

# The NZ Constitutional Review

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Submission from Response Trust and Common  
Good Project

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## **Submission to the New Zealand Constitutional Review from the Common Good Project**

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

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### *Executive Summary*

1. This submission supports an approach of the Common Good to constitutional development in Aotearoa New Zealand.
2. The Common Good focuses on collective wellbeing, with emphasis on assurances of social equity and inclusion and participation for all, and includes spirituality as integral to wellbeing, to relational life with respect for the sacred, and for known and unknown dimensions of life and the universe. Common Good takes account of human and ecological and spiritual interdependence.
3. Prioritizing the Common Good brings a shift in world view from the prevailing individualised human centred interests in property, ownership, entitlement and the divided geopolitical globe to an ecological world view that recognizes planetary boundaries and earth's common goods of air and atmosphere, oceans, forests, biodiversity, and interests of people and communities in these ecological common goods.
4. Religious traditions share understandings of the Common Good, including Judaism and Christianity. These sit alongside, and have profoundly contributed to, Western philosophical developments in ethics, indigenous world views of human interdependence with nature and of a 'woven universe', and more recent developments in ethics associated with eco-philosophy.
5. An ethics for the Common Good includes a paradigm of responsibility, duty or obligation as a complement to the existing rights focus for justice. Responsibility and obligation go some way towards a proposal for the state having duties to protect ecosystems.
6. The Common Good ethic supports the Treaty of Waitangi/Te Tiriti o Waitangi as an agreement to be upheld in higher law as having confirmed Constitutional status
7. In this submission the Common Good is suggested as a framework for further discussion in relation to New Zealand's constitution.

### *Introduction*

8. The Common Good Project had an inaugural meeting in October 2012, and a subsequent meeting in July 2013. This submission is inspired by contributions to, and discussions on the Common Good at these conferences and it represents extensive support for this theological and philosophical theme. Further theological and academic analysis of the Common Good is articulated in public theology such as by Professor Andrew Bradstock (2013)<sup>1</sup>. It is expressed in Catholic Social Teaching traditions, such as Pope Benedict's *Caritas in Veritate*<sup>2</sup>, and recently expressed in

<sup>1</sup> Bradstock, A. (2013) 'Recovering the Common Good: the key to a truly prosperous society?' (VUW Law Review)

<sup>2</sup> [http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20090629\\_caritas-in-veritate\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html)

the New Zealand Catholic Bishops submission to the Constitutional Advisory Panel<sup>3</sup>. The notion of the Common Good is expressed in Methodist tradition in the teaching and practices of John Wesley (Stuart 2008)<sup>4</sup>. The Common Good generally identifies principles of inclusion and participation, equity, social responsibility with relational values, and here, includes an view which takes account of ecological integrity and associated issues such as climate destabilization.

The Common Good project includes indigenous thought to enhance understanding of the Common Good. Tangata whenua and Pacific participants at the July 2013 Conference contributed to thinking on the Common Good with reference to Iwi traditions, and Pasifika approaches to common wellbeing and economies sourced in ecological and intergenerational guardianship. A reference for indigenous thought relevant to this area is to be found in the concept of a 'Woven Universe' and the writings of Rev. Maori Marsden (Royal 2003)<sup>5</sup>. Pacific, or specifically Samoan tradition, with a custodial approach to human and environmental wellbeing is to be found in the work of Tui Atua Tupua Tamasese (2009)<sup>6</sup>. Eco-philosophy, with the examples of leaders such as Thomas Berry, inspire an expanded notion of the Common Good. Berry, 'earth scholar' and writer uses the concept of 'earth community' to chart our way personally and collectively into the future (Berry 1999)<sup>7</sup>.

Further development of principles and parameters of the Common Good will be of interest to the Common Good project.

This submission has been prepared with the engagement of the Common Good Project participants; it does not represent the views of all participants in the Common Good Project.

9. The Common Good articulates a theological and ethical framework for addressing issues of social exclusion (such as inequality and child poverty), and the global and local issues of climate change, ecological degradation, and human and ecological interdependence.

Theological traditions support social inclusion for all; they affirm that the marginalized are to be given privileged consideration and support on the basis that all are equal in the sight of God. The Old Testament refers to care and justice for the orphan, the widow and the sojourner, and expresses the imperative of offering hospitality and refuge and providing for those who are marginalized on religious or ethnic grounds (Deuteronomy 24:17-21).

