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KIWIS WILL FLY IN THE REPUBLIC OF NEW ZEALAND

A Submission to the
Constitution Conversation - Constitutional Advisory Panel
June 2013

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Phone



Photo Brendon O'Hagan for Phil Mercer BBC Sydney

DEDICATION

For all those citizens
who believe it is time
for New Zealand to be
a self-determining nation
in which all are equal
under a new written Constitution
as the Republic of New Zealand Aotearoa

Introduction

Kiwis must now overcome their awkward adolescence as an emerging nation to become fully self determining people that are politically mature in the modern world. Kiwi citizens need to grasp the opportunity for constitutional reform to be a true democracy based on universal principles of equality for all before the law, proper respect for human rights as agreed in U.N. Charter and claiming an appropriate multicultural identity in the South Pacific with close links to Australia. This would be the new start in the new millennium.

As a constitutional monarchy our political evolution will be problematic. The challenge to all citizens, organisations, parties and governments: to lay the foundation for a new New Zealand, for future generations, for those with the courage to espouse the ideal, long established by civilised modern nations of "government for the people, by the people, of the people" as stated by Abraham Lincoln.

This is the ideal that was born of the French Revolution, the Russian Revolution rose in American independence, developed in Irish independence, Indian independence, epitomised by modern unified Germany and the new democratic Republic of South Africa.

This is the governance of New Zealand Aotearoa as a modern democratic Republic with new structures of government, direct democracy with binding referenda, all representatives elected and judges and administrators selection open to public scrutiny. To aspire to anything less is a breach of our democratic rights, a constitutional cringe and belittles our human potential and dignity.

This necessary revolutionary change is inevitable. To subvert or obstruct this process of self determination for sectional or vested interest or indigenous preference would be unwise and could have disturbing and lasting consequences on New Zealanders and their families and New Zealand as a nation.

Monarchy is empowerment by accident of birth and as such is illegitimate. Modern governance is founded on equal opportunity in which authority is granted by election only. That New Zealand's Head of State is unelected, as is the Monarch's representative the Governor-General, is a colonial anachronism contrary to principles of democracy where leadership is by ballot. That the Monarch lives on the other side of the world and her son wears the uniform of Commander of our Armed Services is farcical. Unfortunately this is the tragic comedy of our political reality. Elizabeth must be the last monarch. Polynesian and Maori Monarchy is likewise embarrassing and democratically illegitimate in today's world.

Modern nations espouse religious tolerance. That our Monarch is coronated with the sanction of the Anglican Church as divine figurehead also is demagoguery contrary to principles of religious tolerance. Constitutional Monarchy is thus unconstitutional nonsense by international standards of governance and abuse of democratic rights. The English Monarchy and empire is archaic and no longer serves the people of New Zealand. Outmoded protocols must change and the corruption of executive power must cease by vesting power in Kiwi citizens only in a new written Constitution. Polynesian and Maori Monarchy is archaic too, another abuse of power that does not serve its people either.

To liberate the aspirations of those who choose to become Kiwi citizens and gain their commitment to participate in a tolerant, progressive prosperous and truly democratic modern society by elevating our constitutional governance means Kiwis will fly in the Republic of New Zealand Aoteroa.

New Zealand's Constitution

1. *Do you think our Constitution should be written in a single document? Why?*

We are virtually unique in not having a single written Constitution. Organisations are required to have a Constitution. The absurdity of a modern nation without a single written Constitution is an international embarrassment.

Leading nations all have a foundational reference for governance with amendments when passed. Champion of modern democracy, the US, has an amended Constitution. South Africa has a recent Constitution. Our former colony, Samoa, has a Constitution.

To manage change, shape our future, resolve confusions, to clarify issues for citizens, to bind governance to law, set protocols and to protect human rights are self-evident truths requiring an independent single written Constitution. This is now imperative.

Addended is "Kiwi Harmony" a proposed Constitution for development written by Jim Bagnall and based upon the new South African Constitution.

2. *Do you think our Constitution should have a higher legal status than other laws (supreme law)? Why?*

A written Constitution would reform, modernise and override previous constitutional legislation. It would rightfully become supreme law creating all citizens as equals. Representatives, administrators, organisations, businesses, media and citizens would all be accountable with redress through the Supreme Court.

Amendments to the Constitution would require a high threshold of seventy five per cent in the Parliament.

