

**A Visionary Constitution
for
Aotearoa New Zealand**

22.4.2015.

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Vision:

It is time for a clear achievable vision that can be used in discussion and lead us to a fair, just, and sustainable system for the people of Aotearoa New Zealand.

The intent of this document is to inspire all who choose to make this country a better place, and to become the foundation of a ratified constitution for the country.

Preamble:

We, the people who inhabit Aotearoa New Zealand, wish to create a just society where every person has equal rights and opportunity. Our diverse origin enriches our society and together we are responsible for our heritage, our country and its history, nature, languages and culture. We further acknowledge that, within this equality, there is, and will always be a special place for the

indigenous people of Aotearoa New Zealand embracing their ancient knowledge of treating this land and its resources sustainably so they are preserved as a legacy for future generations.

Aotearoa New Zealand is a free and *sovereign* state with freedom, equality, democracy and *human rights* as its cornerstones.

The prime purpose of government is the health and wellbeing of the people. The government shall endeavour to strengthen the welfare of the country's citizens, encourage their culture and respect the diversity of the life of the people, the country and its biosphere.

We wish to promote harmony, security and happiness amongst us and for the coming generations. We are determined to work towards peace with other nations and respect for the earth and all mankind.

This constitution uses the term "**A good way of living**" which implements the following 7 principles.

- ⤴ **Oneness** of all life: one people on one planet
- ⤴ **Awareness** of the earth (Papatuanuku) and the rights of nature.
- ⤴ **Kindness** in thoughts, words, and actions
- ⤴ **Compassion** for all living things in all situations
- ⤴ **Self responsibility** for everything we do, say, and experience
- ⤴ **Balance** in all areas of society, and the environment
- ⤴ **Community** Operating within **communities** and groups is the way for humanity to move forward

These 7 principles cover all areas of environmental and social responsibility, human interaction, and decision making. They embody the ideals of simplicity, truth, equality, peace, and sustainability.

In light thereof we set a new Constitution, the supreme law of the land that all must observe.

Chapter I. Basic elements

Article 1.1

Form of government

Aotearoa New Zealand is a constitutionally guaranteed Participatory Democracy wherein the people fully participate in generating the direction for the nation, and have the power of approval over all decisions that affect the nation and its peoples.

Article 1.2.

Governmental structure

The country shall be governed by three levels of councils that represent the people.

These councils are The National Council, The Regional Council, and The Community Council.

An Advisory Council oversees the whole of the government, and ensures that everything is being done in conformity with the constitution.

See Chapter 4.

The system of governance is non adversarial.

The government shall ensure that all be granted the rights and freedoms embodied in this Constitution.

Political issues shall be decided by Binding Citizens Initiated Referenda (BCIR) as outlined in article 2.11 and will be supported by public media which will be monitored by a media ombudsman.

The prime duties of all elected persons are:

1. Guaranteeing without any discrimination whatsoever the true possession of the rights set forth in the Constitution, especially the rights to education, health, food, social security and water for its inhabitants.
2. Guaranteeing national sovereignty.
3. Building up national unity in diversity.
4. Guaranteeing secular ethics as the basis for public service and the legal regulatory system.
5. Planning national development, eliminating poverty, and promoting sustainable development and the equitable redistribution of resources and wealth to enable access to the good way of living in accordance with the 7 principles.
6. Promoting equitable and mutually supportive development throughout the country by building up the process of autonomies and decentralization.
7. Protecting the country's natural and cultural assets.
8. Guaranteeing its inhabitants the right to a culture of peace, to integral security and to live in a democratic society free of corruption.

The Supreme Court and other courts exercise the judicial power independent of the executive.

Article 1.3.

Territory

Aotearoa New Zealand's territory is indivisible. The limits of its territorial waters, air space and economic zone shall be determined by law.

Article 1.4

The New Zealand Flag

The flag of New Zealand is proposed to be the United Tribes Flag that was chosen and officially hoisted in 1834 – prior to the Declaration of Independence in 1835. Any future flag shall be decided by Binding Citizens Initiated Referendum.

Article 1.5.

Citizenship

Persons born in Aotearoa New Zealand, or with a parent who is a citizen of Aotearoa New Zealand have a right to be citizens of Aotearoa New Zealand. Citizenship shall in other respects be granted by law.

No one shall be deprived of the right to Aotearoa New Zealand citizenship. An Aotearoa New Zealand citizen may not be prevented from entering the country nor can they be expelled from the country. The right of foreigners to enter and dwell in the country, as well as for what fault they may be expelled, shall be determined by law.

Article 1.6.

Duties of citizens

All shall respect this Constitution in its every aspect as well as the laws, duties and rights derived there from.

Article 1.7

Civil Defence Force

The army's primary duty shall be civil defence.

The navy's primary duty shall be protection of our fisheries and borders.

The air force's primary duty will be to assist in disaster relief work.

Military forces shall always be subordinate to the civil government and always act in accord with this constitution, and in no case act independently of the civil government.

Military Forces shall not be deployed overseas except to assist in relief efforts.

Article 1.8

The Police

The police's primary responsibility is to uphold the law and keep the peace, in congruence with this constitution, and always under the authority of the civil government.

