



NCWNZ Action Item Response Sheet

Please send your responses to the National Office ncwnz@ncwnz.org.nz and put in the Subject line:

Action Item: New Zealand's Constitutional Review

Document	New Zealand's Constitutional Review
Committee/Writer	Public Issues / Beryl Anderson
Action Item due date	17 May 2013
Documents at	http://www.ourconstitution.org.nz . To obtain a copy of the toolkit to assist in facilitating a meeting contact 0508 411.
Responder, eg Branch, NOS, individual	
Number of people contributing to response	

The Constitutional Advisory Panel has initiated a series of discussions on New Zealand's Constitution – they are calling it the Constitution Conversation. There are two overarching questions, and a series of specific questions.

Questions:

- A. What are your aspirations for Aotearoa New Zealand?
- B. How do you want our country to be run in the future?

New Zealand has a constitution, but it is not all written down in a single document. It is covered in legislation such as the New Zealand Bill of Rights Act 1990 and the Constitution Act 1986, foundational documents such as the Treaty of Waitangi signed in 1840 and established constitutional principles. A constitution determines who exercises power in a country, and the checks and balances on that power. It also protects the rights of the people. In other words, it is the set of rules that determines how we are governed and how we live together. It reflects our national identity (who we are, our unique history, values and aspirations).

Questions:

1. Do you think our constitution should be written in a single document? Why?
2. Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?
3. Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?

The New Zealand Bill of Rights Act 1990 confirms fundamental rights and freedoms. It contains important rules about the relationship between the state and the people in New Zealand, and covers a broad range of civil and political rights, including the right to freedom of expression, religion and belief, assembly, association and the right to vote. This Act sets minimum standards about how New Zealanders can expect to be treated by the state and in law. Link to the Act:

<http://www.legislation.govt.nz/act/public/2011/0092/latest/DLM4058708.html>



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Questions:

4. Does the Bill of Rights Act protect your rights enough? Why?
5. What other things could be done to protect rights?
6. Do you think the Act should have a higher legal status than other laws (supreme law)? Why?
7. Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts? Why?
8. What additional rights, if any, could be added to the Act? Why?

The Treaty of Waitangi is an agreement made between the British Crown and Māori chiefs in 1840. It enabled the British to establish a government in New Zealand and confirmed to Māori the right to continue to exercise rangatiratanga. The Treaty is generally regarded as New Zealand's founding document and influences the relationships between the Crown and Māori. NCWNZ resolution 2.11.1 acknowledges the Treaty of Waitangi as New Zealand's founding document.

Questions:

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

The Māori seats in Parliament are a unique feature of New Zealand's democratic system. These seats ensure that a guaranteed minimum number of members of Parliament (MPs) can represent Māori views and perspectives in Parliament. There are currently seven Māori seats. The nature and extent of Māori representation in local government decision-making varies across the country. Most councils consult to some degree with tangata whenua.

Questions

11. How should Māori views be represented in Parliament?
12. How could Māori electoral participation be improved?
13. How should Māori views and perspectives be represented in local government?

New Zealand's Parliament usually has at least 120 members of Parliament. The current Parliament is made up of 63 general electorate members, seven Māori electorate members and 51 list members. The number of electorates is determined by ensuring that all electorates have more or less the same number of people in them. Parliament can run no longer than three years after an election. The Prime Minister decides when the term of Parliament ends and the date of the next General Election. The Electoral (Integrity) Amendment Act 2001 enabled the Speaker to declare a seat vacant if an MP parted ways with their party or their party leader reasonably considered the member had distorted the proportionality of representation in Parliament. The Act expired in 2005.



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Questions

14. How many members of Parliament should we have? Why?
15. How long should the term of Parliament be? Why? [NCWNZ resolution 2.5.4 supports a four year term]
16. How should the election date be decided? Why?
17. What factors should be taken into account when the size and number of electorates are decided? Why?
18. What should happen if a member of Parliament parts ways with the party from which he or she was elected? Why?