The New Testament places an emphasis in the ministry of Jesus on care for the neighbor and stranger, on physical and spiritual healing and on social restoration for the poor, the sick and disabled, and on dignity for women (challenging the marginal

<sup>3</sup> <http://www.nzcatholic.org.nz/2013/08/06/nz-catholic-bishops-submission-to-constitution-advisory-panel>

<sup>4</sup> Stuart, J. (2008) *The Wesley Code. Finding a Faith that Matters*. Philip Garside Publishing

<sup>5</sup> Royal, Te Ahukaramu, C. (ed) (2003) *The woven universe : selected writings of Rev. Maori Marsden*. Estate of Rev. Maori Marsden. Otaki, N.Z.

<sup>6</sup> Sualalii-Sauni. T.M.; Tuagalu. L.; Kirifi-Alau, T.; Fuamatu, N. (2009) *Su'esu'e Manogi. In search of Fragrance. Tui Atua Tupua Tamasese Ta'isi and the Samoan Indigenous Reference*. Centre for Samoan Studies, National University of Samoa

<sup>7</sup> Berry, T. (1999) *The Great Work: Our Way into the Future*. Broadway Books

status of women). The writers of the epistles emphasise a principle of non discrimination in the well known phrase: 'neither Jew nor Greek, male not female, nor slave nor free shall be separated from the love of God'. These principles of inclusion and non-discrimination are expressed in concepts such as "submit to one another" and also in the Letter to Philemon where Paul admonishes the powerful to treat even the slave as if they were a brother or a sister.

10. The over-emphasis on economic development at the expense of social wellbeing for all, and without due regard for ecological integrity, has set us on a trajectory of climate change and destabilization of earth's ecosystems. This concern is at the heart of a remedial and restorative impetus of the Common Good Project.
11. People engaged in this project are from Christian churches and justice networks. They include Maori with theological expertise, and Pacific academic leaders. Members have a range of theological positions such as conservative, liberal and evangelical.
12. Most often, rights are seen as the remedial pathway to correct the wrongs of inequality, environmental damage and the excesses of economic development. It is submitted that because rights are individualized in conception, and in law, and because they often embody many competing interests, they can be a source of conflict. They do not provide an adequate reference for Common Good
13. There is a case to be made that the Common Good is capable of being accorded status as a guiding Constitutional ethical principle. Common Good is derived from the realm of ethics and morality, and is able to be embodied in law.

### *Rights and responsibilities for the Common Good*

14. One of the strongest articulations of the Common Good is to be found in Catholic Social Teaching. A recent example from this corpus is from *The Common Good and the Catholic Church's Social Teaching* issued by the Catholic Bishops' Conference of England and Wales in the run-up to the 1997 General Election in the UK. In that document the bishops observe
 

that the concept implies that every individual, no matter how high or low, has a duty to share in promoting the welfare of the community as well as a right to benefit from that welfare.<sup>8</sup>

The Bishops affirm a close identity between the terms 'common' and 'all-inclusive':

the Common Good cannot exclude or exempt any section of the population. If any section of the population is in fact excluded from participation in the life

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<sup>8</sup> Catholic Bishops' Conference of England and Wales, *The Common Good and the Catholic Church's Social Teaching* (London, 1996) #70, 17.

of the community, even at a minimal level, then that is a contradiction of the concept of the common good and calls for rectification<sup>9</sup>. (Bradstock 2013).<sup>10</sup>

15. Expressing a trend away from rights-based justice, for example, a House of Lords judge, Sir John Laws, has observed extra-judicially:<sup>11</sup>

... A society whose values are defined by reference to individual rights is by that very fact already impoverished. Its culture says nothing about individual duty – nothing about virtue ... accordingly rights must be put in their proper place.

16. On a similar note, Harvard philosopher Michael Sandel has criticised the tendency among politicians to rely on economic rationales in forming policy in order to avoid moral arguments. In his calls for “a new politics of the common good” and his encouragement of a more morality based politics, he clearly means more than a discussion of “rights”. For example, in his Reith lectures in 2009, he observes:

... Consider health. Britain was able to create a taxpayer financed national health system because of a widely shared sense of social solidarity that said access to health care should not depend on a person’s ability to pay. The United States has not yet been able to summon that solidarity. If President Obama succeeds in getting universal health care, it will not only be because people conclude that the present system is too costly and inefficient. It will happen if and when Americans are persuaded that providing for the health of everyone is among the mutual responsibility of citizenship

17. Prue Taylor (2012)<sup>12</sup> offers an important critique of the development of moral theory from the work of Hans Jonas, a German philosopher. Jonas recognized that technological advancement was extending the reach of human power into the future in a way that over-reached our capacity to foresee the impacts or manage the effects. Taylor, a New Zealand law academic says “ [r]ights [for nature] will not liberate the environment or force us to value it more – what they do is ‘allow for’ the environment to engage in flawed legal institutions, the arena in which other rights-holders must battle. This is not true valuing.”<sup>13</sup> Baird Callicott argues that nature’s rights creates a form of moral pluralism which leads to ridiculous results as we pick and choose between competing moral norms.<sup>14</sup>

<sup>9</sup> Ibid.

