.  
To: 'constitutional'  
Subject: Submission on Constitutional Review - JHG Milne

The Secretariat



Dear Sir/Madam,

I have pleasure in attaching my Submission on the above.

May I have your acknowledgement in due course.

A hard copy will be sent to you separately by mail.

Thank you

Yours sincerely,

John Milne

Wellington  
30th July, 2013

Submissions,  
Secretariat, Constitutional Advisory Board,  
C/o Ministry of Justice, <constitutional.review@justice.govt.nz>  
DX SX 10088,  
Wellington

Dear Sir/Madam,

I have pleasure in enclosing my Submission on the Constitutional Review.

I have appreciated the opportunity to participate in this democratic process to consider important national constitutional policy options and developments.

However, to be fully democratic I submit that if the end-result of this process results in recommendation/s to change the status quo then, to ensure democratic propriety, it must in turn be subject to public confirmation whether by a stand-alone binding Referendum (preferred) or, at the very least, by specific electoral mandate as a party policy at a General Election.

I submit therefore it is democratically improper for elected representatives to suggest far-reaching Constitutional change can occur without a firm electoral mandate to proceed. The reason for this concern is that when Mr English announced the present Constitutional Review he was quoted as committing that "...*significant change will require either broad cross-party agreement or the majority support of voters in a referendum*" (my emphasis). I submit the former alternative is not an acceptable option for any far-reaching Constitutional change, after seeking wide public input, without electoral validity, acceptance and confirmation via a public referendum.

Finally, I note 'The Constitution Conversation' states the Panel plans to prepare a draft report for release later this year for further public feedback on its deliberations. I would request a copy of the Panel's draft report in due course.

Yours sincerely,



J.H.G. MILNE

## Submission to the Constitutional Review Panel

### A VISION FOR A NEW NATIONAL CIVIC IDENTITY

Looking 20 years ahead, I would regard New Zealand as being a successful, prosperous & lucky country if by then all Citizen Residents were treated equally before the law with protected common civic and property rights, with each Citizen having equality of opportunity without regard to race, religion or gender - but with a concomitant personal responsibility from each Citizen to help ensure those goals can be achieved so as to form a new *National Civic Identity*...and source of multi-cultural pride out of our increasingly diverse cultural mosaic.

The counterfactual scenario would be a country riven with inequality of opportunity, sectoral preference, risk of associated corruption and legalised dictatorship over civic and property rights by majorities over minorities – or, *vice versa*.

In short, a failed nation without a coherent common and inclusive identity.

The inevitable consequence would be further emigration of some, maybe many, of our citizens, especially the educated young, for pastures new – just as our forebears have done ever since arrival here as Polynesian and subsequent migrants seeking to carve out a new identity arising from a better, fairer and more prosperous life in New Zealand.

### B WHAT FACTORS WOULD FACILITATE NATIONAL IDENTITY ACHIEVEMENT?

1. Role of Government. Although NZ has a Bill of Rights, which is necessary, it is not sufficient as it stands. It omits protection of property rights with compensation if property is 'taken' for whatever reason for the greater good.  
I have seen a "Declaration of Equality" proposal with the general theme of 'one law for all'; that is, equal access to a *principles-based* law available to benefit all, easily administered, understood and legislated by the majority to protect the minority.  
I subscribe to that objective.
2. Our History. Undoubtedly past Governments have broken past agreements and understandings with particular reference to the Treaty of Waitangi (ToW) as reflected in historic claims and grievances. As I understand it, all historical claims are now registered; many have been and are being addressed by negotiated settlements coupled with agreed apologies by the Crown on behalf of New Zealand. Virtually all others are in course of negotiation where mandated counter-parties are identified. That process may be expected to be completed within the next (say) four years.  
These 'settlements' are fully consistent with B.1 above.  
I believe all New Zealanders want to draw a line finally, fairly and squarely under the past – and then move on to achieve a common National Identity Vision.  
In short, the current ToW process is necessary to redress past wrongs but not to create fresh or imagined grievances in a self-perpetuating cycle.
3. The Treaty of Waitangi. This has influenced our past. It is not dissimilar to other Treaties negotiated in the 19<sup>th</sup> Century by the English Crown with various Indigenous Peoples and First Nations. This was a unique initiative by the English where other nations instead achieved their colonial objectives by conquest, repressive marginalisation and/or extermination.  
There is thus an historical and proud heritage...mutually recognised by Maori and other



Immigrants alike but that heritage should not lock NZ into a backward-looking time-warp.