The carrying of guns shall be limited to very specific circumstances, and never become regular practice.

Only police officers, members of the armed forces, or individuals with written permission from the Regional Council may lawfully own a handgun.

Chapter 2. Human rights and nature

Article 2.1.

Equal rights

We are all equal under the law and shall enjoy our human rights without discrimination, on any grounds including gender, age, genetic character, place of residence, economic status, disability, sexual orientation, race, colour, opinions, political affiliation, religion, language, origin, ancestry and position.

New Zealand aspires to be a caring community where everybody is given appropriate assistance towards reaching their potential, for the establishment of "a good way of living".

Multiculturalism shall be a guiding principle towards a cohesive harmonious and balanced co-existence among all people.

Article 2.2.

Right to life

All shall inherit the right to life at birth.

Article 2.3.

Human dignity

All shall be guaranteed the right to a life with dignity. Human diversity shall be respected in every way.

All shall have the right to live modestly and sustainably without interference from any level of government. This right shall specifically forbid the use of taxes and rates being used as a means to confiscate property from those with low incomes.

Under this section, a modest income is defined as a living wage or less than a living wage. A modest amount of real estate is defined as a single property with the utility to house and provide modest income, or produce, for its occupying individual, family or group. Property, under this provision, must only be valued by utility, not market value.

All shall have the right to basic warm dry accommodation, according to their circumstances.

Article 2.4

Maori / Indigenous Rights

The indigenous people shall be recognised for their intimate relationship with the Earth and her resources and their traditional wisdom and understanding of the necessity to live in harmony with the Earth's natural systems, ensuring the right of future generations to enjoy a pristine and healthy environment.

Non-discrimination, cultural integrity and language, rights to their lands, their territories and natural resources, and other rights relating to socio-economic welfare shall be enshrined in law. Indigenous peoples have fundamental rights of self-determination, autonomy and self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Maori Wardens shall be given the right to keep the peace and arrest when necessary.

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions and retain their right to participate fully, in the political, economic, social and cultural life of the State, and live in peace.

Indigenous peoples, individually and collectively, have the right to be free from forced assimilation or destruction of their culture, and the State must prevent, and allow for redress, for any acts that damage their cultural integrity, such as forced transfer, dispossession of lands, territories and resources, and discriminatory propaganda.

Te Whakaputanga - The 1835 Declaration of Independence is to be acknowledged, as is Te Tiriti o Waitangi – the Maori text of The Treaty of Waitangi.

Article 2.5.

Safeguarding of rights

The public authorities must at all times protect the citizens against human rights violations, whether committed by the holders of state power or by others.

Genocide, crimes against humanity, and treason, are crimes, are proscribed, and are punishable by law.

All forms of torture, disappearance, confinement, coercion, exaction or any form of physical or moral violence are prohibited.

Statements, acts or admissions performed or obtained by the use of torture, or coercion, or any forms of violence, shall be null and void.

Article 2.6.

Right to security

All shall have the right to the security of their person and protection against any kind of violence, including sexual violence, inside or outside the home.

Article 2.7.

Inviolacy of private life

International and national surveillance shall be proscribed by law – See Article 7.4
CCTV surveillance must be approved by local communities.

The inviolacy of private life, home and family shall be guaranteed.

A person's body may not be searched nor his residence or personal effects except with a court order or special authorisation by law. The same applies to a search of documents, postal or electronic transmissions, telephone calls or other communications as well as any other comparable curtailment of privacy.

The first paragraph notwithstanding, limits may be placed on the inviolacy of private life, home or family only if urgently necessary to protect the rights of others.

Everyone has the right to the inviolability of his home and secrecy of private communications in all its forms without judicial authorization.

Inviolable correspondence, private papers and private statements contained in any medium, may not be seized except in the cases determined by law for the criminal investigation, under written and substantiated by competent judicial authority.

No public authority or any person or organization may intercept private conversations or communications by any means.

The information and evidence obtained in violation of rights of private correspondence and communications in any form shall not produce legal effect and is inadmissible in a court of law.

Article 2.8.

Rights of children

All children shall be assured by law of the protection and care that their welfare demands.

The best interest of the child shall always have priority in decisions regarding their affairs.

A child shall be guaranteed the right to express his/her opinions in all instances concerning him/her, with consideration of their age and maturity.

Article 2.9.

Right to property / land

Property rights are based on the responsibility to be a good steward of the land.

Individuals have the right to own property alone, as well as in association with others.

No one shall be arbitrarily deprived of his/ her property.

Private property is guaranteed provided that the use made of it is not detrimental to the collective interest or the Rights of Nature, as in articles 3.1 and 3.2.

The above article refers to individual small property holdings and is not designed to include corporations.

Ownership of farmland and strategic businesses shall be always and at all times restricted to New Zealand citizens - no foreign ownership rights or directorship roles shall be allowed.

Article 2.10.

Right of freedom of speech

All shall be free to have their opinions and convictions and shall have the right to express their thoughts subject to the stipulations of law to protect the rights and wellbeing of others.

All malicious publically expressed opinions must be based on fact, or the person originating that opinion could expose themselves to prosecution for libel.

Censorship and other comparable impediments to the freedom of opinion must never be enacted

into law. Limits on the expression of opinion may, however, be stipulated by law to protect the rights of others, as necessary in a democratic society.