<sup>10</sup> Bradstock, A. (2013) ‘Recovering the Common Good: the key to a truly prosperous society?’ (VUW Law Review)

<sup>11</sup> Laws, Sir John “The limitations of human rights” [1998] PL 254.

<sup>12</sup> Taylor, P. (2012) ‘Ecological Integrity, Responsibilities and Rights: Insights from *The Imperative of Responsibility*’ by Hans Jonas’ Paper for Global Ecological Integrity Conference.

<sup>13</sup> Cited in P. Taylor ‘From environmental to ecological human rights: A dynamic in international law’ *The Georgetown International Environmental Law Review*, vol 10, issue 2, 309, 377.

<sup>14</sup> Cited in P. Taylor ‘From environmental to ecological human rights: A dynamic in international law’ *The Georgetown International Environmental Law Review*, vol 10, issue 2, 309, 377.

18. Alongside individualised interests in rights, is a corresponding value of freedom. Rights of property, rights to knowledge and the freedom of scientific research and rights in corporate law also have an underlying principle of freedom. Individualised freedom is deeply embedded in western liberal traditions, and runs counter to considerations of the Common Good and responsibility. The philosopher Emmanuel Levinas offers one of the most radical accounts of relational ethics, and ventures to suggest that freedom, when it is self interested, stands in the way of the common good dimension of justice. Freedom, as we have come to know it, without a well articulated idea of responsibility or obligation underlies entitlements that allow for over-exploitation, of disparity and ecological disintegration (Martin, 2013)<sup>15</sup>. Responsibility, transposed as response-ability<sup>4</sup> is relational<sup>5</sup> and 'other centred'<sup>6</sup>; it grows in importance as 'the life of freedom discovers itself to be unjust.'<sup>16</sup>
19. One of the most cogent accounts of human responsibility is found in Hans Jonas' *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*.<sup>17</sup> In this book, Jonas argues that the great power which modern technological advances have brought humanity, has also brought with it a responsibility to contain that power and to protect both fellow human beings, and the environment. He goes on to argue that humanity or "human dignity" depends on the survival of nature beyond mankind's own needs. Humans are so much a part of nature that the destruction of the environment denies us the full experience of being human.<sup>18</sup>
20. The Common Good refers to the responsibility to ensure the sustainability of the environment as opposed to a property right to exploit it. The Common Good is oriented to custodial or stewardship understandings of land tenure; as a member of the Common Good project said, we are tenants on the land, not owners (Kelderman 2013).<sup>19</sup> In theological tradition, 'creation' is to be allowed to flourish, as expressed in Genesis 1-2, which gives guidance on ensuring that land has its Sabbaths for sustainability
21. It is submitted that an Aotearoa New Zealand Constitution consider and include indigenous world views, many of which resonate with principles encompassed in the Common Good. Indigenous cultures emphasise humanity's custodial role in taking care of the land. Tangata whenua/Maori concepts such as kaitiakitanga, manaakitanga, tapu, whakapapa and aroha suggest some of the ideas central to this discussion.<sup>20</sup> Pasifika Peoples identify similar values and priorities in concepts such

John Kleinsman 9/8/2013 2:26 PM

**Comment [1]:** For me individual freedom is a key part of the concept of the common good rather than something that exists over and against it. Therefore I would prefer that we say here something like: "An impoverished and exaggerated notion of individualised freedom is deeply embedded ... and runs counter to considerations of the Common Good ... etc"

<sup>15</sup> Martin, B (2013) Responsibility –an ethic for Interdependence' Paper for Global Ecological Integrity Conference. Costa Rica. June.

<sup>16</sup> Levinas, E. (1987). *Collected philosophical papers* (A. Lingis, Trans.). Pittsburgh, PA: Duquesne University Press, p. 58.

<sup>17</sup> Jonas, H. (1984) *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*.

University of Chicago Press.

