

303

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 9:14 a.m.
Subject: <http://www.ourconstitution.org.nz/form submission>

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

Full Names: Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Taranaki Postal Post Code: Postal Country: New Zealand Submission:
I DO NOT WANT MY NAME PUBLISHED

1. Any written consitution should not include the Treaty of Waitangi because

(a) it was between the British and some Maori tribes - it wa not an agreement that has been agreed to by the citizens of NZ by way of a referendum

(b) The treaty has no place today based on a modern consitution and an equal society

(c) The Treaty is divisive and promotes apathied race based policies, noting that most Maori are more Parkeha than Maori

2. All Maori seats in Parliament should be abolished as this is raced based and it does not matter how it was derived from the treaty of Waitangi its still raced based

3. Remove all race based Government legislation, policies and Maori practices/customs/priviledges/Maori health plans from all Government, Local body or Crown instiutions

4. There should be no specific provision for Maori as Councillors in Local Government Council elections

5. Support one nation one rule

6. Abolish the Treaty of Waitangi

7. Abolish the Office of Race Relations Conciliator - it promotes racism - people need to sort out their

own problems

8. Retain the current flag as the official flag - the Maori Flag should not be used as an official flag

9. Te Reo should be voluntary in Schools

10. Cease all government funding for Maori TV

11. Cease all targeted government and local body funding to Maori organisations or race based funding.

12. Cease to use the Maori traditional welcome as a representation of New Zealand either in NZ or overseas

13. Remove the concept of tangata whenua as it should make no difference when a person became a citizens and do not reference Maori as indigenous to NZ - they migrated

14 Review the Historic Places Act in relation to waahi tapu ro exclude spiritual values

15 Ensure that Maori land is not exempt from any actions under legislation (eg Public Works Act , Crown Minerals Act) that all private land is treated the same

16. Abolish the current legislation for the foreshore and seabed that no one owns to ownership in the Crown and remove all customary rights - its now by settlement customary to all citizens

17. We should be aiming for one nation and removing all barriers that give priviledge based on race - it doesn't matter how priviledge arises whether from the treaty or not its still rac based. If this course of action is not taken expect more racism and division.

Sent on the 14 April 2013 at 09:13

936

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/05/2013 4:06 p.m.
Subject: "CAP submission"

I consider Maori should no longer have special privileges for voting in Parliament or local government.
I think Parliament should endeavour to reduce seats in Parliament, especially list seats.
I think no member of Parliament should leave their parties unless sacked by their leader.
I consider term of Parliament should never be longer than four years and less than three.
United Kingdom and Israel seem to manage quite well without a written Constitution. I am not convinced we need to have ours written down.
I believe The Treaty of Waitangi was agreed in good faith between Maori and The British Government and should be observed. Endeavours should be made to agree on a proper version of The Treaty.
I think Treaty settlements have gone on too long and should be finished.
I believe all Citizens of New Zealand should have equal rights.
I think the Government should take much more care in selection of emigrants.
In good faith.

I ask that my name be withheld from publication.

936a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 28/05/2013 4:09 p.m.
Subject: "CAP submission"

I consider Maori should no longer have special privileges for voting in Parliament or local government.
I think Parliament should endeavour to reduce seats in Parliament, especially list seats.
I think no member of Parliament should leave their parties unless sacked by their leader.
I consider term of Parliament should never be longer than four years and less than three.
United Kingdom and Israel seem to manage quite well without a written Constitution. I am not convinced we need to have ours written down.
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In good faith.

I ask that my name be withheld from publication.

977

Nelson

11/5/13 *

Prof John Burrows
Constitutional Advisory Panel

ATTN: PERSONAL

Dear John

I remember you from my days at Canterbury University in the 1960s – the days of the Omega protest marches and contraceptive vending machine furores. Those issues appeared complex at the time --you may recall that even Keith Holyoake got involved. But what you have in front of you now is huge compared to what he and VC Neville Phillips had to deal with.

I called in briefly to the recent Nelson Forum upon the constitutional issues and heard your summation at the end when you referred to the fact that this is "really hard stuff." True.

Complexity often breeds more complexity and therein lies the danger. My concern is that all your good and laudable work will be relegated to the "too hard basket" by the politicians.

Can I suggest **three simple steps** to help you and your Panel to avoid this fate? :

- 1) Make a short list of the **particular values** that **we as New Zealanders** need to protect.
- 2) **Which ones need to be protected constitutionally?**
- 3) **How** can this be done so that the average New Zealander finds the outcomes **easy to follow** - and straight-forward to implement?

To sum up -- your mantra must be to **KISS** -- keep it simple.

Best wishes and Good Luck

..... (*)
P.S. Of course I am quite happy for you to
share this note with your Panel.

7 May 2013

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

Dear Sir / Madam

Thank you for the opportunity to make submissions through the Constitutional Advisory Panel. I appreciate the democratic freedoms and privileges that I have and feel that I am fortunate to be able to make a submission.

As a preliminary point I note that the panel of 13 persons seems to be weighted heavily in favour of Maori which in itself, in my view, is unfortunate, and if the panel was to be chosen on an impartial basis, I believe it should have been done where possible along population lines.

For example, apart from Peter Chin, who I think is a fourth generation New Zealand Chinese, there appear to be no Asian representatives on the panel. Having said that however, I will move on to the submissions proper.

A New Zealand Constitution

If we did adopt a constitution, I believe that it should not be set in concrete, but should be a flexible document which is able to reflect change within the community. Clearly the Magna Carta would not be an appropriate document to regulate a modern society. I am also cognisant of the difficulty America has with its entrenched provisions about the ability to bear arms. Accordingly, whilst supportive of a constitution I do not believe it should be entrenched.

Bill of Rights

As a lawyer, I deal with the Bill of Rights on a regular basis and feel that the Bill of Rights has gone a long way to protect people's rights in the criminal sphere. The police and justice system has improved through it and there is a great deal of transparency which was not present prior to the passing of the Bill of Rights. I have significant confidence in the Courts and would always be confident that the Court should have the power to decide whether legislation is consistent with the Bill of Rights Act.

Treaty of Waitangi

I do not believe that the Treaty of Waitangi should be made a formal part of the constitution and feel that it is totally over emphasised in today's society where the indigenous people form only 14% of the whole country's population.

Maori Representation

I am strongly opposed to specific seats being set aside for Maori in Parliament. My strongly held view is that Maori, like any other group of individuals have strong and intelligent members within their population and are easily able to foot it with any other group. I see no reason why they should not be elected to Parliament simply on merit rather than race. I personally opposed the Springbok tour, both in New Zealand, Australia and in South Africa in the early 70's and now feel like many others do, that our country has become somewhat race based.

I welcome with open arms a multi-cultural society. Multi-culturalism has enriched New Zealand significantly and will continue to do so, but providing particular benefits or advantages to one group over others is likely to cause bitterness and acrimony.

Electoral Matters

I am happy with the number of Members of Parliament we have and see no need for any enlargement on those numbers, but feel that the term of Parliament could be increased by one year to enable the government with a mandate to implement policy, especially if that policy was campaigned on at the time of the election.

If a member of parliament parts ways with a party, I do not believe that person should remain in Parliament.

Summary

In summary, having attended the Advisory Panel's meeting in Nelson, I was disappointed that the turnout was not greater considering the importance of this matter. I was raised in the Pacific Islands as a child, educated at Otago University and now practise law in Nelson. I have a multi-cultural family myself as a result of my children marrying into other cultures, and it is a wonderfully enriching experience. I am however opposed to any special advantages given to indigenous Maori.

The Labour Party's endeavours to close the gaps, in my view, has simply opened the gaps wider and caused bitterness within our community. Those gaps can be closed again by at least providing equal opportunity to all of us who are fortunate enough to live in this country.

1290

Dear Sir,

26-5-13

I enclose my submission
on our Constitution.

I ask that my name
be withheld from publication.

Sincerely,

Submission to the Constitutional Advisory Panel

1. A Written Constitution

At present, our constitution is contained in the Treaty of Waitangi, Magna Carta (1215), the Bill of Rights and a wealth of Statutory and Customary Law.

We have two main bodies who can introduce or reflect change – Parliament and the Courts.

I believe a written constitution would hinder our nation's future development, as we can see with those countries which have the inflexibility of a written constitution. The United States is a good example. Had their constitution not been hung about with so many checks and balances, Harry Truman might have been able, in 1945, to lay the foundation of a workable health and social security system. Instead, President Obama's health reforms today, may still be over-turned. France, also, has struggled under the inflexibility of the Code Napoleon, and their parliamentary organisation.

The Treaty of Waitangi is a simple document, setting the foundation for the colonial government, going forward. We must remember that Captain Hobson would have started his career as a midshipman in the Royal Navy, aged about twelve. Britain was expanding its overseas territories at the time, along with others, France in particular.

The British government issued him with the standard treaty format with the important difference that Maori and the English or other settlers were to be in equal partnership in the country.

Under the Treaty, sovereignty was ceded to Queen Victoria, in return for protection from enemies. Enemies were a real threat in those days, as evidenced by Te Rauparaha as late as Governor Grey's term of office.

The terms of the Treaty mean that Maori cannot legally make proprietary claims to water, lake beds etc, but customary rights may be proven if sufficiently long standing.

Magna Carta –

This document is of little direct influence on our constitution, beyond establishing that no individual or group is above the law. King John was a particularly rapacious and irresponsible monarch, oppressing all classes of his kingdom. The barons' document consisted of a long list of prohibitions for the king, beginning – "It is illegal to....." many referring to tax and levying soldiers.

Bill of Rights:

Our Bill of Rights is important for us as a protection for individuals and minorities.

These documents form a solid foundation for our political and civil beliefs, namely, that all citizens are equal, and no one group has more rights than another.

In 1945 our population was 1.5 million people. In 2013 we have over 4 million. Where have all these people come from? In addition to a natural increase in births, and people living longer, immigration has made a massive difference. Immigration is still of prime importance. I would submit, and will be in the foreseeable future bringing skills, capital for development and a haven for refugees.

It is important to remember that we are all descended from immigrants, unless what we were taught at school about the Takitimu and other Maori canoes' arrival is a myth, which I don't believe.

The important principle at the heart of our constitution, which should not be lost sight of, is that all citizens are equal before the law in this country, and that all have equal opportunity, should they choose to take it, to improve their education and vocational skills. Race and religion etc, should be irrelevant.

2. Maori Representation

I would submit that Maori views are already well represented in parliament, through the Maori Electorate seats. As long as sufficient numbers of Maori choose to enrol and vote in Maori electorates, there can be no reason for change in the short term. Ideally, there would be sufficient Maori elected to ordinary electorate seats, and as list members, not to feel the need for separate representation, but we are not at that stage yet.

At local body level, it is to be hoped that more Maori will offer themselves for election to Councils and boards, along with Chinese, Pacific Islanders, other Asians etc. We still tend to have our local bodies dominated by white middle-aged males, but that, one would suggest, is the result of custom rather than anything else.

3. Electoral Matters

The only comment I would wish to make in this regard, is to hope that if a Member of Parliament parts ways with their party, they should be required to resign, especially a list M.P. We do not have a history of Independent M.P's being able to make any contribution to parliamentary business or debate. They tend to be perceived by the public as there merely to collect their pay.