The public authorities shall guarantee the conditions for an open and informed discourse in society. The access to any source of information shall not be limited unless by a court verdict and subject to the same conditions as apply to the limits of the expression of opinion.

Whistleblowers who expose misconduct, alleged dishonest, unsafe, or illegal activity occurring in an organization, government body or business, shall receive the full protection of the law.

Article 2.11

Binding Citizens Referenda (BCIR)

Any member of the public may propose a referendum.

This must then be supported by a petition signed by a minimum of 5% of eligible voters.

Proposals for referenda may not replace, infringe or diminish the rights stated in this constitution.

Questions asked in the referenda must be approved by the Council of Elders and the National Council.

Implementation of the collection of signatures and a referendum:

Issues presented before a referendum at the demand or initiative of voters shall concern the public interest. Care shall be taken that a bill at the initiative of the voters shall be in accordance with the Constitution. Should a disagreement arise whether issues fulfil the above conditions, the courts shall decide.

Any amendments to the constitution shall be decided by a special referendum and must be approved of by 80% of eligible voters.

The media ombudsman shall oversee all media contributing to the discussions of issues surrounding a binding citizens referendum to ensure truthful comprehensive and non-biased reporting.

Article 2.12.

Right to information

All persons shall be free to collect and disseminate information.

Public administration shall be transparent and shall preserve documentation, such as minutes of meetings, and shall register and document issues, their origin, record and final resolution. Such documentation may not be deleted.

Information and documents held by public authorities shall be available without exception and the access of the public to all documents collected or paid for by public authorities shall be assured by law. A list of all cases and documents held by public authorities, their origin and content shall be open to all.

The collection, dissemination and delivery of documents, their preservation and publication may only be abridged by law for a democratic purpose, such as for the protection of personal privacy, the inviolacy of private life, or the security of the state. Limits of access to working documents may be enacted, provided that such limits are not more extensive than necessary in order to protect the normal working conditions of public authorities.

Information on the reasons and the time limits for secrecy shall be available for all documents

under lawful secrecy.

Article 2.13.

Freedom of the media

The freedom of the media, their editorial independence and transparency of ownership shall be ensured by law.

The protection of journalists, sources and informants shall be ensured by law.

Source confidentiality may not be abrogated without the consent of the informant except in criminal case proceedings and by a court verdict.

Freedom of the press, radio and television and of other forms of dissemination of features and information by means of public telecommunications is guaranteed.

The media ombudsman shall ensure all of the above.

Article 2.14.

Freedom of academia

The right of academia, art, and science to operate free of vested interest shall be ensured by law.

Article 2.15.

Freedom of religion

All shall be assured of the right to religion and their own view of life, including the right to change their religion or personal convictions and the right to remain outside religious organisations.

All shall be free to pursue their religion, individually or in association with others, publicly or privately.

The freedom to pursue religion or personal convictions shall only be limited if practices contained therein violate the laws of the land.

Article 2.16.

Church organisation

Government shall hold no position on religion. The constitution shall not allow an official state religion.

Article 2.17.

Right to association

All shall be assured of the right to establish associations for a lawful purpose, such as unions and social organisations, without having to apply for a licence. An association may not be dissolved through a government measure.

No one shall be obligated to be a member of an association.

All workers and employees have the right to organize trade unions in accordance with the law.

The State shall respect the principles of union democracy, political pluralism, self-reliance, solidarity and internationalism.

The State shall respect the ideological and organizational independence of trade unions.

The tangible and intangible heritage of trade unions is inviolable, indefeasible and inalienable.

Workers and self-employed persons have the right to organize to defend their interests.

The right to strike as the exercise of the legal power of the workers to suspend work in the defence of their rights under the law is guaranteed.

Article 2.18.

Right of assembly

All shall be assured of the right to assemble without special permission, such as in meetings or to protest. This right shall not be curtailed except by law provided this does not abrogate the rights of others. The right of peaceful assembly and peaceful protest that does not abrogate the rights of others is enshrined in law.

Article 2.19

Healthy Environment

All shall by law be accorded the right to a healthy environment, fresh water, unpolluted air and unspoiled nature. This means that the diversity of life and land must be maintained and nature's objects of value, uninhabited areas, vegetation and soil shall enjoy protection. Earlier damages shall be repaired as possible.

It is the right of citizens to be free from toxins when in their own home.

The use of natural resources shall be such that their depletion will be minimised in the long term and that the right of nature and future generations be respected.

All citizens shall have an equal right to enjoy the benefits of the environment within the scope of applicable legal protections.

Environmental conservation, the protection of ecosystems, biodiversity and the integrity of the country's genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest.

The law shall secure the right of the public to have the opportunity to participate in the formulation of decisions that have an impact on the environment and nature as well as the possibility to seek independent verdicts thereon.

In taking decisions regarding Aotearoa New Zealand's nature and environment, the public authorities shall base their decisions on the main principles of environmental law.

The human right to clean water is essential and cannot be waived. Water constitutes a national strategic asset for use by the public and it is unalienable, not subject to a statute of limitations, immune from seizure and essential for life.

Governments may not mass-medicate public water supplies except for disinfection purposes.