<sup>18</sup> For further discussion of Jonas' book and these points see Prue Taylor "Ecological Integrity, Responsibilities and Rights: Insights from 'The Imperative of Responsibility' by Hans Jonas"

<sup>19</sup> Kelderman, M. 2013) Personal communication on the Common Good submission to the Constitutional Review.

<sup>20</sup> See Te Ahukaramu Charles Royal and Betsan Martin "Responsibility in Aotearoa-New Zealand" in Edith Sizoo (ed) *Responsibility and Cultures of the World* (Peter Lang, 2010).

as fa'aloalo (respect) , matangi kolo (responsibility for the future), haihanisiga (love for the land), qarauna (care and respect for land).

Eminent Maori philosopher Maori Marsden explains:

Man is the conscious mind of Mother Earth and plays a vital part in the regulation of her life support systems and man's duty is to enhance and sustain those systems. ... Until we learn the lesson that man is an integral part of the natural order and that he has obligations not only to society but to the environment so long will he abuse the earth."<sup>21</sup>

22. The ideas that these writers and groups are concerned with suggest a much broader constitutional framework than that of the traditionally narrow bills of rights, of which New Zealand's Bill of Rights Act is a good example. National health care is important, not just because people have a right to it, but because we have a duty to provide it. Belonging to a community brings responsibilities to care for others in that community. Any genuine constitutional conversation needs to include consideration of these responsibilities as well as individual rights.

### *International Initiatives for Common Good*

23. A Charter for Universal Responsibility is intended to facilitate the introduction of ideas of common good and shared responsibility into national and international dialogues. It is hoped that it might provide an alternative to human rights as the controlling paradigm, as highlighted in the Charter of the United Nations and the Universal Declaration of Human Rights. A copy of the text of the Charter is appended to these submissions.
24. The collective orientation of Common Good values is intended to complement, not undermine, those human rights already recognised. The very first responsibility proposed is that "we are all responsible for making sure that Human Rights are affirmed in our ways of thinking and in our actions". However, the recognition of human responsibilities goes beyond rights, by emphasising that humans are responsible for helping each other to flourish
25. The Earth Charter is a similar international initiative, using a community of life orientation.<sup>22</sup> The Earth Charter creates an ethical framework for a just, sustainable and peaceful world for the community of all life. It sets out an ethical framework (a shared vision of basic values) and a range of interdependent principles for the realisation of these values. Although this document does not have legal status in international law, it is rapidly gaining international recognition and is influencing a growing number of declaratory and binding legal agreements.<sup>23</sup> Furthermore, it is an intention that nation states: "support the implementation of the Earth Charter

<sup>21</sup> M. Marsden and T. A. Henare *Kaitiakitanga: A Definitive Introduction to the Holistic World View of the Maori* (1992, NZ Ministry for the Environment) 18.

<sup>22</sup> See <http://www.earthcharterinaction.org/content/> (last accessed 4 June 2009).

<sup>23</sup> K. Bosselmann 'In Search of Global Law: The Significance of the Earth Charter' (2004) vol 8, issue 1 *Worldviews: Environment, Culture, Religion* 62. K. Bosselmann and P. Taylor *The Significance of the Earth Charter in International Law* in P.B. Corcoran (ed) *The Earth Charter in Action* (KIT Publishers, 2005) 171.



principles with an international legally binding instrument on environment and development.”<sup>24</sup>

The Charter for Human Responsibility and the Earth Charter are based on the unity of human and non-human life, the shared destiny of all and universal responsibility: “[W]e are one human family and on Earth community with a common destiny. We must join together to bring forth a sustainable global society founded on respect for nature, universal human rights, economic justice and a culture of peace. Towards this end, it is imperative that we, the peoples of Earth, declare our *responsibility to one another, to the greater community of life, and to future generations*. (Preamble, Earth Charter), (Taylor 2012).

John Kleinsman 9/8/2013 2:26 PM

Comment [2]: Should this be “one”?

26. In 2008, Dr Gonzi, Prime Minister of Malta, introduced a draft Universal Declaration on Human Duties to the UN General Assembly

27. The Finnish Constitution has an explicit statement of environmental protection:

*Section 20 – Responsibility for the environment*

Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence decisions that concern their own living environment.

Furthermore, as a point of interest, the Finnish Constitution includes a freedom of religion section:

*Section 11 – Freedom of religion and conscience*

Everyone has the freedom of religion and conscience.

Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one’s convictions and the right to be a member of, or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of religion.