In conclusion, I would submit that it would be a retrograde step for New Zealand to have a written constitution, as we have adequate protection for groups and individuals under our unwritten constitution. It is important to preserve room for change, moving forward, to reflect the inevitable social, economic and political changes which are bound to occur in the future.

I am making this submission because I am trained in Law and in history, both our own, and other countries'. I was a member of the workforce for over 30 years, as well as bringing up four children, who are now in the work force in my stead.

We have something special in this country, and it would be very wrong to spoil it.

Timaru

NELSON

20/05/2013

SUBMISSION

I ask that any constitutional document, either singular or through a set of constitutional principles that may emerge from the Constitutional Review of 2013.

- Have in any Preamble and elsewhere, New Zealand be declared a secular, sovereign, representative democracy with citizens' participation by way of plebiscites and direct community consultations.
- New Zealand has no death penalty be included in any document appended to any constitution
- New Zealand has no conscription to war and its people bear no arms, besides as in peace-missions
- The South Pacific Nuclear Free Zone Treaty signed in Suva, Fiji in 1985 and the New Zealand Nuclear Free Zone Disarmament and Arms Control Act of 1987 be stated in Territories or appended to any constitution, with the inclusion (as have the Palauan Islanders done) of clauses against use, testing, storage or disposal of nuclear, toxic chemicals, gas or biological weapons intended for use in warfare, plus transit of the same through our Territories.
- New Zealand follow the example of the Philippines Constitution in stating it "renounces war as an instrument of national policy" and there also be carried a clause requiring not less than three fourths of votes cast in a referendum against docking, military bases and engagement in war, except as ratified by a majority of votes by the people in a plebiscite held for that purpose.
- New Zealand is not to become the 4th country in the world, accepting a RACIST constitution, but joined the multitude of countries avoiding any racist statement in the constitution i.e. no special mentioning of Maori rights etc. (NZ in 50 years will be a very mixed culture with lots of Asian influence)
- Referendums/plebiscites should be binding for the Government

NELSON

- There should be no right of any race to claim "grievance money" (contradiction in itself / Natural Wrong Conclusion) for historical decisions (Everybody in Europe would not stop laughing if a person claims land/property etc. of historical decisions of 150 years ago)
- The Law, not part of the constitution, but a paper in its own right, should not lean on the English Law, but there should be a punishment for a special crime and offence which is not dependent of the judge but the same for the criminals.

Please, take this submission forward to your Secretariat by 01/07/2013.
My name cannot be used in publications.

Signature: dr

1735

From:
To: "CAP" <constitutionalreview@justice.govt.nz>
Date: 29/06/2013 10:53 p.m.
Subject: CAP submission

PO Box

Palmerston North

29-06-2013.

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

Dear Constitutional Review Panel,

Please withhold my name from publication.

I would appreciate the opportunity of speaking on this submission. Would you please advise if this is possible?

Constitution of New Zealand Submission.

1. What are my aspirations.

We do not need a new Constitution.

I am not in favour of becoming a republic.

I do not believe our Treaty should be part of any new Constitution. It only brought our people together as one, "He iwi tahi tatou/We are now one people".

The incident which founded New Zealand as an independent state was Her Majesties Charter of 16th November 1840 which saw our country split from Australian control into a united, independent nation.

Hon. Christopher Finlayson, Minister in Charge of Treaty of Waitangi Negotiations and Attorney General, exclaimed in his opening speech at the Otaki Foreshore and Seabed meeting, 17-04-10, quote. "At the signing of the Treaty of Waitangi, New Zealand became subject to English law and the Magna Carta!"

2. New Zealand's Constitution.

I agree with Prime Minister John Key in what he stated at Question Time on the UN Declaration on the Rights of Indigenous Peoples—[Volume: 662; Page: 10238], "We have a strong legal basis and constitutional framework".

I do not want a change of constitution.

At meetings I have attended and in the submission booklet I have it is said New Zealand's constitution is not held within a single document.

Anyone who would believe this has never heard of a computer, enough said.

I do not believe our present constitution should be enshrined in supreme law, it has done us well in its present form over the last 161 years when we adopted the 1852 constitution, now with amendments.

No change should be made without first being clearly outlined to the people and decided by binding referendum.

The party who decides on constitutional issues ought to be Parliament. Courts should always be secondary to this, judges are not elected by the people.

3. The Bill of Rights

Does the Bill of Rights Act protect our rights enough?

The answer is definitely not.

Our country has fallen into an apartheid state by the overturning of our Maori Treaty and placing part-Maoris in a superior position to others and stripping others of their Treaty rights. To give but one example, the introduction of Restructuring of the Workforce Act saw White (in particular but not always), long term employees suddenly ejected from their place of employment and replaced with politically correct employees.

Parliament and its elected members should always be above the courts, our people have no say in the selection of judges.

What additional right? The right to the "same" law for everyone, 3rd Law (ture) and English law.

4. Treaty of Waitangi

This should not be part of our constitution and I will clarify why.

I notice in the preamble of your booklet on this subject our Treaty is associated only with the Crown and Maori. You cannot authenticate this.

More than only Gvnr. Hobson and Maoris signed our Treaty, it was signed twice by U.S. Consulate, J.R. Clendon (once for his Maori friend and again on his own behalf), and a number of Europeans.

Not who signed but what a document says defines the intent of a document.

Hobson signed as the Queen's representative of all her subjects and "all the people of New Zealand" (2nd Law/ture) under English law. To believe otherwise it would follow that the chiefs signed on their own behalf, tribal members and chiefs who did not sign excluded. The foregoing authenticated by non-signing chiefs gaining Treaty claims and all tribal members profiting.

Noticing at all the NZCP Lawyers Debates in Wellington that "rangatiratanga" was strongly voiced as pertaining to Maoris only in the 2nd Law (ture) and as meaning Maori sovereignty, this opinion is untrue. Rangatiratanga (proven to be translated from the word possession) was promised to "all the people of New Zealand" as opposed to "all the Maori people of New Zealand" in the 3rd Law/ture.

Without the original final English draft, the USA certified copies could stand in law to establish what our Treaty was translated from and could be used to clarify Hobson's intent of one law, one people. These USA certified copies were thoroughly examined, compared against Hobson's final English draft in front of witnesses and checked against an independent back translation of the Maori text obtained by US Captain Gordon Brown before despatch.

It is known that after each individual chief signed Hobson shook his hand and said "He iwi tahi tatou", (we are now one people) and the crowd gave three hearty cheers, a copy of which was on display in all government buildings prior to the Treaty of Waitangi Act 1975, an Act established solely on the false English Treaty.

Below are documents proven by hard documented evidence, authenticated by Governments (plural) failure to provide documented evidence to the contrary and available in NZ Archives.

Key: Black - Tiriti o Waitangi, 6 February 1840.

Green - Hobson's final English Draft (Littlewood Treaty document) 4th February, 1840, which our Tiriti was translated from

Blue - Certified copy of Final English draft by US Consulate, J.R. Clendon

Maroon - Certified copy of final English draft by US Commodore Charles Wilks.

Orange - Translation by Mr T E Young, of the Native Department, 1869, of the Maori text for the Legislative Council without sighting Hobson's final English draft.

All of the above are held in Archives New Zealand, the certified copies further authenticating the original draft as all are identical.

2nd Law (ture) of te Tiriti o Waitangi.

Ko te Kuini	o	Ingarani	ka wakarite ka
The Queen	of	England	confirms and
The Queen	of	England	confirms and
The Queen	of	England	confirms and
The Queen	of	England	arranges and

Wakaae ki nga Rangatira ki hapu-ki tangata katoa o Nu
guarantees to the chiefs and the tribes and to all the people of New

guarantees to the chiefs and the tribes and to all the people of New
guarantees to the chiefs and the tribes and to all the people of New
agrees to give to the Chiefs, the Hapus, and to all the people of New

Tirani te tino rangatiratanga o o ratou wenua o ratou kainga
Zealand, the possession of their lands, dwellings
Zealand, the possession of their lands, dwellings
Zealand, the possession of their lands, dwellings
Zealand, the full chieftainship of their land, their settlements

me o ratou taonga katou.

and all their property.

and all their property.

and all their property.

and all their property.

It can be clearly seen above "all the people of New Zealand" are guaranteed the "possession (rangatiratanga)" of their "property (taonga)" as compared to the 3rd Law (ture) below which clearly and separately defines "tangata Maori" as a separate entity.

The only Maori dictionary available in 1840 describes Taonga as "Procured by the spear (tao)".

3rd Law (ture) of te Tiriti o Waitangi.

Please note "cession of sovereignty" is written a second time in the English final draft and certified USA copies. One can not have sovereignty after surrendering the right to govern.

Key: Black - Tiriti o Waitangi, 6 February 1840.

Green - Hobson's final English Draft (Littlewood Treaty document) 4th February, 1840, which our Tiriti was translated from

Blue - Certified copy of Final English draft by US Consulate, J.R. Clendon

Maroon - Certified copy of final English draft by US Commodore Charles Wilks.

Orange - Back translation by Mr T E Young, of the Native Department, 1869, of the Maori text for the Legislative Council.

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te
 In return for the cession of their
 In return for the cession of their.
 In return for the cession of their
 This is an arrangement for the consent to the

Kawanatanga o te Kuini-Ka. taikina e te Kuini o Ingarani nga
 sovereignty to the Queen
 sovereignty to the Queen
 sovereignty to the Queen
 Government of the Queen. The Queen of England will protect all

tangata maori katou o Nu Tirini ka tukua ki a ratou nga tikanga
 the people of New Zealand shall be protected by the Queen of
 the people of New Zealand shall be protected by the Queen of
 the people of New Zealand shall be protected by the Queen of
 Maoris of New Zealand. all the rights

katou rite tahi ki ana mea ki nga tangata o Ingarani
 England and the rights and privileges of British subjects will be granted to them.
 England and the rights and privileges of British subjects will be granted to them.
 England and the rights and privileges of British subjects will be granted to them.
 will be given to them the same as her doings to the people of England.

Emphasis added.

The above proves the back translations by Hugh Kawaru (later knighted for his services to Maori), the Maori Council and Prof. Margaret Mutu are opinions only that would be unable to be held up against the final English draft or USA certified copies. All governments efforts to produce documented evidence disproving Martin Doutre's documented paper trail re. Hobson's final English draft and USA certified copies have failed.

Our Maori Treaty (06-02-1840) was changed from "all the people of New Zealand", which appears in the final English draft (04-02-1840) and certified copies, to "all the Maori people of New Zealand". This is important as it proves Hobson's final English draft and certified copies are not a back translation of the Maori text, as falsely claimed in spite of all three being dated 4th of Feb. 1840.

The 3rd law also gives confirmation the chiefs ceded sovereignty/governance, a second time within our Treaty, in order to receive the "same/rite" rights (not equal) and privileges as the people of England. Sovereignty is impossible without governance.

Queen Victoria did not have the power to contravene the Magna Carta in order to give shared sovereignty with Maoris. No country in the world has 2 sovereigns.

If it was shared power the Queen would have had no right to interfere in the Maori Musket War and feared French invasion, two of the reasons 13 chiefs quoted in their letter to Britain's King William in 1831 when they chose and asked Britain to look after them. A fact which they were unable to cope with on their own as opposed to quelling the small number of claimed, lawless settlers when Maoris were at their strongest.