Constitutional protection of basic freedoms and rights would secure democracy and elevate our political process to a more fair, equitable and transparent governance. Control of political betrayals, indiscretions and perversions would be enabled.

3. *Who should have the power to decide whether legislation is consistent with the Constitution? Parliament or the Courts? Why?*

Ultimately the Supreme Court would decide the constitutionality of legislation. This would focus parliamentary debate on the constitutionality of proposed law, a desirable democratic process.

Critical to these protocols would be transparency of appointment of higher judges. Citizens are entitled to have direct input into who judges their society. This is not the case currently. Judicial complaints must have clear consequence also.

Separation of powers between judicial and legislature is fundamental to democracy. With roles and protocols stated in a constitution accountability and democratic diligence would ensue. The Súpreme Court could test legislation and send it back to Parliament for amendment. Parliament could amend the Constitution and clarify constitutional issues for the Supreme Court.

The Bill of Rights

1. *Does the Bill of rights Act protect your rights enough? Why?*

The Bill of Rights fails to protect basic rights because some have been omitted. This creates inconsistencies under obligations to the UN Charter. This confusion is compounded by failures of enforcement by our Human Rights Commission. The resulting lack of commitment to core minimal obligations has led to abuses both racist, sexist and to children that is unacceptable. Flaws and abuses are going uncensored.

2. *What other things could be done to protect rights?*

To protect basic freedom, human rights and ensure transparency, confirm UN obligations and properly empower the Human Rights Commission, the expanded Bill of Rights needs inclusion and definition in a new written Constitution.

Kiwis have had enough of lip service to human rights and democratic process when abuse and manipulation escape real consequence.

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

The expanded Bill of Rights should be incorporated in a new written Constitution as part of the reform process. It would then have the highest legal status in the Supreme Court as such.

4. *Who should have the power to decide whether legislation is consistent with the Act: parliament or the Courts? Why?*

Once incorporated in a new Constitution the expanded Bill of Rights would be used to test legislation in the Supreme Court. (See answer 3 previous section).

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

Gender rights and children's rights are notable exclusions from the Bill of Rights. These would be defined and included in the new Constitution.

Gender advice and government through the Ministry of Women's Affairs only has distorted social policy and law that is sexist. Male persecution persists in failures of equal parenting, unfair punishments and corrections, marital property extortion, health service bias and breaches of natural principles of justice in the Family Court. Resulting high levels of male suicide reflect this major constitutional failure.

Children's rights demand definition particularly concerning protection from a father and validation of secure foster care. These constitutional safeguards and omissions have enabled a national shame of child abuse.

Because so many families are separated, parenting rights for sharing child rearing need clear definition.

Maori Representation

1. *How should Maori views be represented in Parliament?*

Maori views should be represented in Parliament like all other views, within the organisation of a political party or as an elected representative.

Unfortunately the increase in Maori seats as separate seats is an expansion of racist separation. These seats must be abolished now that reconciliation approaches completion. The registration of a Maori party is also institutionalised racism. By international standards of modern governance outlined in the UN Charter, these protocols are unconstitutional and offensive to other cultures. They could be considered a humiliation to Maori themselves as they are not treated as equals. What exists is reverse apartheid. Political parties already have Maori candidates and other cultures represented.

2. *How could Maori electoral participation be improved?*

Maori electoral participation could be primarily encouraged through the inclusion of elementary political studies in the whole education system. This would include human rights and democratic processes.

Maori TV, print media, websites and the internet are communicative tools to encourage Maori participation. The challenge to Maoridom is to also use their marae based organisations to encourage modern democratic participation. Further use of Treaty settlement monies to fund scholarships would be wise. Government should continue to consult with Maori advisors on relevant issues through Ethnic Affairs.

3. *How should Maori views and perspectives be represented in local governments?*

Maori views along with other ethnic views, can be represented in local government by consultation with Maori advisors. However, to grant voting rights to unelected representatives would be racist and unconstitutional.

Treaty of Waitangi

1. *Thinking of the future, what role do you think the Treaty of Waitangi could have in our Constitution?*

Important principles in the Treaty of Waitangi can be translated into a new Constitution making us all equally responsible for guardianship and governance in New Zealand in the best interests of all citizens.