John Kleinsman 9/8/2013 2:26 PM

Comment [3]: Suggest making this point 28 since 27 explicitly refers to environment

### *The Bill of Rights: Rights, Responsibilities and Common Good*

28. It is submitted that:

- a. The Bill of Rights identifies human rights protections against abuses of power. Most of the rights are individualized. There needs to be a corresponding ethic for (assessing?) the exercise of power. This may be applicable to states, corporates and to those with governance responsibilities.
- b. The Bill of Rights be enlarged to include collective rights such as those embodied in social and economic rights, including a right to shelter; to work, to wellbeing, social inclusion and participation

<sup>24</sup> Earth Charter, ‘The Way Forward’. See <http://www.earthcharterinaction.org/content/> (last accessed 4 June 2009).

- c. The Act be enlarged to include Common Good values, duties and responsibilities, including to the environment.
- d. The Act be enlarged to include the protection of New Zealand's indigenous people;
- e. The Act should include recognition of the Crown's responsibility to protect ecological common goods;
- f. New Zealand's Bill of Rights Act (amended to include principles of the common good) be enshrined as supreme law along with Te Tiriti o Waitangi;

### *Social, Economic and Cultural Rights*

29. Social and economic rights are collective rights to health, a reasonable standard of living, and include housing, water, food, education, work rights, social security, cultural rights. The best known promulgation of these rights is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Although there is no statutory equivalent to the Convention in New Zealand<sup>25</sup> (unlike the Bill of Rights Act, which is related to the International Covenant on Civil and Political Rights), the ICESCR has been influential: see, for example, Baragwanath J's decision in *Te Mata Properties Ltd v Hastings District Council*.<sup>26</sup>
30. We submit that the following collective economic, social and cultural rights be included in the Bill of Rights:
- a. A right to social security;
  - b. Education which is free, compulsory, accessible and affordable;
  - c. Health services which are adequate and accessible to all;
  - d. Housing which is available to all.
31. Issues that undermine wellbeing in Aotearoa NZ, and which could be addressed by economic, social and cultural rights, include: child poverty; low wages; restrictions on collective bargaining; inequalities between rich and poor, disparity between Māori, Pacific people and others in education, healthcare and housing; the treatment of refugees and asylum seekers.

John Kleinsman 9/8/2013 2:26 PM

Comment [4]: encompass?

John Kleinsman 9/8/2013 2:26 PM

Comment [5]: Add domestic violence

### *Fundamental Duties and Responsibilities*

32. In any discussion of fundamental rights and freedoms in a future constitution of New Zealand, it is submitted that it would be appropriate for the general

<sup>25</sup> The UN recently (2008) agreed to an Optional Protocol, which provides for a complaint mechanism directly to the UN Committee on Economic, Social and Cultural Rights. New Zealand ratified the ICESCR in 1978 (Bedggood, M. (2013) 'Making Human Rights a Keystone to New Zealand's Constitutional Conversation.' Paper for Amnesty International Conference).

<sup>26</sup> [2009] 1 NZLR 460.

community, and particularly for those sectors of New Zealand society with a strong community ethic, that consideration be given to including a statement of Common Good and fundamental duties.

33. Precedents for this can be found in constitutions like the Constitution of Vanuatu, which includes a section titled “Fundamental Duties”, just after the section “Fundamental Rights”.<sup>27</sup>
34. We, therefore, consider that an expanded view of rights with an account of collective rights, and that a principle of Common Good with corresponding duties, be accommodated in an amended Bill of Rights.

### *Environmental Custody and Safeguards*

35. New Zealand could enshrine commitment to environmental protection and to its citizens’ standard of living through:
  - a. the granting of constitutional status to a healthy atmosphere and to land, water and marine environment; and
  - b. the creation of a positive responsibility or obligation on the State to protect ecological common goods.
36. Protection of New Zealand’s land and marine ecosystems resonates with tikanga Maori, which recognises that tangata whenua have a kaitiakitanga role in relation to the land.
37. New Zealand’s concerns with Common Goods have a special interest in water, given the country’s extensive resources in fresh water, coastal marine areas, and its large Exclusive Economic Zone, for which it is responsible at international law.