Persons and community groups have the right to safe and permanent access to healthy, sufficient and nutritional food, preferably produced locally and in keeping with their various identities and cultural traditions, with country-of-origin labelling that includes mention of any GMO ingredients.

The Government shall promote food sovereignty as in article 6.1

While making every effort to develop technology that frees us from fossil fuel energy, a focus on local energy sources and growing our own fossil fuels shall be promoted.

Article 2.20.

Technology:

The State shall promote, in the public and private sectors, the use of environmentally clean technologies and non-polluting and low-impact alternative sources of energy. Energy sovereignty

shall not be achieved to the detriment of food sovereignty nor shall it affect the right to pure water.

New Zealand will shift from the use of fossil fuel to renewable, clean and environmentally sound energy sources as soon as possible.

The development, production, ownership, marketing, import, transport, storage and use of chemical, biological and nuclear weapons, highly toxic persistent organic pollutants, internationally prohibited agrochemicals, and experimental biological technologies and agents and genetically modified organisms that are harmful to human health or that jeopardize food sovereignty or ecosystems, as well as the introduction of nuclear residues and toxic waste into the country's territory, are forbidden.

Aotearoa New Zealand shall retain its nuclear free status.

Article 2.21.

Social rights

All shall be assured of the right to an adequate standard of living and social security.

All in need shall be guaranteed a right by law to public assistance in such cases as unemployment, child care, old age, poverty, disability, illness, permanent impairment or similar circumstances.

Aged care institutions shall operate as not-for-profit trusts.

An aged care ombudsman (or commissioner) will oversee the legalities of aged care facilities, individual care organisations and those cared for at home.

Article 2.22.

Health services

All shall have the right to mental and physical health to the highest standard possible.

All shall by law have the right to an accessible, appropriate and adequate nationally-funded health service and all citizens will have access to free health care.

All shall have the right to make their own choices of health care, including allopathic, complementary health care, energy healing, essential oils and medicinal herbs and plants, including medicinal marijuana.

Complementary healthcare shall be encouraged and nationally funded on a par with allopathic care.

The government shall not impose mandatory medical procedures, medications or vaccinations.

Article 2.23.

Education

All shall have the right to free education at all levels.

Education shall be adjusted to the general ability and aspirations of each individual and be in line with critical awareness of human rights, democratic rights and duties, ethics and values.

Te Reo (the Maori language) shall be included in the core curriculum for preschool and primary education, and encouraged in secondary schools.

All children in school shall have lunch provided at no cost.

An integrated combination of the values and strengths of our primary cultures will be a guiding principle in the development of educational material.

The right to home schooling shall be ensured by law provided it meets accepted standards of a liberal education.

Continuing education and adult learning shall be available to all for personal and vocational enhancement ,and societal enrichment.

Article 2.24.

Freedom of enterprise

All shall be free to pursue the livelihood they choose, consistent with the requirements of this constitution and the law.

Adequate work conditions shall be stipulated by law, such as periods of rest, vacation and hours of leisure.

All shall be accorded the right to a living wage and other work-related rights.

Zero hours contracts shall be replaced by the use of agency workers, or by using fixed-term contracts.

Enterprises shall be required to be of overall benefit to the community and respect Constitutional Rights and the Rights of Nature, as in article 3.1.

Article 2.25.

Right to residence and travel

All citizens shall be free to choose where they live and be free to travel, subject to the limits of the law.

No one may be prevented from leaving the country except by a court verdict or lawful arrest.

The law shall set the rights of refugee and asylum seekers to a just and speedy deliberation. In the interim they will be accorded social, health and education rights.

Article 2.26.

Deprivation of freedom

No person shall be deprived of freedom unless authorised by the courts.

Anyone who has been deprived of freedom has without delay the right to be informed of the reason.

Anyone who has been arrested for suspicion of having committed a punishable act shall without exception be brought before a judge. If the person is not released forthwith the judge shall, before 24 hours have passed, render a reasoned verdict whether the person shall be remanded into custody. Custody may only be applied for an offense punishable by a jail sentence. The right to appeal a remand into custody to a higher court shall be ensured by law. No one shall be remanded into custody longer than necessary.

Anyone who, for reasons other than a punishable offence, is deprived of freedom has the right to have a court rule on its legality within 72 hours. Should a deprivation of freedom prove illegal the person shall be set free.

If a person has been deprived of freedom for insufficient reason they shall have the right to compensation.

Article 2.27.

Due process of law

All shall have the right to a speedy resolution of the case against them before an independent and impartial jury. Court sessions shall be open unless the judge rules otherwise in accordance with law in order to guard public safety, or the interests of the parties to the case and witnesses.

Anyone who is accused of a punishable offense shall be deemed innocent until proven guilty.

Article 2.28.

Prohibition of inhumane treatment

The death penalty may never be introduced into law.

No one may be tortured or be otherwise subjected to inhumane or demeaning treatment or punishment.

No one may be subjected to forced labour.

Article .2.29.

Prohibition of retroactive punishment

No one shall be subjected to punishment unless found guilty of a punishable offence according to the law at the time of the incident.

The punishment may not be more severe than allowed by the law of the time, at the time of the incident.

Article 2.30.