All chiefs who spoke during the lead up to the signing of our Treaty confirmed the Queen would be the singular, senior authority (up up up) if they signed and this was given as the reason whether they signed or did not sign.

20 years later at the 1860 Kohimarama Conference, attended by 200, the main subject matter was that the Queen's sovereign authority prevail to halt the Maori King Sovereignty movement.

This movement restarted the Maori custom of war in Taranaki, murdering men, women and children, confiscation of the whole province except New Plymouth, stealing of livestock and destruction of farm buildings starting from 1854, 7 years before Government troops came to their rescue, and the murder of settlers, confiscation of their lands, destruction of buildings in the Waikato and north as close as 40 miles of Auckland when the Kingites advanced over the Maungatawhiri stream in 1860, 3 years before Government troops crossed this same stream.

Judge's decision on Maori sovereignty.

"NZ City, 28 Jun 2013 11:52

News/Law and Order

Murderer appeals for Maori justice system.

A man who killed his ex-fiancee's mother while also trying to kill her, is appealing his case saying he should have been tried under a Maori justice system

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26 June 2013

A man convicted of murdering a Tauranga mother and trying to kill her daughter has launched an appeal, claiming he should have been dealt with under a Maori justice system.

Tamati Mason, 42, was sentenced to life in prison after pleading guilty to killing 52-year-old Sandra Rachel Brown and her daughter, and Mason's former fiancee, Kate.

Mrs Brown, who was trying to protect Kate, died from multiple stab wounds which punctured major organs in February 2011.

Her 27-year-old daughter was also stabbed and spent several days in intensive care.

During his court appearances, Mason, of Ngati Ranginui iwi, challenged the New Zealand High Court's power to convict him because Maori had never given sovereignty to the Crown.

His lawyer Annette Sykes says his appeal is not about quashing his conviction or reducing his sentence but about his right to be tried under the Maori criminal justice system.

His arguments were not accepted by the court and he pleaded guilty and was sentenced."

The above copied from "NZ City" news report.

Project Waitangi.

The Maori Council with the help of Project Waitangi displayed and distributed a 4th Article to our Treaty which claimed "Maori custom was promised to Pompallier" and this idea travelled around our country in the "Treaty 2 U" travelling road show.

Documented evidence proves Catholic Priest, Pompallier, was promised "freedom of religion", no more no less and no change was made to our Treaty.

This travelling show had on display a poster of an English Treaty bearing a falsified signature of Hobson's, this is an illegal act.

If a promise to continue Maori custom were true Maori could eat people in public and recourse to the Maori Musket Wars with impunity from the Courts, the reason given by the chiefs (teasing of other tribes) when they chose and wrote to Britain's King William to look after them and be their guardian in 1831.

English Treaty.

The alleged English Treaty was signed in the Waikato during April of 1840 yet bears the place/date of signing of our Maori Treaty, 06-02-1840, to comply with Hobson's directive, "The Treaty which forms the base of all my proceedings was signed at Waitangi on the 6th February 1840, by 52 chiefs, 26 of whom were of the Federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the Treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document." Only our Maori Treaty was signed in/on this place/date

The signatures on this document pertain to our Maori Treaty, therefore, in itself, is an unsigned document proving to be a false Treaty as well as being unauthorised by Hobson.

Historian, Ruth Ross, pointed out distinctly in 1972 when looking at all the "Formal Royal Style" composite texts created by James Stuart Freeman, including the one now flaunted as an "official English Treaty". She wrote:

"A comparison of all five English versions with the Maori text makes it clear that the Maori text was not a translation of any one of these English versions, nor was any of the English versions a translation of the Maori text."

Dependent on this false English treaty for survival is the Treaty of Waitangi Act's 1975 & 1985, the Waitangi tribunal and the Principles of the Treaty.

Recognition of what the English Treaty truly is, false, all of the above plus everything they stand for would disintegrate to dust.

Maori Declaration of Independence.

This was the idea of James Busby, British Resident, and it was he who travelled around the country for 4 years (1835 – 1839) and all he could collect was 52 signatures. During all 4 years no meetings were held, chiefs never met nor laws made, only signatures collected by Busby. Never ratified it could only be classed as a nonentity, the signatories reverting to war with one another before the first year passed.

The majority of signatories to this declaration signed our Treaty of Waitangi, relegating it to history.

5. Maori Representation

Maoris should not have exclusive Parliamentary, Local Body seats or privilege in governance, our Treaty was surpassed and relegated to history by Her Majesties Charter of 16th November 1840. It was this which split our country from Australian control to be an independent nation and it is truly this Charter which is our founding document, not our Treaty which only brought "all the people of New Zealand" under English law.

The foregoing could not be done unless it was executed legally. It had to be, to result in the international recognition it was given. Fact!

Our Treaty was surpassed yet again and also Her Majesties 1840 Charter by the Statute of Westminster 1947. No racial privilege is mentioned in either of those three documents according to the evidence I have supplied, all documented. This also had to be done legally for it to gain international recognition, which it did. Fact!

Queen Victoria was bound by the Magna Carta and was powerless to allow special racial privilege which would be unavailable to her own people or others.

As can be seen by the above Treaty examples, Maoris were given the "same/rite" rights as the people of England, no more no less.

No country in the world recognises two sovereigns.

MMP also proves no need.

Having made enquiries, Government does not have documented evidence to prove Maoris are indigenous.

Neither does Government have any evidence that a pure blood Maori lives presently; done willingly proves the compatibility of the races towards each other during past times within a united nation.

6. Electoral Matters

The 120 seats should not be reduced.

The 3 year term should stand, it equates to voter control.

The method of deciding the election date should not be changed.

The size and number of electorates should be decided for the general roll only and by the same method used presently.

If an elected Member departs or is ejected from his chosen Party he ought to have the right to represent his electorate until the end of his term.

If a list Member departs or is ejected from his chosen electorate his right to continue as an MP should be forfeited.

7. Other Issues

This is quite important.

Aotearoa does not appear in our Treaty as the word hadn't been thought of at that time. It first appeared in an 1896 romantic novel set in New Zealand by an English author, it is, therefore, an English word. To name our country such should be only be done by binding referendum.

Please note there is no mention of the division of our people or two sovereigns in our Tiriti, the Charter of 1840 or the Statute of Westminster 1947, this could not be done without breaching the Magna Carta.

No country in the world has two sovereigns.

Yours truly,

A handwritten signature consisting of a vertical line and a cross-like mark.

2084 "

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/07/2013 10:55 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission
Attachments: RIS-2013 ConstitutionConversation.doc

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

Full Names:	Organisation Name:	Email:
Phone: &	Postal AddressA:	Postal AddressB:
: Postal City: Auckland	Postal Region: Auckland	Postal Post Code:
Country: New Zealand	Submission: Submission Upload:	RIS-2013 Constitution
Conversation.doc		

Sent on the 1 July 2013 at 22:54

1 July 2013

SUBJECT: The Constitution Conversation

Disclaimer: Information contained here in is intended and expressly provided only for the purpose of The Constitution Conversation. They are personal commentary as at the time of submission and may evolve and change over time.

With the exception of those activities covered by the indicated ACT (via FAQ) this information is not for public consumption in association with any personal identifying information.

Topic: Share your aspirations

What are your aspirations for Aotearoa New Zealand?

Live in a country represented by the people for the people as a collective of citizens and permanent residents (New Zealanders) rather than any single or groups of ethnicity.

Recognising but not being ruled by our ethnic heritage. The heritage should be inclusive of being a long establish colony that is really native New Zealanders now.

A participant of the world stage with a sustainable economic and financial future. A balance but not overriding (detrimental) preservation of ecology and individualism.

A country where innovation is encouraged, fostered, and sustainable, across all industries particularly: technology, farming, agriculture research, i.e. our current cores.

Preservation of an affordable (but not subsidised) manufacturing base such that NZ maintains a degree of world independence and in house skills which foster opportunity and options for up coming generations.

Preservation of individual freedoms and choices without overt local, central government or judicial monitoring/interference or costs. e.g. Bill of rights and such things as affordable water supply and local rates.

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

Sustainable, within our means.

Represented and bound by the majority, i.e. referendums that are listened to and actioned within sensible reason to the letter of intention not political re-adjustment.

Topic: New Zealand's Constitution

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

Unsure. Suggest no.

Why?

Apart from the reinterpretations of time of the current legislations the existing systems seems to be working.

In the current political environment I would have great concern that a successful majority agreed document (constitution) would be arrived at. There is risk that the original intentions will be too lost in current interpretations.

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

No, there should be a balance.

Why?

Don't directly understand the significance of Supreme laws, but a mechanism is needed to qualify any constitution over time as the world's and communities acceptable principles evolve. These shouldn't blatantly replace the principles of the constitution though but instead cause a review.

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

Parliament but by significant agreement (e.g. 3/4) only. Consensus being the binding force.

Why?

Courts don't have sufficient transparency and don't necessarily represent the people. They should however have an avenue to raise and make binding recommendations to initiate parliamentary review. This is because courts can better interpret the literal intention of the documents, parliament is subjective interpretation.

Topic: Bill of Rights Act

Does the Bill of Rights Act protect your rights enough?

Yes

Why?

Core to an equal rights country and relative freedom as an individual.

What other things could be done to protect rights?

Right to basic essentials and cap on government (local/central) financial burdens.

Right to relative privacy.

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

Yes. Exceptions should be allowed but explicitly highlighted.

Why?

Countries have a tendency to bend the rules for local expediency and political movements rather than taking alternative compatible approaches.

This comes back to the aspirations for New Zealand. The ability to live in a reality free and flexible country. The Bill of Rights sets the basis for much of that.

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

Courts.

Why?

Courts can be trusted with literal interpretation and application of laws. Parliament will typically adjust the rules based upon the current political flavour.

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

No comment.

Why?

Topic: Treaty of Waitangi

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

Preserved as a historical contract with the principles of participation and consultation carried forward. But preserving or providing for the concept of a single (not split) national (e.g. crown or other) body representing and holding New Zealand for New Zealanders.

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

No.

Why?

The country needs to recognise the Treaty but as a nation (of all people) we need to move on with a common forward looking goal. The regrettable perception is that the treaty's interpretations seem to be constantly changing, i.e. Treaty principles.

Reference to the principles with caps may be acceptable.

Topic: Maori Representation

How should Maori views be represented in Parliament?

Through political party processes. Current system seems to work well and is proportional based.

How could Maori electoral participation be improved?

No comments.

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

Through non compulsory but practical consultation in keeping with shared resources for all. A key aspect is consistent and single Maori views from the regions concerned. The local government act seems to encourage this.

Topic: Electoral Matters

How many members of Parliament should we have?

A proportional amount to the population size and breadth of the country, with a driving factor being an affordable size. The current 120 members seems adequate.

Why?

How long should the term of Parliament be?

Four years, with options to the people or parliament to call an earlier 3 year term end.

Why?

The current 3 year term doesn't appear to let parties implement policies to a success level. And consecutive terms place the country at too much risk when policies run against public opinion and economic goals.

How should the election date be decided?

Current system of Prime Minister with a default date, e.g. second Friday of October or the like.