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#### <sup>27</sup> 7. Fundamental duties

Every person has the following fundamental duties to himself and his descendants and to others –

- (a) to respect and to act in the spirit of the Constitution;
- (b) to recognise that he can fully develop his abilities and advance his true interests only by active participation in the development of the national community;
- (c) to exercise the rights guaranteed or conferred by the Constitution and to use the opportunities made available to him under it to participate fully in the government of the Republic of Vanuatu;
- (d) to protect the Republic of Vanuatu and to safeguard the national wealth, resources and environment in the interests of the present generation and of future generations;
- (e) to work according to his talents in socially useful employment and, if necessary, to create for himself legitimate opportunities for such employment;
- (f) to respect the rights and freedoms of others and to cooperate fully with others in the interests of interdependence and solidarity;
- (g) to contribute, as required by law, according to his means, to the revenues required for the advancement of the Republic of Vanuatu and the attainment of national objectives;
- (h) in the case of a parent, to support, assist and educate all his children, legitimate and illegitimate, and in particular to give them a true understanding of their fundamental rights and duties and of the national objectives and of the culture and customs of the people of Vanuatu;
- (i) in the case of a child, to respect his parents.

#### **8. Fundamental duties non-justiciable but public authorities to encourage compliance**

Except as provided by law, the fundamental duties are non-justiciable. Nevertheless it is the duty of all public authorities to encourage compliance with them so far as lies within their respective powers.

38. On an international level, the United Nations Commissioner for Human Rights has instructed governments to treat the right to a healthy environment as a fundamental human right. The principle is also present in both the Stockholm and Rio Declarations, to which New Zealand is party.
39. There is evidence that there are Common Good benefits from constitutional entrenchment of environmental rights and responsibilities and environmental laws,<sup>28</sup> through an enhanced role for citizens in sharing responsibility for improved environmental performance.
40. There are currently proposals to amend parts of the Resource Management Act. However, the amendments do not go far enough and may risk the lowering of environmental standards and (creating?) further inter-generational injustice. Ecosystem protection must be placed at a constitutional level. Twenty years of the RMA and managing effects on the "environment" have seen a steady decline in a range of environmental indicators. When humans are defined as holding rights over property as objects to be owned, the conditions are set for a system of exploitative use of nature's resources. We wish to see the sustainability provisions and ecological safeguards re-instated in legislation.

*Other matters: written constitutions, amendments to the constitution, referenda*

41. There are good arguments for and against a written constitution. Considerations of the Common Good interest include:
  - a. Ensuring the constitutional status of Te Tiriti o Waitangi
  - b. A set of principles, such as the Common Good, (that?) is unifying and accessible to the peoples of Aotearoa New Zealand;
  - c. An accessible Constitution is in itself a Common Good as a public statement that represents social cohesion and a common mind, and reflects a process of public engagement in the future of Aotearoa New Zealand that takes account of our history and our context as a Pacific nation. The Common Good project expresses interest in a constitutional arrangement that provides accessibility and affords protection against inaccessible, and therefore elitist knowledge of constitutional provisions.
42. The Common Good Project submits that amendments to the constitution should require a majority vote of greater than 75%. This would provide a brake on the susceptibility of policy to political changes.
43. Where there is a citizens referendum, it is submitted that when there are the required number of signatures, a referendum should be binding.

*Conclusion*

<sup>28</sup> (Equal Justice Project <http://equaljusticeproject.co.nz>)

John Kleinsman 9/8/2013 2:26 PM

**Comment [6]:** Just because a majority of people think something is ok does not make it right OR, more importantly for this submission, an expression of the common good. I would not agree with this clause

44. For this review, it is requested that the Common Good be considered as a guiding framework that accommodates the following:

- Te Tiriti o Waitangi be accorded Constitutional status
- that Responsibilities and duties be given consideration in an amended Bill of Rights;
- that guiding principles of ecological integrity and kaitiakitanga be upheld as part of the Common Good approach to constitutional development
- It is suggested that the Common Good aligns with UN goals for Sustainable development. Sustainable development encompasses social wellbeing and economic activity nested within life supporting ecosystems. Social wellbeing includes reducing inequality, eliminating poverty and ensuring basic needs are met for all citizens and residents.

The Common Good Project thanks the Review Panel for granting an extension of time for this submission. This submission has been prepared following the Common Good Conference in July 2013. There has not been time for comprehensive work to ensure all views are represented, however there is widespread support for the themes outlined in this document.

The Common Good Project would welcome any further opportunities for engagement with the Constitutional Review Panel as recommendations are further developed.

With appreciation for the opportunity to present the views outlined above.

Prepared for the Common Good Project by Dr. Betsan Martin in consultation with people involved in this initiative. The themes of this submission and its recommendations receive support from the following participants

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 Molly Melhuish, Consumer and Environmental Advocate  
 Rev. Peter Stuart  
 Rev. Charles Waldegrave, Family Centre Social Policy Research Unit  
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