Once historical grievances are settled 'fully and finally', the Treaty can be recognised for what it is: a founding document, as one of New Zealand's founding documents, our Magna Carta, which has, over time, been superseded by other more pertinent principles-based legislation relevant for new or evolving circumstances.

This obviates concerns that the present legislated ToW may not in fact be the original 'version' following later discovery of the "Littlewood" version...nor would the need arise for continual legislation, re-litigation or judicial interpretation of what any supposed or undefined 'principles' might be for circumstances which were never contemplated in February 1840.

In short, the Treaty's history and rectification of past responsibilities is important - but once settled, NZ needs to review and renew its constitutional arrangements better to reflect and achieve an over-arching National Civic Identity Vision.

## C. HOW TO LEGISLATE FOR A NEW NATIONAL VISION

### 1. New Zealand Constitution.

I submit we do not need a prescribed written Constitution.

A revised Bill of Rights, a *principles-based* Declaration of Equality and continuation of the unwritten constitutional arrangement of vice-regal powers, conventions, judicial precedents and Parliamentary practice is infinitely more flexible and adaptive than a formal written Constitution. Ours has been an example of "a story of pragmatic evolution" (Prof. Philip Joseph).

It should continue. There is no compelling reason for change.

Experience elsewhere shows that countries with written Constitutions have locked themselves into *rules-based* entrenched legislation –perhaps appropriate at the time, but which prove inflexible for unexpected situations or with unintended consequences. For example, inflexibility can give rise to activist judicial interpretation beyond what an elected sovereign Parliament (or the People) intended – or worse, populist or martial intervention to topple elected representatives *inter alia* to re-write a different Constitution. Moreover, where changes are necessary these may be frustrated by legalistic opportunism or lack of the defined majorities necessary to effect change.

It follows, I submit, it is unnecessary to enshrine the Treaty of Waitangi in any written Constitution. Shortly, it will have served its purpose. In addition, it obviates the question of determining how and where sovereignty will lie and what degree of consanguinity constitutes a continuing 'Maori' qualification for constitutional, electoral and general legal purposes.

### 2. Electoral Matters.

This is a key issue.

New Zealand is unusual in having a unicameral Parliamentary system whereby Abraham Lincoln's *Government of the People, by the People, for the People* can easily be corrupted, as has occurred during our recent history, into becoming an elected dictatorship until that Government is removed at the next election.

The National Identity Vision is impaired.

There are few (if any) checks and balances in NZ's constitutional system as is contained, for example, in a bi-cameral system. Even the exercise by the Governor-General of the theoretical ultimate power to remove an existing Prime Minister or Government could lead to a constitutional crisis with unintended consequences.

### 3. Frequency of Elections

Given the inherent risk and weakness of a unicameral system, there is no incentive for the voting public to forego their existing power to remove an unpopular Government at the end of a three year term. In short, there is no current offer, compelling or otherwise, as a *quid pro quo* to remove that entrenched electoral 'right'.

The counterfactual claim espoused for a four year term is it enables a Government to plan better, achieve more and have greater stability – all self-serving for an elected dictatorship. A refreshed popular mandate, after three years, provides a longer period of governing than achievable by a single four year term.

The alternative is to provide a Second Chamber as is usually contained in countries with a written Constitution. In a country of 4 million this implies an element of greater over-governance than now – but that may be an acceptable trade-off for extending the life of a Parliament to four years in order to achieve adequate checks and balances. That could imply a smaller fully elected sovereign 'Parliament' – for example, of 99 representatives (per the Referendum) with the Second Chamber used for wider referral purposes as, for example, a super-Select Committee. It may also initiate legislation for reference to the Parliament itself. Its representatives could comprise half appointed as party list members with proportionality derived from the concurrent election with the other half merit-appointed from, and elected by, a 'senior' constituency comprising, say, the pool of eminent Knights and Dames (with term limits) who are independent of Government, Ministries, Parties and currently serving members of the Judiciary.

A further option to a three-year electoral cycle might be a four year term with dissolution of half the elected (and list) members every second year – as a check and balance in a unicameral system. The disadvantage is a higher level of electoral activity – but that happens now anyway – and could be coupled with and benefit from holding virtually cost-less concurrent binding public Referenda on pertinent issues.