Prohibition of compulsory military service

Compulsory military service may never be introduced into law.

Article 2.31.

Cultural treasures

Valuable national treasures that belong to Aotearoa New Zealand's cultural heritage, such as objects of national value, may neither be destroyed nor delivered for permanent private possession or use, nor be sold or pledged.

Chapter 3: The Natural World

Article 3.1.

The Rights of Nature

Aotearoa New Zealand's nature, and Papatuanuku, constitute the basis for life in the country. All shall respect and protect it.

Nature, and Papatuanuku, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.

The State shall protect nature and all elements that form an ecosystem.

Every citizen has the right to demand the recognition of the Rights of Nature before the appropriate bodies.

The application and interpretation of these rights shall follow the related principles established in the Constitution.

Intrinsic biodiversity must be maintained and nature's values, uninhabited areas, vegetation and soil shall enjoy protection. Earlier damages shall be repaired as possible.

The use of natural resources shall be such that their depletion will be minimised in the long term and that the right of nature and coming generations be respected.

Nature has the right to restoration. This integral restoration is independent of the obligation on natural and juridical persons or the State to indemnify the people and the collectives that depend on the natural systems for harvesting for traditional and cultural purposes.

In the cases of severe or permanent environmental impact, including the ones caused by the exploitation of non renewable natural resources, the State will establish the most efficient mechanisms for the restoration, and will adopt the adequate measures to eliminate or mitigate the harmful environmental consequences.

The State will apply precaution and restriction measures in all the activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles.

The introduction of organisms and organic and inorganic material that can alter in a definitive way the national genetic heritage is prohibited.

Environmental agencies shall protect the environment in line with this constitution.

The protection of the environment shall be enshrined in law.

Article 3.2.

Natural resources

Aotearoa New Zealand's natural resources shall be the perpetual property of the nation. No one can acquire the natural resources, or rights connected thereto, as property or for permanent use and they may not be sold or pledged.

Publicly owned natural resources include resources such as marine stocks, other resources of the ocean and its floor within Aotearoa New Zealand's economic zone, and the sources of water, waterways, and water-harnessing rights, the rights to geothermal energy and mining. The public ownership of resources below a certain depth under the earth's surface may be determined by law.

In the use of natural resources, and sustainable development, the public will be consulted for guidance. Exploration shall only be conducted by state-owned enterprises

The public authorities, along with those using the natural resources, shall be responsible for their protection. Any damage to the natural environment shall be rectified by the damaging party.

Exploitation of ecosystems, biodiversity, and water quality, that are deemed, by independent science to be to the detriment of the environment, shall be deemed illegal.

All natural resources, irrespective of the state they are in or how they arise, are inalienably and imprescriptibly the property of the New Zealand people, ensuring that the rights and ownership shall not be usurped by any transnational corporation or outside power, or foreign government.

The State shall promote their comprehensive, sustainable and equitable extraction and utilisation of all natural resources.

Article 3.3.

Information on the environment and the parties concerned

The public authorities with input from the public shall inform the public on the state of the environment and nature and the impact of construction thereon. The public authorities and others shall provide information on an imminent danger to nature, such as environmental pollution.

Article 3.4.

Climate change

The precautionary principle shall be enacted around agricultural, transport, and industrial emissions.

Emphasis shall be on developing ever more efficient technologies to limit the introduction of toxic and noxious emissions into the environment.

Three month's basic food supply shall be warehoused and rotated regularly in case of emergencies. New Zealand shall be self-sufficient in food and ensure that enough basic foods are grown in this country for our own use.

Construction and new development of low-lying coastal and riverside areas shall be discouraged, without provision for potential rising water levels.

Article 3.5

Protection of animals

The protection of animals against maltreatment, as well as animal species in danger of extinction, shall be ensured by law.

Humane farming practices shall be enshrined by law.

Experimentation on animals shall be minimal and resorted to only when non-animal methods have been exhausted. Any such experiments shall be designed to minimise suffering of any kind.

Chapter 4. Government

Article 4.1

Government: Tiered Structure.

The country shall be governed by three levels of councils that represent the people.

These councils are The National Council, The Regional Council, and The Community Council.

Each council consists of 13 members.

The councils are overseen an Advisory Council.

Article 4.2

Public Servants and Administrators

Each level of government will be supported by teams of public servants and specialists to carry out the services and business of government.

Any involvement between government and corporate consultancy firms must always be made available to the people.

Article 4.3.

Elections to government

All government bodies shall have 13 members elected by secret ballot for a period of four years. The country shall be divided into 13 electoral regions.

Members of the Community Councils shall be elected by Single Transferable vote STV

After the initial appointment of councils, one member from each Community council shall be put forward to the Regional Council, and one member of the Regional Council shall be put forward to the National Council.

Electoral law shall define how the ratio of women and men shall be maintained within a target band of one third to two thirds.

Changes in electoral regions, as laid down by law, can only be amended by the consent of two-thirds of votes in the National Council. Such amendments may not be passed if there are less than six months until the next election and they shall not take effect if an election is called within six months from their confirmation.

Article 4.4.

Inviolacy

Each level of government is inviolate and shall not be threatened, importuned, or bought.

Article 4.5

Period of office

In all three levels of government, regular elections shall take place no later than one month before the end of the period of office.