The Treaty was an agreement made when New Zealand was a colonial society. Neither did all Maori agree. We are now a multicultural society. It is time to forge new guidelines for the future.

To swear allegiance to the British Crown is now an offensive and repressive irrelevance. With grievances being reconciled through the Waitangi Tribunal the time is right for all who choose to be New Zealand citizens to unite as one nation. This modern society would necessarily be secular and culturally and religiously tolerant to those who live within legitimate law. This is New Zealand's only tenable constitutional position as we become part of the global village in which modern democratic republics are champions of governance.

2. *Do you think that the Treaty should be made a formal part of the Constitution? Why?*

A new Constitution would supersede the Treaty. The Treaty would be acknowledged as an historic beginning to our constitutional evolution towards complete self determination.

Formal inclusion of the Treaty in Constitution would impose outdated protocols on the future. It would also foolishly encourage separation at a time when the completion of reconciliation is paramount.

Government would be wise to organise a select body to begin the onerous task of drafting a proposed Constitution for debate and eventual ratification as our first formal foundational document announcing to the world we have matured as a people and as a modern nation. Queen's Birthday should then rightfully become Constitutional Day, cause for much celebration.

To shrink from or subvert this task would be a default of government, a lasting abuse of real democracy and condemn those who do to historical ignominy. It would also be potentially dangerous.

Electoral Matters

1. *How many members of Parliament should we have? Why?*

Direct democracy has been circumvented by MMP. Many complain of too much "tail wagging the dog". A Parliament of ninety nine electorates and representatives would deliver more responsive and accessible reps who would speak for a closer community of interest. MPs would be more accountable. Minorities would be able to target electorates with a better chance of election. This is real democracy. It would also pressure participation.

Fewer MPs would be a popular cost saving.

2. *How long should the term of Parliament be? Why?*

The parliamentary term should be four years. This allows considered planning, more review and enactment, schedules better balance between local and national election, saves costs and lessens the "bitter pill" of the second year and the third year bribery of the "lolly scramble".

A wise constitutional restriction on two terms for the leadership would remind aspirants of their responsibility, gravitate against authoritarianism and prompt succession policy.

3. *How should the election date be decided? Why?*

The election date should be set down in the new Constitution as one of the Sundays in November.

This secures democracy with predictability and guards against manipulation.

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

As stated above, the electorates should be set as ninety nine equitable areas focused on a community of interest for reasons outlined. Ninety nine seats prevents a tied vote.

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

Such an MP should leave parliament immediately and be replaced by one selected by that party as soon as possible. Not to do so is undemocratic and therefore unconstitutional. It is an abuse of taxpayer monies.

By elections are unnecessary. The incumbent party should select the new member also. Criminally convicted MPs should be ejected too.

Other Issues

1. *Direct Democracy*

New Zealand has sixty unelected MPs as listed by their parties. To be unelected by the people is not true democracy. Minority views have been legalised contrary to the will of the people. Coalition governments have been formed contrary to the will of the people. List MPs have abused the will of the people. The proportional representation of MMP has led to the abuse of democratic principles.

Direct democracy needs to be instituted with ninety nine electorates as suggested.

2. *Binding Referenda*

Holding random referenda that are not binding is a waste of time. Direct democracy demands referenda more easily initiated by petition and binding at a democratic mandate of sixty six per cent. Similar is done in Switzerland. This encourages participation as citizens are more empowered and politicians are more accountable.

Binding local initiatives on councils would be appropriate too.

3. *General Roll*

Equality of all citizens on one general roll for all those who qualify as citizens is the international norm for modern democracy. Entrenched indigenous preference is unacceptable racism. The Electoral Commission is fostering this abuse by administering the Maori roll. It is culpable before the UN. This is potential international humiliation.

4. *Head of State*

To have a Head of State who is unelected and non-resident is nonsensical privilege and a feudal anachronism in the modern world. Class hierarchy is offensive and leaves New Zealand citizens in the untenable position of being subjects to royalty, foreign at that in a foreign empire. To have an unelected royal representative, the Governor-General, adds further injury to democratic equality. This personal affront to Kiwis is arrogant and inflammatory repression. Clearly a foolish model of governance for the future. Change is overdue. Such provocation is dangerous.