### 4. Electoral System and Specific Maori Representation

The 1986 Royal Commission into the Electoral System recommended the German-based MMP electoral basis (as opposed to other alternatives, including FPP) which was subsequently approved by a public referendum, and recently re-confirmed. The aim was, inter alia, to improve gender and ethnic representation complemented by the Party List system. It recommended as part of the 'package' the Maori Seats be abolished. Experience has shown wider parliamentary diversity has occurred with Maori achieving high positions on Party lists and elected in their own right in General Electorates.

Once the historical Treaty of Waitangi settlements are achieved that would be a logical occasion to cease maintaining separate seats reserved solely for Maori (which were only originally a temporary measure) as opposed more generally to the opportunity for



Maori (or Polynesian or Asian or Other) political parties to be represented on the General Roll for General Electorates with proportionality governing List appointment to the Parliament (or Upper House).

It is instructive that fewer Maoris are now electing to transfer onto the Maori Roll, as reported yesterday. The issue may be resolvable via successful resolution of the settlement processes.

The result would be the achievement of a more unified and inclusive, not potentially divisive, National Civic Identity through Parliamentary equality of representation.

D. OTHER MATTERS

As an Observer I have been disappointed in the 'Consultation' to date. The so-called national 'debates' appear to have been one-sided giving the (unintended?) presumption the consultation process is pre-ordained or, at worst, a sham.

There have been few instances of general advertising the Consultation was in progress. The due date had to be extended by a month, to tomorrow, reportedly because of the disappointingly low number of submissions (1,500 by end-June?) for such a major public initiative.

There is the opportunity in the next Consultation Stage for the Panel to obtain wider buy-in once, and if, New Zealanders have a clear exposition of what the ultimate Vision is – as opposed to focus on some of the components of a constitutional review process – and what the counterfactuals might be or will prevail if that Vision is partial, incomplete or is incapable of achievement.

Accordingly, I have chosen to express this Submission in terms of identifying a potential National Civic Identity Vision – with some counter-factuals – with the ultimate objective of achieving a better New Zealand constitutional process that is more inclusive for our increasingly diverse multi-cultural communities.....and for the Nation as a whole.

Thank you.

John Milne  
30<sup>th</sup> July, 2013





869

**From:**  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 19/05/2013 11:12 a.m.  
**Subject:** <http://www.ourconstitution.org.nz/> form submission

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

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

Yes, because when you such important information in several documents it is difficult to get that information.

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

Yes, it should be the blueprint of how we live and work together as a multi-cultural country.

Who should have the power to decide whether legislation is consistent with the constitution:  
Parliament or the Courts? Why? It would in practice be both because the courts challenge on a regular basis, how we view the law that governs the country.

I believe the Treaty of Waitangi should be kept as a separate document as is not always relevant to modern NZ. It is a historical document

Sent on the 19 May 2013 at 11:12

2646

**From:** "Kevin"  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 5/07/2013 9:36 a.m.  
**Subject:** CAP Submission

Sir,

I respectfully submit the following in regard to the retention of "Maori seats" in New Zealand parliament.

It is my belief that all New Zealanders should be equal in all respects and have equal opportunity in areas of health, welfare, religious and human rights, freedom of speech and cultural beliefs; to name a few.

I believe these rights include equal opportunity in representation in our Government.

To this end I believe that the retention of dedicated Maori seats in Parliament breaches the right to equal governance because it entrenches an unequal opportunity for Maori seeking to hold a position of power in this country.

Dedicated Maori seats disregards the rights of other races and cultures in New Zealand. I use the Asian community in New Zealand as an example. The Asian community of New Zealand does not have the right to dedicated seats representing their race in New Zealand. They are therefore disadvantaged in that they do not have the opportunity to have a member in Parliament unless voted into that position during our democratic process. Dedicated Maori seats puts people of Maori decent into parliament irrespective of the democratic process.

This same argument applies to every other culture and race in New Zealand, they are not afforded the same rights as Maori in this country.

I do not believe that any country in the world should have people in a governing position simply because of their race.

I believe strongly that the retention of dedicated Maori seats is a breach of the rights of every other citizen of New Zealand.

I respectfully submit that the dedicated Maori seats in New Zealand Government should be abolished and representation of people in Parliament should be based on a democratic vote of all eligible voters in New Zealand. Irrespective of race or culture.



Kevin MILNE

Kaikohe

3519.

**From:** maureen milne :>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 11/07/2013 1:59 p.m.  
**Subject:** CAP Submission  
**Attachments:** CAP submission.odt; Part.002

Please find attached my one page submission on the current Constitutional Review.