Why?

It's a simple date, no complex debate is needed just an executive decision and work with it. But a clear cut off date is needed to enforce a decision.

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

Current system, with conservation of rural views/perspective.

Why?

New Zealand's population is increasing moving to the cities. Population based electorates will progressive bias city politics potentially to the detriment of core New Zealand economics and sustainability of rural regions. Proportional population remains the key criteria.

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

Members voted in by the electorate should remain as independents.

Members arriving at parliament by the party list should be replaced with a party nominated (next in queue) member.

Why?

The current electoral system gives use the ability to vote for the party of interest and the local electoral candidate. In this system I'm of the opinion that the electoral candidate is voted on their merits and their representative view in addition to just their party association. They should continue to represent the electorate where a division arises over the party approach.

List members however are elected based upon party association. Breaking from that breaks them from the nominated representation the electors empowered them with.

2143

From:
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 10:01 a.m.
Subject: CAP Submission

Dear Sirs

In relation to the Maori Seats in Parliament, the opportunity presented by the constitutional review should be taken to abolish those seats henceforth. There is no place in New Zealand society today to have seats in Parliament based on race when we have scores of different nationalities represented in our population. We are all New Zealanders and should elect parliamentarians on an equal basis.

Yours faithfully

Katikati

Rec 18-7-13

3032"

THE

FEB-JUL
2013

CONSTITUTION CONVERSATION

He kaupapa nui
te kaupapa ture

This information is to help you think
about what **you** want to say about
New Zealand's future



Anonymous

How do you think New Zealand
should be run in the future?

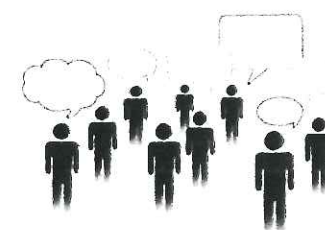
What is a constitution?



A constitution is a set of rules.



This information is about looking at the constitution or rules of New Zealand.



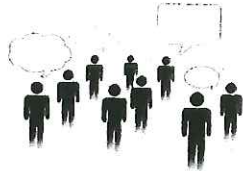
It is important that everybody gets to have their say about how they think we should live and work together in New Zealand.



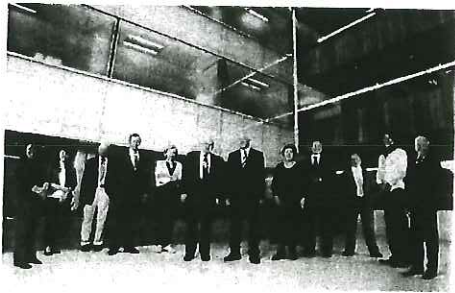
This is your chance to say what you think.



This information will tell you what we need to hear about.



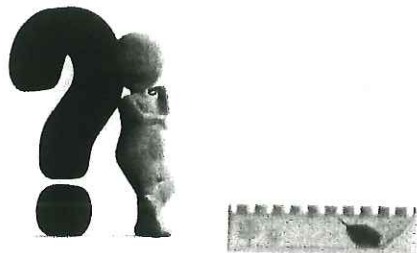
Tell us what you think.



The Advisory Panel wants to hear what you think.

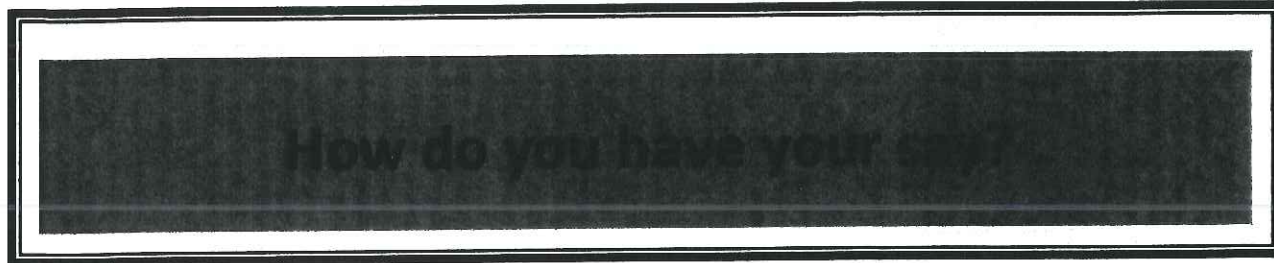


The Deputy Prime Minister and the Minister of Māori Affairs chose the people on the Advisory Panel.



For more information you can go online to: www.cap.govt.nz

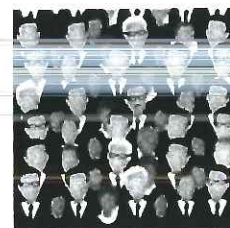
You have **until 1st July 2013** to **have your say.**



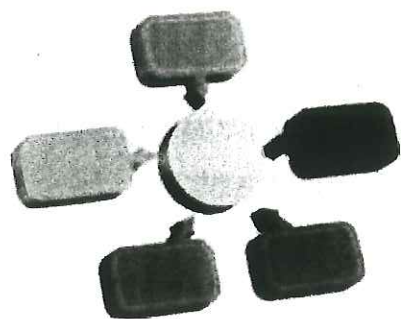
The Advisory Panel will listen to all New Zealanders who speak up about the set of rules for New Zealand



The Advisory Panel will give a report to the Ministers by the end of 2013.



All New Zealanders can have their say.



There are **5 topics** for people to have a say about:

1. New Zealand's Constitution (rules)
2. The Bill of Rights (human rights for New Zealanders)
3. Treaty of Waitangi
4. Māori speaking for Māori
5. The rules about elections and members of Parliament



Each topic will have:

- information
- questions



This book is to help you know what we need to hear about.



You can write an answer about other topics if you want to.



If lots of other people also write about the same topic the Advisory Panel might add it into their report.

For more information.....



➤ go online to
www.ourconstitution.org.nz



➤ phone 0508 411 411



- Facebook
www.facebook.com/TheConstitutionConversation

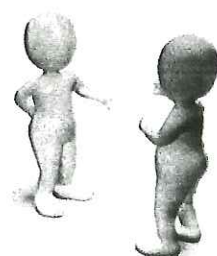


- download extra information from the website

- see what other people are saying on the website

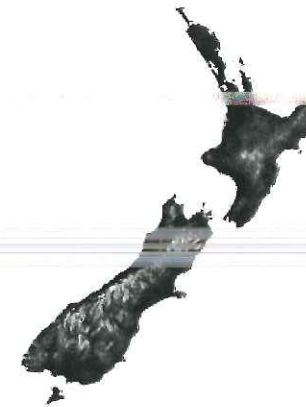
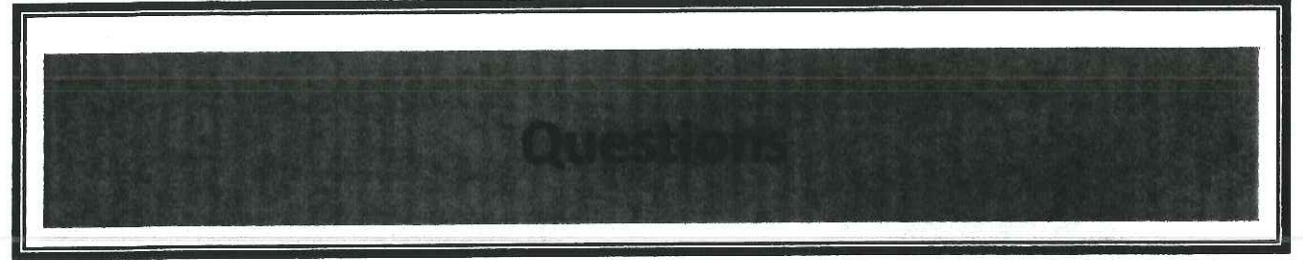


- order an information pack or meeting toolkit call 0508 411 411.



Talk to your family, whanau and friends to see what they think.





What are your dreams for New Zealand?

- Te Tiriti is in place.
- Te Ao Māori more respected, taught & encouraged in Aotearoa.
- Stats where Māori are over represented drastically reduced.
- Māori men being leaders in all levels of society.
- NZ keeping ALL ASSETS



How do you want New Zealand to be run in the future?

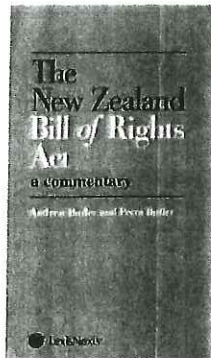
- More diversity, disability and youth involvement in parliament.
- Te Tiriti and Tōrangata Whenua in an equal partnership.



New Zealand has a constitution/set of rules.



It is made up of lots of different documents.

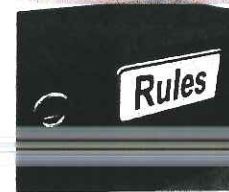


Some of the documents are:

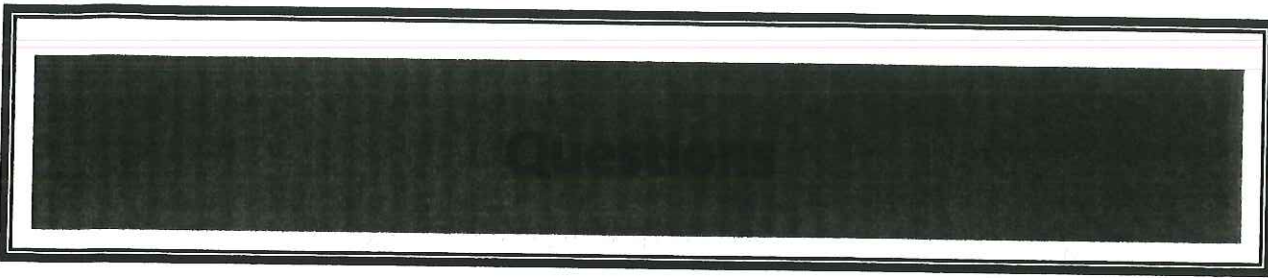
- the New Zealand Bill of Rights Act 1990
- the Constitution Act 1986
- the Treaty of Waitangi.



The New Zealand constitution:



- says who has the powers to run New Zealand
- has rules about how the powers can be used
- protects the rights of New Zealanders.



1. Do you think New Zealand's constitution should be written up into one single document?

Over arching Document, with a
'Strong treaty flavor'

also including all our international
instruments.



2. Why do you think this?

Because there are not being
inacted by Govt of today. These
instruments should also be legislation



3. Do you think the constitution should be the highest law in New Zealand?

Yes and have a Supreme Court.



4. Why do you think this?

There needs to be more
accountability by Govt, MP's
to us a Citizens.