The Presidential model of an elected leader who is also Head of State modernises and equalizes everyone. It also removes confusion of executive power which would be defined in a new Constitution ie how government would be authorised, managed and changed by the voting public. Ceremonial duties are easily delegated to appropriate officials. Even a child could make awards and comment on behalf of Kiwi citizens. No comment at all is acceptable about our national welfare or participation in any event is acceptable by other than an elected representative.

5. *New Protocols*

Kiwis need a new flag. Many find the Union jack offensive, likewise the emblem of Maori sovereignty. Our de facto flag, the fern on black, should be put to a binding referendum. A new secular anthem is required. "Advance Australia Fair" is a modern secular anthem. Knighthoods were abolished and reinstated by the National Government. Medieval feudalism is outmoded and irrelevant. The Victoria Cross should be replaced with the Southern Cross. The use of words like "Crown", "Royal" and "Her Majesty's New Zealand ships" are ridiculous anachronisms in a modern society.

Our oaths of allegiance should be sworn to the citizens of New Zealand Aotearoa.

Conclusion

Thank you to the National Coalition and the Maori Party for instituting an overdue constitutional review.

The challenge to all New Zealanders is to develop a new written Constitution, respecting the past but outlining governance for a true democratic modern nation of equal citizens committed to the ideal of real self-determination. This is vital for our emerging identity and our constitutional evolution to maturity.

Tradition is not inviolate nor is constitutionality fixed in the past. The sweep of history drives change at certain times. The time for revolutionary reform is now. A quiet revolution of managed change is preferable. Do we the "passionless people", have the courage to create a brighter future for all who chose to be New Zealanders?

To fail to do this is a failure of leadership, a failure of constitutional evolution and to frustrate this process with sectional interests or indigenous preference belies an awareness of future consequences. Should the Advisory Panel and subsequent governments fail in their constitutional responsibility to all these consequences are theirs personally in perpetuity. Should they find the vision and conviction to embrace change, then Kiwis will really "fly" in the new Republic of New Zealand Aotearoa.

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From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 5:40 p.m.
Attachments: Constitution Question.docx

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

Full Names: James Gilbert Bibby Organisation Name: Email: n
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington
Postal Region: Postal Post Code: Postal Country: New Zealand Submission:
Submission Upload: Constitution Question.docx

Submitted on the 31 July 2013 at 17:40

1. How many members of Parliament should we have? Why?

The number of MPs we have is not crucial so long as New Zealand is governed effectively. 120 MPs is a number which I feel is useful due to the fact it can be divided in half, thirds, quarters, fifths, sixths and so on. This makes 120 MPs good for MMP elections. In short New Zealand should have the number of MPs which best allow stable governance. This is more important than convenient math.

2. How long should the term of Parliament be? Why?

Not three years. Three years is far too short for governments to implement a full effective manifesto. After 18 months, effective legislating is compromised because it is easy for opposition parties to say they will repeal reforms if they get elected (instead of formulating different and more effective policy) and to slow new reforms down. The second reason is that if unpopular legislation is not given a fair go, people cannot always truly judge the benefits and cost of a reform. This is especially so when a bill passes its first readings after 18 months of a Parliament, and then is not an Act in effect for a further 12-15 months. Furthermore, the last six months of Parliaments are effectively campaign mode. How can a voter judge a government on its reforms properly if so little is done? The answer is that they cannot!

I note that four years is supported by John Key and David Shearer. This makes it a popular idea amongst the people of New Zealand, but I do NOT think that this bandwagon is one worth jumping on for the sake of the national interest. I personally think four years is fine if the Prime Minister of the day feels that he has implemented his party's manifesto or feels for political reasons the government should hold an election. The first reason I give has justification that is obvious so I will not elaborate. The second reason might seem strange. Why should a good political climate be a good reason for an election date? The answer is simple. Democratically elected governments who stay in power longer make more effective reforms. One example of this can be found when looking at the fact that very few of Lady Thatcher's reforms have been undone. She was in office for over 11 years and then her successor, Sir John Major, for nearly another seven. I believe that if a succeeding government is in office for 13 years and does not amend the former government's reforms, then the benchmark of "effective reforms" is met. The reforms were integrated into society thanks to not just strong leadership or government, but using the political climate advantageously too.