M.A. Milne

WELLINGTON

My aspiration for New Zealand is that we be a country where all citizens are equal before the law regardless of their race or origin, where all have access to high quality education and health care, where there is equality of opportunity and where each citizen recognises that he or she has a responsibility and duty to work to create a safe, secure and prosperous nation.

New Zealand Constitution: New Zealand does not need a single codified document and there is no widespread demand for us to have one. Cementing rules into a formal constitution freezes debate at a certain point in time and runs the risk of creating a legal strait jacket which may not have relevance in the future. Parliament should be sovereign not the Courts.

Bill of Rights: The Bill of Rights is adequate as it stands at present. Introducing social values as a right would be a retrograde step and merely lead to increased work for the legal profession.

Electoral Matters: Although the introduction of MMP has been positive in that it has given a wider representation of minority views in parliament the particular version chosen has led to instability as undue emphasis and importance can be given to some of those minorities at the cost of effective government. Perhaps it is time other versions be considered.

NZ has too many MPs, a Parliament of 100 able persons should be large enough to run such a small nation.

In our unicameral system a three year term is long enough as there are no checks or balances upon the executive should they be determined to follow an unpopular course of action.

In the event of 'waka' jumping, elected MPs (who have been chosen by the electorate) should be entitled to serve out their parliamentary term. List MPs however, who owe their seats to a political party, not to the voters, should leave parliament if they refuse to work with the party. Conscience votes on contentious issues are undemocratic and should be replaced by referenda.

Maori Representation: The time has come for us to all see ourselves as New Zealanders, not separate groupings. There is disagreement as to just who can be described as Maori and it is absurd that anyone can do so because of only one distant ancestor. Maori have been successful in standing for and getting elected in general seats, their numbers in Parliament are greater than their proportion of the population and they no longer need special electoral status. The Maori seats should be dropped as was suggested by the Electoral Commission which gave us MMP.

The same applies in local government where good and able people are elected regardless of their ethnicity and there is no need for separate Maori representation.

Treaty of Waitangi: Although many regard the treaty as our founding document there is grave risk in making it part of any constitution. There is disagreement as to which version is the correct one (and next to nothing has been said publicly about the Littlewood version) and the Principles of the Treaty which only date from 1972 are not accepted by everyone. To enshrine the treaty and its "Principles" of partnership, protection and participation would be dangerously racially divisive.

Other Matters: Many people have not heard about the current review and express surprise when told of it. There has been limited advertising of the existence of the CAP and little public encouragement for people to make their views known. The 'debates' that have been held have been platforms for the expression of a particular viewpoint with limited opportunity for those of opposing views to state their case. Indeed in Wellington at one 'debate' on the Treaty at Te Papa opposing views were excluded.

Change to our constitutional arrangements should only be agreed by referendum after full consultation and explanation of the pros and cons of any change. This consultation has not yet occurred.



**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 31/07/2013 10:28 a.m.

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

Full Names: Peter Milne Organisation Name: Email: Phone:  
Postal AddressA: Postal AddressB: Postal City:  
Wellington Postal Region: Postal Post Code: Postal Country: New Zealand  
Submission: Assuming that any constitution adopted is 'supreme law', to be upheld by the judiciary, I submit that adoption of such a constitution:

1. should require overwhelming support from NZ citizens or their elected representatives eg 75%.
2. should be limited to fundamental matters only.
3. should be drafted as a 'timeless' document, that is does not impede the progress of New Zealand in the future. If a constitution covers detailed or contemporary matters, it is likely there will be difficulties later which would be very difficult to rectify.
4. should be precisely drafted so it does not imply rights not originally intended.

I am personally dubious this will happen – witness the background behind the Bill of Rights Act 1990.

My more particular concerns on any constitution are:

1. It must not refer to or adopt 'The Treaty of Waitangi' or make a general reference to the 'Principles of the Treaty of Waitangi'. Any of these matters to be included in a constitution need to be precisely defined. The Treaty as it stands has serious interpretative issues, and I would not feel happy that over time the judiciary may interpret it in the widest possible manner.
2. It must make economic pledges (eh health, welfare, etc) which could put the New Zealand economy at risk during times of recession, war or other difficulties.
3. Human rights need to be fairly balanced. I perceive that the Bil of Rights Act 1990 does not adequately protect the rights of those who wish to go about their day to day activitie and work at their jobs, studies, sport, etc. It has been claimed that protestors have the 'right' to annoy others – surely this cannot be right. In particular people should have the right to commemorate military people who have been in action without the distraction of protest action.