5. Who should be the people to decide if the laws of New Zealand match the constitution?

☐

Members of Parliament

Or

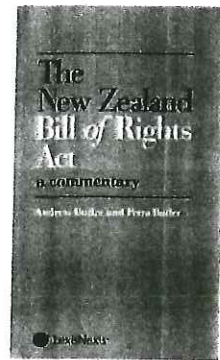
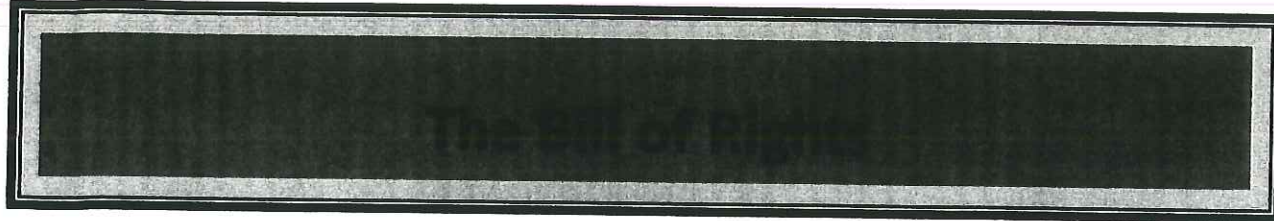
☒

Court Judges



6. Why do you think this?

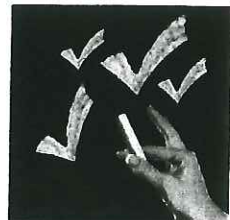
MP's are getting it so wrong,
there needs to be a sound,
Fair, reason able approach



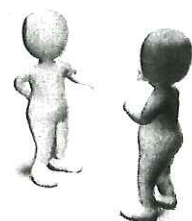
The New Zealand Bill of Rights Act 1990 says what New Zealanders' rights and freedoms are.



It says that the Government must respect those rights.



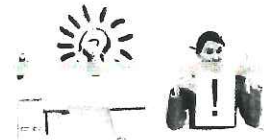
It has the following rights:



- political rights- having a say in how the country is run



- the right to vote



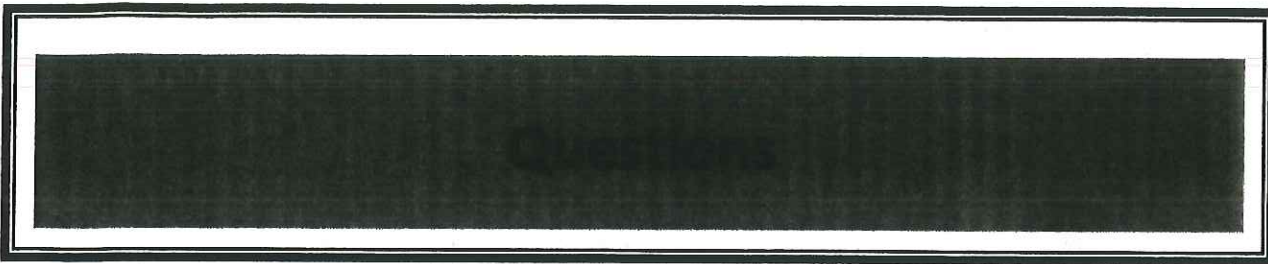
- being able to say what you think freely
and without risk



- religious and belief rights- to be of
whatever religion you choose or not
religion



- being able to gather with groups of
people who have the same interests
as you do



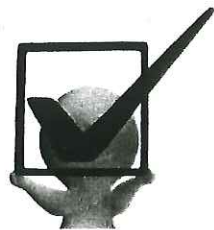
1. Do you think your rights are being looked after in New Zealand?

No, I'm being treated unreasonably,
unfairly, I experience discrimination
often and I'd like this to stop.



2. Why do you think that?

The current Govt are 'watering'
down really key agencies
such as Human Rights



3. What else needs to be done so that you have your rights met in New Zealand?

New direction which values
citizens of Aotearoa.
New Minister of Justice



4. Do you think the Bill of Rights Act should be the highest law in New Zealand?

No, but part of Overarching Constitution.



5. Why do you think this?

It's currently being ignored and as a result, people are suffering



6. Who should be the people to decide if the laws of New Zealand match the Bill of Rights Act:

☐

Members of Parliament

Or

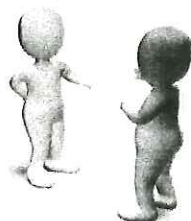
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Court Judges

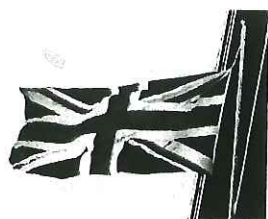


7. Do any new rights need to be added to the Bill of Rights Act?

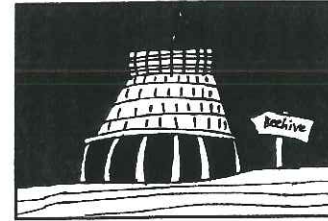
The Treaty of Waitangi



The Treaty of Waitangi is an agreement that was made in 1840.



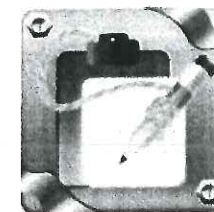
The agreement was between the British Crown and Māori Chiefs.



It meant that the British could set up a government in New Zealand.



The agreement promised Māori rights and control over their property.



The Treaty of Waitangi is New Zealand's first written document that says how the Government and Māori would work together.



When Government or Parliament are making important decisions or making new laws they also consider or think about the Treaty of Waitangi.



1. How do you want the Treaty of Waitangi to be used and understood into the future?

Big part of over arching
document, and taught in
NZ education system



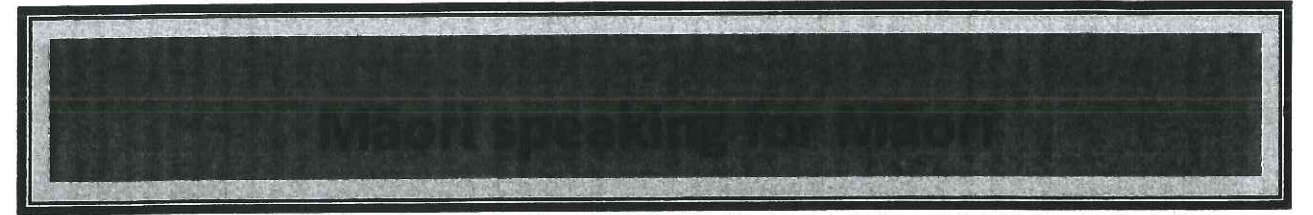
2. Should the Treaty of Waitangi be in the constitution?

Yes, it should set out
framework & be weaved
through out

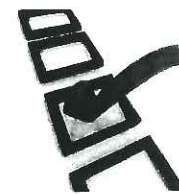


3. Why do you think this?

It's a point of important
history which should be
celebrated, educated &
acknowledged as a huge
part of Aotearoa.



There are **7 Māori seats** in Parliament.



This means that there are 7 places for people in Parliament that can only be filled by Māori. There can be more than 7 Māori, but not less.



The seats mean that Māori can represent and speak for Māori at Parliament.

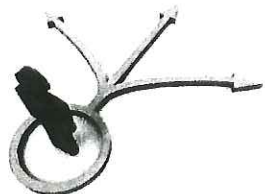
Local government/ councils



All councils have different ways of working with Māori.



Most councils have a connection with the local Māori and marae.



Councils are expected to work with Māori when doing work in certain areas:

- Local Government Act 2000
- decisions about natural resources under the Resource Management Act 1991
- the Local Electoral Act.

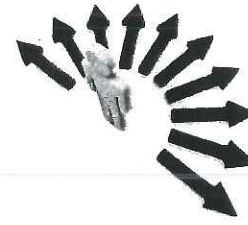


Questions



1. How should Māori be included in Parliament?

Not tokenism, on their
own merits.



2. What changes need to be made to support more Māori to vote in the General Elections?

Less Media attacks
on negatives and some
more positive stories



3. Should there be Māori seats on councils?

Yes, this is a part of
Te Tiriti and should
continue

The General Elections



There are **120 places** for people in the New Zealand Parliament:

- 63 general electorate members
- 7 Māori seats
- 51 list members of Parliament.



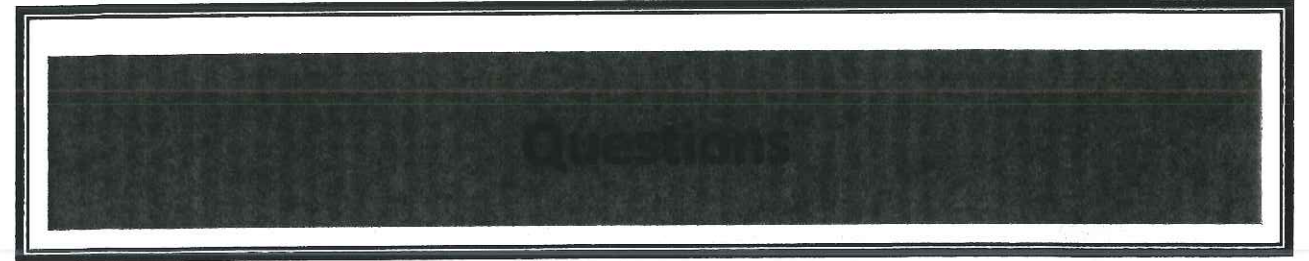
All the different electorates (voting areas) in New Zealand have the same number of people in them.



The General Elections are every three years.



The Prime Minister sets the date for elections.



1. How many members of Parliament should we have?

more disabled mps
20% of disabled



2. Why do you think this?

because there is little
diversity. and 'true'
representation.



3. How should the date be chosen that the elections are held on?

No comment



4. Why do you think this?

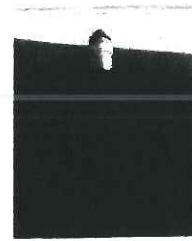


5. Each voting area has about the same number of people. Do you think this needs to change?



6. Why do you think this?





7. What should happen if a member of Parliament leaves his or her political party?



8. Why do you think this?



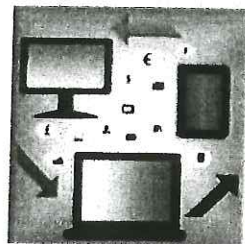
Is there anything else about the rules for New Zealand that you want to speak up about?



If lots of people speak up about the same different issues then the Advisory Panel might include those issues in the final report.



Do you have anything else you want to say about New Zealand's constitution or rules?



If you want to read some more information about what other people think you can find this online at www.ourconstitution.org.nz and on Facebook



How do I send in what I want to say?

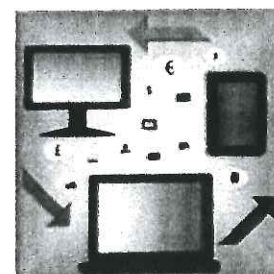
You have to have your say in **by 5pm, Monday 1st July 2013.**



To have your say you can:



- fill out the short form at the end of this information



- do it on line at
www.ourconstitution.org.nz

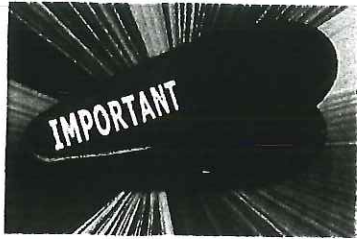


- email what you have to say to
constitutionalreview@justice.govt.nz
and put this in the subject line: CAP
submission. You can attach
documents to the email



- post your say into
Submissions
Secretariat,
Constitutional Advisory Panel
C/o Ministry of Justice
DX SX10088
Wellington

Any questions you can call: 0508 411
411



Important information

To make this official you must write your name here:

OR

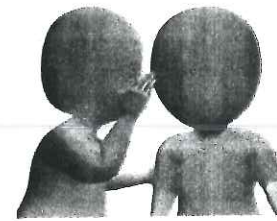
The name of your organisation:



Please note: when you send in your information by law it can be made public.