Now that I have justified two reasons for holding an election after four years I will discuss five years. If a government does not implement its manifesto over five years, I doubt the electorate will be too kind to them. It provides a chance for reforms both popular and unpopular to get a fair trial run before people approve or disapprove of it with their political vote. Essentially, five year terms where the Prime Minister can call snap elections seems to be the best way to deliver strong governments. Elections are useful to hold early if major world events are going to clash with an election. This is to ensure proper debate could be had. Imagine if the date was fixed and it clashed with the Rugby World Cup. I seem to doubt the people of our nation would have a fair, open, and comprehensive debate.

Some people would say my argument is flawed because U.K. Prime Ministers only run full terms if they are struggling in the polls. Sir John Major chose to have two five year parliaments. He won the highest popular vote in British history after the first of the two. I make this point because it crushes the theory which states that five year parliaments are just a good way for dead governments to walk. In short, five terms allow governments to implement unpopular legislation. Unpopular law (like denationalisation) gets a fair chance and is often accepted as necessary.

Look at Tony Blair's opinion on it! I think New Zealand should follow countries like the UK.

3. How should the election date be decided? Why?

It should be up to the Prime Minister. Sometimes snap elections are desperately needed. It stops negative politics where the opposition can say "Oh I will repeal this bill when we get into power in 18 months" because they do not know when the election is. **Instead the opposition has to engage in strong debate and address the issue, not just the political populist threats and spin.** This is more effective when coupled with longer parliamentary terms of course, but is still true to an extent in New Zealand. In this way the opposition becomes stronger and can criticise the government more strongly. This allows for better debate, and thus a better democracy. For reasons I outlined earlier in this submission I believe I have showed how I believe this would give a weaker opposition and therefore worse overall governance. A strong opposition is essential as it is the government in waiting.

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

I prefer smaller electorates which means more electorates. Local communities need effective representation and lots of interaction with their MP or they are turned off the political debate. I believe electorate MPs should just decide this amongst themselves. I would not like to see a decrease in the current ratio of electorate MPs to list MPs ratio.

Despite what I just said, everything that can be done to avoid an overhang of seats should be. It is unfair and undemocratic to have overhangs if you apply the whole point of MMP: proportional representation.

On a side note, I believe that parties should nominate three candidates in each electorate. If their first (elected) candidate resigns or dies, they can be taken over without the hassle and instability of a bi-election. If a National MP died tomorrow in a marginal constituency, it would compromise the government's majority which is wrong because it won the election fairly. Of course independents should still be allowed to stand though! If an independent stood down then yes, there would need to be a bi-election which seems reasonable. The same would be true if all three candidates nominated had to stand down.

I want to add that local MPs should be elected using a form of the alternative vote, not first past the vote. But a vote should go where it intends, not where other votes in its pile choose to go as they do in mayoral elections.

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

List MPs should be expelled from Parliament if the speaker thinks that the stability or credibility of the government is affected.

Electorate MPs are responsible to individual communities and so a bi-election should be held when an MP leaves their party. They can run for their new party or as an independent.

I want to add that I am not convinced that list MPs should vote on moral issues as they represent no community. Moral votes are held as MPs will not vote according to their party's opinion. They would be foolish to ignore their community if they want reelection. List MPs don't have this risk.

1. What are your aspirations for Aotearoa New Zealand?

I want New Zealand to be a country proud of both its European and Maori heritage (the former if

too often forgotten I feel). I want a New Zealand that understands that they are not living in a bicultural nation. We are a nation of many cultures from a social point of view. There is a difference between culture and heritage. **From a legal point of view we have one culture; the New Zealand culture.** This culture should be considered our only social culture too. I want to see a New Zealand with a culture that continues to take the best in from new New Zealander's cultures and calls it their own. I want this New Zealand culture to promote true equality under the law. This means nobody receives either benefits or burdens because of their ethnicity. I want to see a New Zealand where individuals take responsibility for themselves. A New Zealand where individuals do not demand a government do more, or provide more (for them) by taking money of somebody else, especially if that reason for wanting more is driven by race. I want a New Zealand where the government acts in the interests of its citizens first by ensuring New Zealanders get first dibs on New Zealand jobs, and New Zealand property, and New Zealand investments. I want a New Zealand that doesn't worry about its government because it is given a decent chance to implement what it promises but that continues to be held accountable by the opposition and the people.