The period of office is four years.

The beginning of the period of office shall be on the same weekday in a month, counted from the beginning of the month.

Article 4.6

Voting

All New Zealand citizens and permanent residents, age 18 and over at election time, shall be expected to vote.

Article 4.7

Eligibility of candidates

Every citizen with the right to vote, provided they have no criminal conviction, is eligible to be a candidate for elections to all levels of government.

Council members who incur criminal conviction shall be stood down and replaced by special election.

Article 4.8

The National Council

The National Council is vested with the legislative power, and the power to manage the fiscal affairs of the state, as further specified in this Constitution and other laws.

The 13 member National Council shall be appointed by and from the Regional Council, supported by public servants and government support services.

In the drafting of laws by The National Council concerning The Regional and Community Councils, they and their associations shall be consulted. This level of consultation shall apply to all three councils.

Article 4.9

Regional Councils

There are 13 Regional Councils, each consisting of 13 members, who are appointed by and from Community Council.

The Regional Council is responsible for issues that pertain to their region.

Groups such as farming and manufacturing lobbies will be expected to involve themselves at this level of government. Their involvement must be in alignment with the constitution.

Article 4.10

Community Councils

Each region contains 13 Community Councils consisting of 13 members who are directly elected by the community.

Those appointed to the Regional and Central Councils will remain in communication with the Community Councils from which they were elected.

Community councils will encourage the participation of local individuals, community groups and brainstorming groups in the decision making process.

Focus groups will be selected by sortition to discuss with the Community Councils on current issues, and support the development of effective approaches to address the issues.

Local interest and local lobby groups, such as conservation groups or small retail lobbyists shall be expected to involve themselves at this level of government. Their involvement must be in alignment with the constitution.

Article 4.11

Sovereign right

Community Councils and Regional Councils are in charge of their own affairs as laid down by law and shall have sufficient ability and revenue to perform legally defined tasks.

Community Councils and Regional Councils are sovereign in their own right within the requirements of this Constitution.

Community Councils exercise all rights that are not vested in the Regional or National Councils and Regional Councils exercise all rights that are not vested in the National Council.

Article 4.12

Transparency and Accountability

The public's interest shall be served by total transparency in all process of governance.

Integrated, long-term strategies built upon cooperation between each level of government and citizens shall be in place, strengthening checks and balances both administrative and political.

Article 4.13

Subsidiarity

Both Regional and Community Councils, or associations acting on their behalf, shall perform those tasks of public service that are best handled in their own district, as further laid down by law.

The right of the residents of any community to request a nationwide vote on certain issues shall be laid down by law, see Binding Citizens Referenda (BCIR) article 2.11

Article 4.14

Election to councils

Elections for the Community Councils, Regional Councils, and the National Council shall be held every four years.

Article 4.15

Advisory Council

The national Advisory Council – Kaumatua/Kuia - is a group of 13 directly elected people of any age or ethnic origin.

The Advisory Council shall oversee all branches of government and bring the public's awareness to any proposed legislation or action that is inconsistent with the spirit of the Constitution. Furthermore their role is to guide the governance of New Zealand and ensure that it serves the people at all times and in all ways.

If proposed legislation by the National Council is rejected by the Advisory Council three times, the matter shall be tabled, and shall not be resubmitted for two years.

The 13 members of the Advisory Council must be independent of commercial lobby groups, and if a conflict of interest arises they shall stand down and be replaced.

Article 4.16

Election of the Advisory Council.

Any citizen is eligible to be nominated to the Advisory Council by any other three New Zealand citizens. The nomination is subject to the agreement of the nominee.

The 13 Regional Councils shall each select one of their citizens, who does not already sit on the Regional Council, to serve on the Advisory Council Selection Committee.

The Advisory Council Selection Committee shall choose the final 13 Advisory Council. This selection process shall also be applied to selecting the Council of Ombudsmen.

Members of The Advisory Council shall serve for a period of no more than 5 years, after which they may chose to be available in a consultation capacity.

Article 4.17

The Council of Ombudsmen

There shall be 13 Ombudsmen each with their own portfolio.

The 13 portfolios are: Media; Human Rights; Nature's Rights; Elderly, Infirm and Disability rights; Children's rights; Workers and Employment rights; Insurance and Consumer rights; BCIR, Elections and Democracy; Finance and Banking; Legal and Corruption; Health; Housing; Education;

A State Services Council which includes a Supreme Court Judge elects the Council of Ombudsmen for a period of five years. They shall be independent in their work.

As public advocates they shall safeguard the rights of citizens and monitor the governance of the state and local governments.

They shall see to it that equality is honoured in their area of expertise, and that it is otherwise conducted in accordance with law and good governance practices.

Chapter 5. Economic and monetary functions

Article 5.1

National currency

There shall be a single National Currency, which may be embodied in coin, notes or in digitally-encoded form, however complementary currencies and local economic systems shall be permitted and encouraged.

Article 5.2

National Currency Creation

National Currency shall be issued by or on the authority of the National Council alone, on the advice of the Currency Creation Committee. (This is essentially an adaptation of the existing Monetary Policy Committee of the Reserve Bank of NZ.)

National Currency shall not be created as a direct or indirect consequence of any lending process.