Your name can be used with what you have had to say in things like:

- written information
- websites
- social media like Facebook
- reports



You can ask for your name to be kept private but we cannot promise that it will be done.

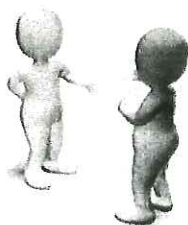
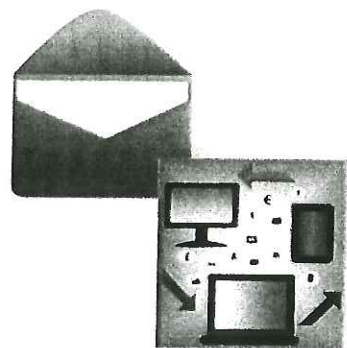
Short form for having your say

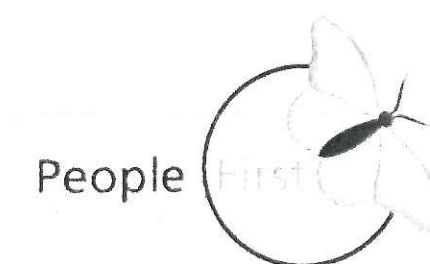
Your name:

Or the name of the organisation:

Postal or email address:

What do you want to say?





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by People First New Zealand Inc.- Nga Tangata Tuatahi

WRITE MARK
PLAIN ENGLISH STANDARD

3062

KAITAIA

22/07/2013

Submission – Constitution Conversation

I request my name and address to be withheld from publication

What are your aspirations for Aotearoa New Zealand?

My aspirations for New Zealand are for a country where there is freedom and equality for all its peoples. A country that is prosperous. Where people do not live in poverty. Where people are able to work and better themselves. A country with pride and community spirit. A country where people are safe and free of criminals and crime. New Zealand is home to many different peoples, New Zealand is multi cultural. As such, there must be an end to race based policy and an end to any laws which establish or promote racial distinction or division. There must be one law for all. I wish for a country united in peace and prosperity where people are not judged by the colour of their skin but the content of their heart. Where there is a common comradeship for a better future for all. Where people live in peace and harmony.

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

I want the country to be run with a democracy based on the will of the people.

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

No, why fix what's not broken.

Why: I am of the view that if the majority of people, by population are happy with the constitution then you should leave it alone, because, it works as it is. A referendum should be held to determine This otherwise there is a risk that "selected groups" could hi-jack the process. Any changes must reflect the values and aspirations of New Zealand as a society and not be hi-jacked by special interest groups in the minority.

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

No.

Why: Because at present there is very little standing between the people and their legislators. There's no single constitution, no judicial power to strike down legislation, no upper house to slow things down or throw a spanner in the works. Laws currently reflect by and large the will of the people. Law currently reflect the values of society through our democratic structure. Any supreme law must be committed to freedom and equality for all in our multi cultural societies with **one law for all.**

Who should have the power to decide whether legislation is consistent with the constitution, parliament of the courts?

Parliament.

Why: Because parliament reflects the will and values of the people through elected representatives (MP'S). The democratic structure of our society could be compromised by the courts. Parliamentary supremacy must not be threatened by the courts.

Does the bill of rights act protect your rights enough?

The right for all New Zealanders to be treated equal in legislation regardless of race, skin colour or ethnicity should be added to the bill of rights act, to insure non-discrimination, equality and fairness for all in our society. There should be end to race based legislation and policies.

What other things could be done to protect rights.

Include the above in the bill of rights, end race based politics and legislation. One law for all. Add the right of "equality" regardless of race into the bill of rights

Do you think the act should have a higher legal status then other laws (supreme Law)?

Not currently and only if the right to "equality" regardless of race, skin colour or ethnicity is added.

New Zealand should make a declaration of equality rejecting any laws which establish or promote racial distinction or division.

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

Parliament because it reflects the values and will of the people.

What additional rights, if any could be added to the act?

"The right for all New Zealanders to be racially equal as a birthright enshrined in law" "One law for all".

Thinking of the future, what role do you think the Treaty of Waitangi should have?

No role in any future constitution. Reference to the Treaty of Waitangi or its principles should not have a role in any constitutional document.

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

No because the Treaty of Waitangi has become an avenue for race based division and racial distinction. The way forward for New Zealand should be one of unity, peace, freedom and equality by birthright. End separatism.

I do not believe we need a single written constitution and if we did the treaty should not have a role or be enshrined in it.

How should Maori views be represented in parliament?

Maori should be treated the same as everyone else, everyone else should be treated the same as Maori. Why is this question of racial distinction and division being asked? One law for all! End separatism – end racism.

Parliament should represent the views of all people regardless of race, we are democracy.

It is time politicians realised that New Zealand is multi cultural, we are all New Zealanders and all our views should be treated equally regardless of race.

End race- based parliamentary seats, end Maori seats in parliament.

How could Maori Electoral participation be improved?

All New Zealanders have the right and freedom to participate in the electoral process why should Maori be treated differently. Why establish or promote racial distinction or division? Why this question of segregation? There must be one law and set of freedoms for all New Zealanders. "Equal freedom of participation for all regardless of race". End separatism.

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

All New Zealanders perspectives and views should hold equal standing in local government. Why is this question of racial distinction and division being asked? There must be one law for all and all New Zealanders views and perspectives should be given equal representation in local government. End race-based representation in local bodies. As New Zealanders we all have a close and direct concern with the management of natural resources and local governance. Local government effects us all.

How many members of parliament should we have?

Around 114 MP'S – 63 general electorate members, 51 list members, 0 Maori electorate members. End race-based parliamentary seats.

How long should the term of parliament be?

Three years, because it keeps parliament fresh.

How should the election date be decided?

Same way it is now, because why fix something that works ok for most people.

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

The number of electorates should be determined by population to ensure fairness and democracy. Why because democracy reflects the will of the majority of the population.

What should happen if a member of parliament parts ways with their party?

If they were elected as an electorate MP, they should remain in parliament. If they were only in parliament because of their party list they should leave parliament.

A **binding referendum** should be held on the following whether race-based policy and legislation should be abolished? Whether the Waitangi tribunal should be abolished? Whether race-based parliament seats should be abolished? Whether race-based representation on local bodies should be abolished? Whether we need a single written constitution? Should we have one law for all? Whether the Treaty of Waitangi or its principles should be removed from all existing legislation? Whether New Zealand becomes a republic and does away with the Treaty of Waitangi?

In finishing I state the following:

Enshrining the Treaty of Waitangi and it's so called "principles" would see New Zealand forever locked into a future of separation and racial division.

New Zealand must move into the future a democracy with a responsible government whose people follow the rule of law.

In New Zealand, parliament must be the ultimate decision-maker reflecting the will of the people and values of society. Ultimate power should not be allowed to shift from the peoples elected representatives in parliament to the judiciary.

A single written constitution could be a disaster for New Zealand.

The constitution isn't broken, so doesn't need fixing!

All individuals must be equal as far as democratic governance is concerned in both parliament and local bodies.

Privacy and confidentiality: I request my name and address to be kept private and to be withheld from publication.

3638

From:
To: <constitutionalreview@justice.govt.nz>
Date: 16/07/2013 1:57 p.m.
Subject: CAP submission

email

Please withhold my name from publication.

Please send me regular updates on the Constitutional review.

My submission is:

1. All New Zealanders should be treated equally, with equal rights, and equal opportunities.
2. There should be the same laws for all New Zealanders.
3. Race based Parliamentary seats should be abolished. The Maori Electoral Option should be abolished.
4. Raced based representation in local government should be abolished.
5. There should be no reference to the Treaty of Waitangi or it's principles in any constitution. No race should be treated differently or have privileges based on race.
6. Any reference to the treaty of Waitangi should be removed from existing legislation.
7. The Waitangi Tribunal should be abolished.
8. I think the constitution should be written in a single document, this should include the Bill of Rights but not the Treaty of Waitangi.
New Zealand is a totally different society than it was when the Treaty of Waitangi was made.
9. The Courts should have the power to decide whether legislation is consistent with the constitution.
10. The number of list members in Parliament should be decreased to give less than 100 members of Parliament.
11. The term of Parliament should stay at 3 years.
12. If a member of Parliament parts ways with the party from which he or she has been elected there should be a referendum in their electorate to see if the electorate still wants the person to represent them. If they are a list MP they should resign from Parliament.

My aspirations for New Zealand is a country that is free from discrimination of any kind and everyone is treated equally. All people should be law abiding, caring, and high priority is given to the care of the physical environment and all it's people.

We need to make New Zealand a clean, healthy, eco-friendly place to live and visit. People who are caring of both other people, animals and nature would probably be healthier and happier.

We need to care for the environment and live sustainably if we want to help make the New Zealand a better place to live in now and for generations to come.

4345

From:
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 9:03 a.m.
Subject: CAP Submission
Attachments: Submission.pdf

Submitted by: a New Zealand citizen, living in London.

I request that my name be withheld from publication.

Submission on the New Zealand constitution

1. I am resident in London and it was by chance that I became aware of the request for input into a New Zealand constitution, when a Facebook connection 'liked' the Constitution Conversation page. I am currently eligible to vote in New Zealand elections.
2. I am a New Zealander, with UK ancestry, and with a hope to return home some day with my family. I always follow what is going on and often discuss the state of New Zealand with friends. Being able to participate by making a submission is therefore well received.
3. The document "The conversation so far" highlighted facts that I was not aware of and proved useful when putting my thoughts together.
4. I have seen some comments that this is not the right time to discuss the constitution; I argue that this is the perfect time. New Zealand is in rather good financial shape. There are no major issues (a plan for the rebuild of Christchurch seems well underway). The worst time to be thinking about a change is when there is panic and confusion. This way the conversation can be thoughtful and measured.

In support of a constitution for New Zealand

5. I would like to see an overall 'guide' for New Zealand. However I recognise that we benefit from quite a 'flexible' situation at the moment, which I think serves us well. Having viewed a number of constitutions from other countries, I believe these are too formal. My desire is to have more of a vision document – this would be less descriptive and therefore more high level.
6. I see value in limiting the life of this vision document, perhaps it could force governments to plan more for the long-term rather than for the next election. Whether a ten year or twenty year plan is appropriate, a vision document could be more like fifty years. With such a limit, it would force those who govern to re-assess the future based on changing circumstances and long-term global trends.
7. **I support the vision of Sir Paul Callaghan who espoused the view that New Zealanders should be a place "where talent wants to live". Having such a vision means that New Zealand remains a beautiful country with low impact on the environment. We have great education and attract highly skilled immigrants to work in industries of high value (and low environmental impact).**
8. New Zealand has led in many initiatives in governance; suffrage, financial reporting and central bank independence, and I believe having a 'vision-lead' parliament with the capability to deliver, but also to be held more to account, would be another feather in our cap.
9. It would be something more than the US preamble, but less than formal constitutions. It would drive policy, such that we are striving toward a goal of, for example, "where talent wants to live".
10. Respect and accountability for the environment should be part of any constitutional document.