Submitted on the 31 July 2013 at 10:28

2643'

**From:** PETER MILNE  
**To:** "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.gov...  
**Date:** 5/07/2013 8:49 a.m.  
**Subject:** CAP Submission

I submit that all the Maori Seats should be abolished.  
We are all New Zealanders and should be one people whatever our ethnicity background .For what  
reason do we need race based seats in parliamemt in this day and age.  
If you accept the need for race based seats why not have Asian,Pacific Island seats as well.

Peter Milne                      Paraparaumu

2643a

**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:28 p.m.

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

Full Names: Peter Milne Email Address: Phone:  
Postal AddressA: Postal City: Paraparaumu Postal Post Code: Postal  
Country: New Zealand Submission: The Treaty has no relavence in this day and age.It is not NZ  
founding document.

It was signed in 1840 by the British Crown Government & the Maori Chiefs who then became subjects  
of the Queen.Today we are one people and there should be no special rights or priviledges granted  
for some members of the Community. Treaty claims,must be finalised

& ceased so we can move on and build a prosperous and caring New Zealand.

Parliament should make the Laws for all New Zealanders and the Treaty Document should be  
regarded as a Historical document that dosent belong in this day and age.

Most definately The Treaty must not form any part of our Constitution.Treaty based bi-culturalism  
must be discouraged. Maori Seats should be abolished.

We are all of immigrant stock whether our ancestors arrived by Boat Ship or Plane and today we are  
New Zealanders

Submitted on the 17 June 2013 at 16:16



26436  
**From:** <webmaster@ourconstitution.org.nz>  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 7/08/2013 3:28 p.m.

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

Full Names: Peter Milne Email Address: : Phone:  
Postal AddressA: Postal City: Paraparaumu Postal Post Code: Postal  
Country: New Zealand Submission: The Treaty has no relavence in this day and age.It is not NZ  
founding document.

It was signed in 1840 by the British Crown Government & the Maori Chiefs who then became subjects  
of the Queen.Today we are one people and there should be no special rights or priviledges granted  
for some members of the Community. Treaty claims must be finalised

& ceased so we can move on and build a prosperous and caring New Zealand.

Parliament should make the Laws for all New Zealanders and the Treaty Document should be  
regarded as a Historical document that dosent belong in this day and age.

Most definately The Treaty must not form any part of our Constitution.Treaty based bi-culturalism  
must be discouraged. Maori Seats should be abolished.

We are all of immigrant stock whether our ancestors arrived by Boat Ship or Plane and today we are  
New Zealanders

Submitted on the 17 June 2013 at 16:18

4086'

**From:** Richard Milner-White  
**To:** <constitutionalreview@justice.govt.nz>  
**Date:** 29/07/2013 6:16 p.m.  
**Subject:** CAP Submission

Abolish party lists, Replace by "closest losers"  
Please find attached my submission on this topic, for your consideration.

Richard Milner-White

Auckland

Abolish party lists, Replace by "closest losers"

My proposal is that party lists, currently used to balance proportionality, should be abolished. Instead, the balancing seats would be filled by the "closest losers" in the constituency seat ballot.

If, following an election, a party has an entitlement of seats to balance proportionality, their closest loser, i.e. the candidate who is nearest (but failing) to win a constituency, would fill the first vacancy. The second closest loser would fill a second vacancy, and so on. "Closeness" would be decided by the number of constituency votes separating the winner of the constituency from the party candidate in question.

Nobody would be entitled to become an MP who had not stood in a constituency as a candidate.

Casual vacancies would be filled from the next available loser, using the results of the latest election.

For example, if, after counting constituency seat results, party A was entitled to say 7 seats to balance proportionality, these would be the candidates from party A who had come closest to winning a constituency seat.

This system would have major advantages: e.g.

1. People who were unable to present themselves as viable representatives for a constituency would not become members of parliament. Those becoming MPs would have convinced a group of electors of their suitability, and particularly their communication skills.

2. All MPs would be associated with a constituency. This would eliminate the second-class-MP tag from which current list MPs suffer.

29 July 2013

1959

Paul R. Minis

The Secretary

Constitutional Advisory Panel

Ministry of Justice

Tauranga

22.6.13

New Zealand does not need a written constitution, and I strongly oppose any legislation, or reference to the Treaty of Waitangi should one ~~be~~<sup>be</sup> drafted now or in the future.

In a true Democracy there must be one law for all New Zealanders with no regard to race, gender, or religion.

Yours faithfully,

Paul R. Minis