The National Council shall not contract out or delegate the capacity to issue National Currency to any privately held corporation.

A Currency Creation Committee shall be established by law, to decide the quantity of new money for the government to create from time to time, to best control inflation and other parameters set by the National Council.

The Currency Creation Committee shall set the amount of money to be issued to best keep inflation and other economic indicators to targets set by law.

Banks shall be allowed to fail without bailouts from taxpayers' or depositors money.

The decisions of the Currency Creation Committee shall not be influenced by the political goals of the government of the day.

The operations of the Currency Creation Committee shall be conducted in a transparent manner under rigorous public scrutiny.

Article 5.3

Complementary Currencies and Local Economic Systems

Community currencies and local economic systems shall be designed to complement the National Currency and promote the resilience of their regions or communities.

They shall be supported by a legislative environment that helps to optimise their contribution to local economic activity and build community participation.

Community Councils, Regional and National Governing Bodies, Health Services providers, Educational Institutions, Utility Companies may host local economic systems for the benefit of the communities they serve. Such bodies shall take all due steps to protect the assets and rights of their constituents.

Cooperative enterprises where workers share in profits and decision-making shall be encouraged.

Article 5.4

Banking and Finance

The direct or incidental creation of National Currency by any lending process shall be forbidden by law.

Fractional reserve banking shall be forbidden by law.

Current account banking and investment banking shall be operated separately and transparently and be enshrined in law. Monies held in current accounts shall not be lent to others by commercial banks.

The National Council may mandate, if it deems it necessary, that the funds in current accounts be held in trust by the publicly-owned central bank to protect the assets of non-investors.

Banks and finance companies can offer investment accounts provided they fully disclose the risks and category of investment involved. Bank and finance company lending shall be fully funded by their own capital or investors funds.

The publicly-owned central bank may, provided transparency and diligence is maintained, lend money to private banks to cover short term fluctuations in investment funds.

At least one or more publicly-owned Savings (current account) Bank must be maintained in Aotearoa New Zealand by law. This bank may also offer investment and lending facilities, but shall operate within the same disclosure rules as private banks.

The National Council, Regional Councils, Community Councils, all government departments, agencies and trading entities shall use a publicly owned bank for their banking activity.

Article 5.5

Government Income

Government income will come from money creation, publically-owned trading facilities, taxation, duties and levies.

Article 5.6

Government spending

The National Council has the responsibility to budget all public expenditure using funds from money creation, publicly owned trading enterprises and taxation. Budgets should also ensure that National and Regional Councils and Community Councils are adequately funded.

Article 5.7

Taxation

Income tax shall not be levied against those who earn the living wage or below.

Land tax (rates) shall gradually be adjusted so as not to be levied against any primary residence. Community and Regional councils shall augment their income streams with mutual credit and complementary currency systems based on proven design principles. Owners of multiple properties, business properties, and any other property used to generate income above the living wage, may be taxed.

All corporations, operating within New Zealand, shall pay the same rate of tax as local businesses in New Zealand.

Non-trade-related currency transactions will be taxed.

Article 5.8

Economic measurement / Measures of Wellbeing

A quality of life index based on a portfolio of wellbeing indicators shall be implemented in a form suitable to New Zealand society and customs, for the promotion of a 'good way of living'.

The National Council and Council of Elders shall meet yearly to look at ways to reduce the income gap.

Article 5.9

Universal Basic Income – UBI

A Universal Basic Income shall be provided to all citizens and residents of New Zealand age 18 and over.

Needs based support shall also be provided in line with obligations under article 2.20. Social Rights.

Support of this kind is an interim solution towards, 'a good way of living'.

Article 5.10

Income ratio

The ratio between the highest paid executives shall be capped at 20 times above the lowest paid workers.

Team work, cooperation, and responsibility will be highly valued within companies working in New Zealand, rather than people growing rich on the backs of poorly paid workers

Chapter 6: The Judiciary

Article 6.1.

Organisation of the judiciary

The organisation of the judiciary, the levels of courts and the number of judges, shall be laid down by law.

Article 6.2.

Independence of the courts

The independence of the courts shall be ensured by law.

Article 6.3.

Jurisdiction of the courts

The courts shall render final verdicts on the rights and obligations under civil law, as well as on guilt for a punishable act, and decide penalties.

Courts shall ensure whether laws are in conformity with the Constitution.

Courts shall operate within the principles of the United Nations Universal Declaration of Human Rights as adopted by the UN General Assembly on 10 December 1948.

Article 6.4.

The Supreme Court

The Supreme Court is the highest court in the land and has the final power to resolve all cases presented to the courts.

Article 6.5.

Appointment of judges

Judges are either appointed permanently or for a certain term. Courts can hire or convene others as stipulated by law.

Article 6.6.

Independence of judges

In their duties, judges shall only be guided by the law.

Article 6.7.

Power to prosecute and the State Prosecutor

The power to prosecute shall be laid down by law.

The State Prosecutor is the highest prosecutorial authority. In performing his duties he shall only be guided by the law.

The State Prosecutor is appointed and dismissed by the Council of Elders. The State Prosecutor is independent in the performance of his duties and enjoys the same protection in his work as judges do.

Article 6.8.