11. I am in favour of retaining a Constitutional Monarchy. Most countries have presidents, and I feel a Governor General is a bit different from everyone else. It is an important part of our history, especially as it relates to the Treaty of Waitangi. It is a differentiator. Perhaps we could be bold, and come up with something completely different than these two options.
12. The vision should not be a party-lead initiative. It will be the constitution, so all New Zealanders should have a say in it. Perhaps non-political groups can make suggestions of visions for which we can all decide on. It will be up to the government of the day to facilitate and enable the creation of the constitution, not to decide upon it.
13. Each political party would have to provide long-term plans to fulfil the vision, as part of their campaigning. Laws would then be part of delivering that plan.
14. I am in favour of some laws being more difficult to amend / overturn than others.

Consistency of laws

15. In relation to the question about who should decide whether laws should be consistent with the constitution, I feel that we should aim for simplicity (whatever form that maybe), with the courts only as the last resort (there has to be an independent and final judgement).
16. With a vision-lead constitution, any law/policy should move us towards the vision, not away from it.

Length of term

17. To be able to deliver to the vision, I believe parliamentary terms need to be longer. I think five years is better. This will allow governments to make decision in the long-term interest of the country.
18. I have no view on fixed terms. Although the British system seems sensible.

Treaty of Waitangi

19. No discussion on the constitution can avoid the Treaty of Waitangi. The differences between the two versions of the treaty has meant confusion, frustration and often simple malaise.
20. If New Zealand were to proceed any further with this discussion, the Treaty of Waitangi issue must be addressed. A renewed and revised description of the Crown – Māori relationship should be included in a constitution, so that we can move forward on a mutually-agreed and clear foundation. This would reduce the current uncertainty. This would hopefully turn everyone's eyes toward the future.
21. Our partnership should be viewed as a differentiator for the country as a whole. Our more advanced partnership (through a revised agreement) should focus on the strength that each partner brings. Like our stance on nuclear weapons (another differentiator), we can continue to be unique. Too often countries adopt the same policies, some of which may be right for us, but putting our collective heads together with a focus on a long-term vision, will mean these will move us forward, instead of doing something because everyone else is.

The Party list

22. MPs who quit or are forced from the party list, should be ejected from parliament. They have not been personally voted for by their constituents—they have no constituents. They are there because the country voted for their party, not for them individually. If, for whatever reason they leave the party, they should stop being a MP and the next person on the party list should be promoted.

Number of MPs

23. I was surprised to learn about the number of MPs in the constitution material. Before reading it, I was in support of a reduced number of MPs, but the material made me question my thinking.
24. People require representation, the ability to change their representative and it seems that the number of MPs is low compared to the number of people in need of representation.
25. However, like many, I don't understand what the MPs without (shadow) portfolio do apart from be representatives. Equally, do those in busy cabinet roles have time to represent?
26. I suspect many of our views of MPs are tainted by popularism; always trying to paint themselves in the best light.
27. If New Zealand goes for more MPs, there has to be something they have to provide in return – I suggest more personal accountability. Set commitments up front, with limits as appropriate (e.g. timeframes, budget etc.) These will differ if an MP is in the cabinet or is outside, if they are list or constituent, but whatever it is, they should be more detailed and transparent in their communication with the public.
28. If they are the best constituent MP in parliament, it should be well known and evidenced by things like: numbers of constituents met (one-on-one), how many of their 'issues' were sorted or perhaps hours made available to see constituents versus time spent in Wellington.

Do it properly

29. The accompanying reading material sent out by the commission spoke a lot about the implications of making changes, especially in respect to the effort that would be required to change laws. Whatever the result of this process, I hope that no half measures are taken. Do it properly or not at all.

Submitted by a New Zealand citizen, living in London

31 July 2013

I request that my name be withheld from publication.

4410ⁿ

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:30
Attachments: 2013.07.31_ submission.docx

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

Full Names: Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Auckland Postal Post Code: Postal Country:
New Zealand Submission: As per attached document. Submission Upload:
2013.07.3 submission.docx

Submitted on the 31 July 2013 at 11:30

Auckland

31 July 2013

Submission to the “Constitution Conversation” (or the Constitutional Advisory Panel).

I would like to make a brief submission to the Constitution Conversation.

The conversation that you are facilitating and is extremely multi-faceted, challenging and interesting. While I have pondered many of the conversation themes, I am choosing to comment only on the below parts.

Term of Parliament.

I believe that a longer electoral term would be beneficial. I support a move to a 4 or maybe even 5 year term at both Local and Central Government. What I have observed with 3 year terms is that very little action is taken on difficult or necessary decisions, as the election is looking. Effectively this makes it only a two year term. Further, when there is a significant change in the make up of a council or the government, then the first year can also be taken up getting ‘up to speed’ – effectively reducing these terms to one or one and a half year terms of productive times. Coupled with this higher productivity, I also suspect that having elections less often would cost less in both electioneering and administration. The Prime Minister should retain the ability to end the parliamentary term early, so long as there is a, say, 75% majority of parliament.

Electoral Integrity.

I would like to comment on the Electoral Integrity of MP’s who leave a party. I believe that MP’s who have won an electorate seat can retain that seat if they then leave their party in the ensuing term. I believe that List MP’s who leave their party (for whatever reason) during a term of parliament should have to leave parliament. I acknowledge that once MP’s are sworn in they are there to represent the people of NZ, but I also believe that list MP’s are only in parliament because they are a member of a particular party, and there to make up the proportionality. So if they leave that party, they should leave parliament. If an electorate MP leaves his party during a term the disproportionality should be tolerated until the end of the parliament.

Number of Politicians.

I believe that the number of politicians should not return to 99. I believe that 120 is fine, but would not like to see it increased from this. I would be happy for it to be changed to something like 110 MP’s as I acknowledge that the 99 MPs that existed in 1993 would have increased to 103 by now under the old system anyway.

Treaty of Waitangi.

I find the Treaty of Waitangi a fascinating, ongoing debate. In my view it fairly clearly promises Maori some things that have never fully be realised. I also believe that we do not know how to deal with this as we move forward as a nation. I am ambivalent as to whether the Treaty should be formally recognised as part of our constitution (I am neither for nor against). However, I believe that when considering this, we must also consider the dramatically changed and changing ethnic make-up of New Zealand. The children of today will need to deal with the place of the Treaty in the future. Looking forward, how will that debate and conversation changes when in the future say, for example, a “New Zealand Chinese Party” gains a small percentage of seats in Parliament. This should not be an incomprehensible possibility in the future. What perspective will they or any other similar party have on the Treaty in the future?

Bill of Rights.

I do not know a lot about the Bill of Rights Act. What I would say is that the basic rights contained within it should take primacy over other Acts. For example to right to free speech and protest – has this not been recently limited with the Act relating to protesting of off shore mining?

Further, in relation to the Bill of Rights, I think there may be some people that submit on the primacy of protection of private property to be included in the Bill of Rights. I would caution against this. Although private property rights are central to our nation and indeed what our culture has been built on since colonial times, there also needs to be some responsibility, as a private property owner, to the greater civic or community good. For example many people have a “it is my land I will do with it what I want” mentality, particularly in relation to property development. How can we socially engender and legally enact a commitment to the civic good that is balanced with the rights of owning private property?

Kind regards

NOTE: I would like to request anonymity in the event that this submission is published in part or full.

4506

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

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

Full Names: Confidential Please. Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Nelson Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: 1.How should Māori views be represented in Parliament?

Maori views and culture is a very important part of New Zealand, and it obviously should be reflected in Parliament. As much as this is so, for a free and democratic society, there should be no special Maori roll or seats. I cannot name another democratic country that has a system similar to ours in this aspect. Special seats based for one ethnicity only? Sure the seats are not legally binding "Must be of Maori ethnicity", but by convention they are. Who was that Pakeha who got discriminated for attempting to get on the Maori roll? Not to mention the huge variety of ethnicities throughout New Zealand. I think it's time for NZ to realise we are now more than just the Maori and the Pakeha, bound by a treaty poorly written, and even more poorly translated, before any of our great grandparents were born.

Do not get me wrong, I accept Maori rights and traditions should always be important, and that the last thing we want is a Parliament which excludes Maori opinion and influence. However, the way we are going about it is wrong. It is unethical, it is bias, and it isn't even an extreme view to straight out call it "racist". The way to stop the bias and "racism" of having a separate Maori electorate would only be to include a Pakeha electorate of the same specifications. Not only would this be controversial and seem well, rather pointless, that would make New Zealand seem an even more racist country, as Maori and Pakeha certainly do not represent New Zealand 50/50. Not only does this mean that perhaps the rolls should get seats appropriate to there proportionality of residents (which would be IMPOSSIBLE to calculate, where do you draw the line between Pakeha and Maori, when throughout the generations many people are a combination of both), but we would be blatantly cutting out the governmental influence of anyone that is not Pakeha or Maori (Which is a huge percentage of this country), which is completely undemocratic and blatantly and purely, racist.

That would be TWO electorates for certain ethnicities, so just think how undemocratic and racist it is having one like we currently do? If we are to have a separate electorate for Maori, to remain democratic and not racist, there would have to be a electorate for every different ethnicity currently residing in New Zealand. Now if we didn't make it proportionate, it could be classed as racist and wouldn't be desirable anyway. For example, if there was 2 residents of Hungarian ethnicity, surely they don't deserve the same influence as 1 million Pakeha. Now if we made it proportionate to our population, as stated earlier, where do you draw the line on which ethnicity your playing for, and the fact that it'd be entirely unpractical. For a democratic government, politics needs to be blind of race. We are all New Zealanders, we need to grow out of being Pakeha, Maori, Asian, British, American, and unite in the fact that we are New Zealanders of New Zealand decent, and are not categorised by where our grandparents were born, because what relevance does that really have in modern society besides maybe your physical appearance? The way you talk? Your personal traditions and culture? How about your position in government? I don't think so. Most the world has grown out of racism, and rather knows each other as "American" or "English", why are we still years behind the game, and

dividing our government by Maori and others? It's an embarrassment

I understand that the idea behind the Maori electorate is to bring the views of Maori more into focus on the passing of new laws, and to confirm Maori has an influence on the way the country is run. Sure, these are important things, but we are going it entirely the wrong way. I believe the Maori electorate, and many of the Maori settlements are tiny ways of putting the treaty into our government, but are quite ineffective.

What we need to do:

We need to remove the entire Maori electorate system, BUT, in order to maintain Maori standards and customs in the way they were promised in the signing of the 1840 treaty, we need to further implement the Treaty of Waitangi into law. I'm talking about one constitutionally significant document, which is passed as higher law and takes more than a majority Parliament to change. This document would outline exactly what of the Treaty of Waitangi will apply in modern society, and will be binding on government. It will also push towards a change in social attitudes, it will remove "Maori" and "Pakeha" from being a term that can be referred to in legal documents (No laws will be specific to Maori or Pakeha, whatsoever). We will all be united as New Zealanders. The birthplace of our ancestors will no longer grant us rights and privileges, or be used as an excuse for any action.

I think most experts agree something similar to this needs to happen, but we all know why it hasn't, and reasons why it probably won't.

It is very controversial, it would mean removing the Maori electorate, which hasn't particularly bothered people too much, but would potentially cause an unreasoned uproar if removed

Implementing the Treaty into a new legal document will also be extremely controversial. Obviously some parts should, and shouldn't be included, it will be very tough deciding which parts do not deserve a place in our modern law. Remember, this constitutional document would be creating law for the better of society, the better of our nation, and referring strictly to a document poorly written and translated almost 200 years ago, is of lesser importance, than making sure we get this one right!

The main reason this hasn't been implemented: Most of our recent governments, especially since MMP, have been of very close margins, and the uproar caused by these significant changes would surely at least temporarily lose many votes, enough to be guaranteed the governing party will be handing over the crown to the opposition next election time.

Although those educated, and experts in these areas, would probably see a new constitutional document addressing the Treaty of Waitangi as a very good thing for New Zealand, they do not

4506

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To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:10 p.m.

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I understand that the idea behind the Maori electorate is to bring the views of Maori more into focus on the passing of new laws, and to confirm Maori has an influence on the way the country is run. Sure, these are important things, but we are going it entirely the wrong way. I believe the Maori electorate, and many of the Maori settlements are tiny ways of putting the treaty into our government, but are quite ineffective.

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I think most experts agree something similar to this needs to happen, but we all know why it hasn't, and reasons why it probably won't.

It is very controversial, it would mean removing the Maori electorate, which hasn't particularly bothered people too much, but would potentially cause an unreasoned uproar if removed

Implementing the Treaty into a new legal document will also be extremely controversial. Obviously some parts should, and shouldn't be included, it will be very tough deciding which parts do not deserve a place in our modern law. Remember, this constitutional document would be creating law for the better of society, the better of our nation, and referring strictly to a document poorly written and translated almost 200 years ago, is of lesser importance, than making sure we get this one right!

The main reason this hasn't been implemented: Most of our recent governments, especially since MMP, have been of very close margins, and the uproar caused by these significant changes would surely at least temporarily lose many votes, enough to be guaranteed the governing party will be handing over the crown to the opposition next election time.

Although those educated, and experts in these areas, would probably see a new constitutional document addressing the Treaty of Waitangi as a very good thing for New Zealand, they do not

represent an enormous percentage of society, and the media usually does a pretty terrible job at actually putting the intentions of a controversial bill across to the public. I have yet to see the media make one positive comment about the effects of asset sales. Sure there is downsides to the idea, but the fact that the country makes big gain without having to raise tax or cut benefits, isn't even mentioned!

2. How could Māori electoral participation be improved?

Understanding that practically nothing I wrote in relation to question 1 will ever be done, I guess I will answer question 2.

I honestly do not see why this is desirable in the first place, or what possible actions could be done. Besides paying people to vote (which is probably the only way more Maori electoral participation is possible), what can you do if people don't want to vote in it? I think the majority of people have decided they would rather vote in the democratic fashion, which is a good move for New Zealand anyway. The Maori electorate is dying, and I don't think incentives should be given for people to return to it. The Maori electorate system is bad in the first place (same with any separate race specific electorate), referring to my answer to #1, and I don't think anything should be done to promote it. It's good to have Maori representation in Parliament, but I think we all just need to learn to be New Zealanders and give rid of the division between races, and it is really stopping us from living in harmony. Maori have the same opportunities a Pakeha, or Asian, or Europeans at politics (Actually a lot more due to this racist electorate system), so why is it required? There is no reason why Maori cannot have a proportionate amount of MPs in the House of Representatives purely by the general electorate. We need to stop this "Maori" "Pakeha" talk anyway.

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

The exact same way any other ethnicity has its views and perspectives represented in local government... Lets quit this racism. We all want equality in this country, throwing special rights at a specific race does nothing but disharmonise the entire country.

Sure it wins favour, and votes, of the Maori people, but wow does it make the country seem stupid.

Don't get me wrong, I'm not saying Maori views aren't special and important, I'm just saying that you cannot call New Zealand a democratic society if you're going to throw special benefits at a certain race.

This needs to stop before the entire country goes into rage. It is not just the other races besides Maori that are tired of racist politics being thrown at them, Maori people themselves are, they don't want given special benefits, because it lowers the work they have already achieved. If I'm a Maori MP and I get into Parliament (through the general electorate), I would be disgusted by the fact that I am dragged down because the simplicity some other Maoris can get into Parliament purely because of their skin colour. We want democracy dam it!

Anyway, thank you for reading my submission (if you got through it all). I know I probably wasted an hour of my time writing this out, but I guess it feels kind of nice to say I at least tried to help my country, before it all crumbles down. You may have noticed my attitude changing slightly from the beginning to the end, I'm sorry.

I'm just a 19 year old, with no tertiary education, doing a physical minimum wage dead-end job, so I apologize that the format of this document as well as the most of the grammar, is well, unprofessional.

Submitted on the 31 July 2013 at 22:10

Quick Submission

Your name:

Name of the organisation you represent (if applicable):

Postal address or email address:

CHRISTCHURCH

100 MEMBERS.

A FOUR YEAR TERM OF
PARLIAMENT, AND
~~THE DATE~~ THE Bay of Islands

THE P.M. SHOULD
DETERMINE THE DATE

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**

name to be withheld,

WB

4920

Submit at the 27 April 2013 Constitutional Review Panel's *Constitution Conversation*,

email: constitutionalreview@justice.govt.nz. Website www.ourconstitution.org.nz to submit on-line, or call 0508411 411

To Professor John Burrows, Co-Chair, Constitutional Advisory Panel, Secretariat, C/- Ministry of Justice, DX SX10088, Wellington:

SUBMISSION

My Name: J

Name of Organisation: Civics Education Action Group – Nelson Ph: 03 548 4461

or _____

Postal or email address: _____ Nelson _____

We ask that any constitutional document, either singular or through a set of constitutional principles that may emerge from the Constitutional Review of 2013:

- Have in any Preamble and elsewhere, New Zealand be declared a secular, sovereign, representative democracy with citizens' participation by way of plebiscites and direct community consultations.
- New Zealand has no death penalty be included in the Bill of Rights Act and under a Suffrage section in any singular document appended to any single constitution.
- New Zealand has no conscription to war and its people bear no arms.
- The South Pacific Nuclear Free Zone Treaty signed in Suva, Fiji in 1985 and the New Zealand Nuclear Free Zone Disarmament and Arms Control Act of 1987 be stated in Territories or appended to any constitution, with the inclusion (as have the Palauan Islanders done) of clauses against use, testing, storage or disposal of nuclear, toxic chemicals, gas or biological weapons intended for use in warfare, plus transit of the same through our Territories.
- New Zealand follow the example of the Philippines Constitution in stating it "renounces war as an instrument of national policy" and there also be carried a clause requiring not less than three fourths of votes cast in a referendum against docking, military bases and engagement in war, except as ratified by a majority of votes by the people in a plebiscite held for that purpose.

Please take this submission forward to your Secretariat by 1 July 2013.

My name ~~can~~ cannot be used in publications.

Signature: _____
/

Quick Submission

Your name:

Name of the organisation you represent (if applicable):

Postal address or email address:

Nelson

I think the courts should have the power to decide whether legislation is consistent with the constitution because if it was the Government (with their ability to change laws whenever they wish) they could & probably would change the constitution to please themselves without proper consultation to all New Zealanders.

I think the Constitution should be a written collective document including the Bill of Rights Act and excluding the Treaty of Waitangi. The Treaty of Waitangi should be a stand

alone document quite separate from the Constitution so as it can independently continue the process of addressing Treaty grievances.

The constitution must give equal rights to all N.Z citizens & regardless of race, religion colour or creed.

When the number on the Maori Electoral roll decrease to such an extent that it doesn't warrant Maori representation then it will be time to abolish them. Yes I think local Maori should be represented or consulted in their own local area as they have greater knowledge of history and often give a different view about protection of land, water fisheries etc.

The number of M.P.s in our Parliament should increase when our population increases. Some consideration should be given to increasing the term of Parliament from 3 years to 4 years to give more time to discussing important issues - like the spying bill - which should be a cross-party agreement not a decision to suit one party.

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From:
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 9:49 p.m.
Subject: CAP submission

Hi,

Here is my submission on the constitution discussion, please treat my response as confidential.

This email represents my views only.

What are your aspirations for Aotearoa New Zealand?

To be a free and democratic country that is peaceful and caring towards its citizens and works collaboratively with the world to protect its common interests and precious natural environment.

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

By a central government that is elected by its people. Alongside the government I would like to see the judiciary implementing the laws of the government. This is what currently occurs, as I understand it. I would also like to see a third power, a Supreme Court that upholds a new constitution and rules on matters that relating to the constitution, whose powers cannot be overruled by parliament unless with 75% agreement and agreed to by a president. A fourth power I'd like to see is a constitutional president the presides over the the government and would replace the monarchy for NZ. The president would be responsible for upholding the constitution. The president would have to be a New Zealander. The president would also be an elected official whose election cycle would be every 4 years and would have close ties to Maori, maybe even be the Maori king as well as president in a dual role to replace the crown by encompassing into a single position/function. The presidential term should be on a different cycle to the current general election cycle so there is some sort of government continuity during general elections. Queens birthday should be replaced with Matariki, to celebrate our democratic nation and award citizens along similar lines to the queens birthday honors. The president should also pay particular regard to citizen initiated referendums and refer to these if and when legislation contradicts a citizen initiated referendum outcome. The president should sign off all legislation.

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

Yes it should be a single document to replace the current documents, the treaty clauses should be included and written in a way as they have been recently interpreted through the treaty settlement process so all New Zealanders understand. Where relevant United Nations obligations should also be included, ie minimum housing temperature standards, and items that New Zealand should aspire to achieve.

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

Yes, the constitution should be something that all New Zealanders take seriously and all government (local and central) should operate under when passing other legislation. The constitution should not be able to be changed without 75% approval of government, and president should

have right veto. Particularly if legislation is in breach of constitution or goes against wishes of a citizen initiated referendum.

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

The president should ensure that legislation is consistent with the constitution and have right to veto, which would result in legislation having to be reviewed by parliament.

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

Should also protect New Zealanders from being spied on by the government.

What other things could be done to protect rights?

It could include right to privacy and include privacy act details.

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

Should be part of constitution and have same status as constitution ie supreme law

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

The Supreme Court and president.

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

Should include mandatory voting for all eligible voters in elections. Including making voting compulsory for central, local govt, and presidential elections.

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

Should be updated based on common understanding and be part of constitution.

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

Yes, to make it current and unambiguous.

How should Māori views be represented in Parliament?

The current representation based on population size is fine for me, but should be linked to maori population size and updated following census at subsequent elections.

How could Māori electoral participation be improved?

Voting should be made compulsory.

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

A maori board representing local iwi should be linked to each local govt organisation.

How many members of Parliament should we have? Why?

Same number as we currently have.

How long should the term of Parliament be? Why?

5 years, to give chance for long term planning to occur, rather than short term focus.

How should the election date be decided? Why?

The date should be set in constitution, ie 1st November every 5 years, with new government being sworn in on 1 January. Set dates so that planning and transition occurs smoothly.

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

Should be based on proportion of population, ie 1 MP for every 35,000 New Zealanders and should be updated after census at subsequent election.

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

MP should not have choice and give up parliament seat immediately. This should be part of constitution.

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

We should have a new flag that does not include Union Jack.

Regards

Auckland