Courts

All courts shall be non-adversarial.

In the case of the family court no one shall profit from exacerbating procedures, and lawyers shall be trained in a recognised process of peaceful mediation.

DRAFT TEXT – This section is under development

The legal system will be non adversarial, and must be administered under the principles of this constitution, and based on the idea of public security through the rule of law. To ensure this, the separation of powers, independence of the judiciary, and a strong principle of legality and fairness are fundamental.

The legal system will be based on a combination of civil law and common law. Supreme Court decisions shall be fundamental to the interpretation and development of the law.

We intend to include the flexible process of Restorative Justice as an effective way of thinking about the consequences of a crime, and optimising the outcome for the victim and offender, and society.

Chapter 7. Foreign Affairs

Article 7.1.

Procedures in foreign affairs

Foreign policy and the general representation of the state in that area shall be conducted by the Central Government.

Article 7.2.

International agreements

The entry into international agreements that include the devolution of state power to international institutions, where New Zealand is a member for the purpose of peace and economic cooperation, shall be allowed.

The devolution of state power by entry into international agreements shall be further defined by law. The devolution of state power shall always be retractable.

Should New Zealand ratify an agreement that contains the devolution of state power, the decision shall be referred to a BCIR referendum for approval, or rejection. The result of such a referendum is binding.

Article 7.3.

Duties according to international agreements

All holders of governmental power must observe the human rights rules to which the country is bound by international law, and ensure that implementation is congruent with their role according to law and their limits of power.

The Central Government is authorised to ratify international human rights agreements and environmental agreements and they shall supersede national laws.

New Zealand will not engage in international spying. The spying by any other nation on New Zealand or New Zealanders will not be allowed or condoned.

(See article 2.20 for NZ Nuclear Free position, and article 2.7 for mass surveillance.)

Chapter 8. Trade and Industry

Article 8.1

Use of Natural Resources

Industrialisation, extraction and application of renewable and non renewable natural resources shall be conducted with respect for and protection of the environment.

Industrial policies shall promote equitable distribution of wealth and the economic resources of

the country, in order to avoid inequality, social and economic exclusion, and eradicate poverty in its many dimensions, and to create a “good way of living”.

See Chapter 3, Rights of Nature 3.1, 3.2, and 3.3.

Article 8.2

Energy and Water

All central power generation facilities shall be the property of the people. Individuals have the freedom to generate their own power if they so choose.

The water of New Zealand is the property of the people and shall be shared equitably.

Article 8.3

Trade Agreements

Aotearoa New Zealand shall not enter into any international trade agreement that compromises her sovereignty or diminishes her control to regulate her own affairs.

Trade agreements shall be negotiated transparently, and not infringe on national sovereignty.

Chapter 9. Agriculture Fisheries and Productive Ecosystems

Article 9.1

Food Security and Sovereignty

Food security and water security are paramount.

Food sovereignty will ensure the individuals who produce, distribute and consume food are included in decisions on food systems and policies.

Article 9.2

Protection of Land and Water Quality

Practices that cause degradation of the land or waterways are prohibited. This includes the depletion of essential soil components.

Article 9.3

Land and Aquatic Usage

"The Rights of Nature" article 3.1, will apply to all aspects of land and aquatic usage.

Article 9.4

Local food production

The protection of local food production including small farms, organics, and community gardens shall be enshrined in law

Article 9.5

Imports and exports

Food fibre and fuel shall be sourced locally to the fullest extent possible. Imports will be inspected to ensure that they meet New Zealand's standards and may be subjected to tariffs.

Article 9.6

Chemicals, additives and GMOs

It shall be prohibited by law to use any chemical in the growing, production, and processing of food without full disclosure to the consumer of what methods have been used.

Chemicals that kill bees and other pollinators are prohibited.

The growing and importing of food, animals, fish and vegetation that have been genetically modified are prohibited.

Article 9.7.

Sustainable Rural Development

Sustainable integrated rural development is a fundamental part of the economic policies of the nation. They are a part of a 'good way of living.' Community and economic enterprises of all rural stakeholders, with emphasis on security and food sovereignty, shall be prioritised.

Article 9.8

Fish protection and fishing limits

The public are the sole owners of the fish stocks in the New Zealand exclusive economic zone. Fisheries shall be managed in ways that deliver public benefit, which includes social and cultural benefits and the protection of future fish stocks.

The economic harvesting of fish must only deliver economic returns to us within a sustainable framework, protecting the environment and ensuring future food stores.

New Zealand has full sovereignty over its territorial waters. International fishing and super trawler fishing shall not be permitted in its waters.

Areas of deep water habitats shall progressively be closed from bottom trawling and dredging ensuring that pristine areas of ocean sea-bed are maintained for posterity.

Set-netting restrictions shall be implemented that protect dolphins and other by-catch.

To that end ongoing scientific research shall review fish stocks annually and fishing shall be regulated, and have set limits on size and quantity for each fish species.

Article 9.9

Fish farming

Fishing and fish farming shall be done in a sustainable manner protecting the environment and future food stores.

Environmental impacts of farmed fish shall be closely monitored and regulated, with closed cages for carnivorous fish as a solution for protecting ecosystems.

This document is a production of The Awareness Party

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