So in short, I want a New Zealand where we are mindful of all of our bicultural heritage and our current multi-ethnic New Zealand culture. I want a New Zealand Government which regulates markets to ensure New Zealand Citizens can achieve their (reasonable) dreams, but a New Zealand Government which does not achieve our dreams for us through hand-outs.

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

I don't see an issue with a constitution monarchy and a Westminster Parliament. A unicameral system works well. Prime Ministers/Presidents should be elected by their parties, not the electorate. This avoids populism hindering progress, but New Zealanders still get what they vote for.

1. How should Māori views be represented in Parliament?

By MPs. Let us just state that idea before we go crazy about a 'Maori Council' with veto powers. That would be very UNDESIRABLE. These MPs should win a local ("local" does not mean "Maori") electorate or get a list seat. It is often said that only Maori people can represent Maori, and thus "Maori Electorates" are needed. I want to explain why this is a bad idea.

There are seven Maori Electorates with disgraceful turnouts. In 2011, the electorate in which I live (Rongotai) had 36,601 votes (37k votes) cast for candidates including informal votes. The Maori-electorate in which I live, Te-Tai-Tonga had 17,456 (18k) votes cast including informals. This is not even half as many people voting in Te-Tai-Tonga as in Rongotai. How can Rino Tirikatene claim to represent Maori living in my electorate? Annette King has FAR more legitimacy to represent me (I am enrolled on the general-roll as a descendant of Maori).

Furthermore, New Zealand has an MMP system. If a party promoting (only/in-part) the "interests of Maori" was desired, they would satisfy the party vote threshold. If there is no appetite for their community to be represented they will not meet the threshold. A single Maori is no more important than any other single New Zealander.

2. How could Māori electoral participation be improved?

You assume that abstaining is not electoral participation. That is offensive, however, if lots of people in Maori-electorates abstain, there is a case to abolish Maori seats. Actually it just adds to the fact the Maori seats are racist, ridiculous, and divisive.

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

Through soft power, and running for office.

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

None. It is irrelevant in current legislation anyway. It hardly ever stops law being made; there is no reason to change that. People argue that the treaty is about a relationship between Maori and the crown. In generations to come all New Zealanders will be partially Maori. So the treaty is going to become a relationship between New Zealand and the crown, but only the most Maori people, or people who want to cling onto their iwi for cultural reasons actually benefit from it? Come on...

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

Definitely not; see the reasons I outlined above

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

This is an interesting question. It is not clear what significance it has in law. Some legal decisions do pop to mind that have been questionable; however I am personally happy with the current Bill of Rights. I am not going to be tortured by the state. The state is not going to put me in prison for no reason.

2. What other things could be done to protect rights?

No comment.

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

No. Law becomes outdated. There are many instances I could highlight although I am sure most people have already.

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

Both have a role to play.

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

No comment.

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

No. This would cause issues. We see them in most countries where things are deemed "unconstitutional" and impossible to change. Our current constitution is very good and thus needs no fixing. Perhaps more education is needed about what our constitution is though. Here is how I think about it: Does our constitution meet our needs? Well, what are our needs? Does our parliamentary and judicial system meet the needs of New Zealand in a flexible way? The answer to the third question is "Yes!" This answers the second and first question with a "Yes!" too. As the constitution meets our needs, let us NOT change something that works! "Everyone else has one" (other than the U.K. and Israel) is a poor reason.

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

No. A constitution spread across multiple documents enables effective and adaptable government. Our current constitution ensures that governments can meet our needs. If they choose to act radically or exploit New Zealanders, they are voted out. We do not need the constitution to do that for us.

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

Well by default the court. We need to remember that if a government acts outrageously, it will be voted out and any legal constitutional reforms it makes will be reversed. That is the whole point of democracy.

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From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 9:01 p.m.
Attachments: Submission to CAP.doc

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

Full Names: Winston Bickle Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City: Wellington Postal Region:
Wellington Postal Post Code: Postal Country: New Zealand Submission: My submission is
uploaded as a Word Attachment. Submission Upload: Submission to CAP.doc

Submitted on the 30 July 2013 at 21:00

Greetings,

My name is Winston Bickle and I am of Irish, English, Ngāti Awa and Ngāti Porou descent. I have degrees in public policy and law and have served as a policy official in both local and central government. Please find below my submission to the Constitutional Advisory Panel and I thank you for the opportunity to submit. I have used ordered my submission using the questions found on the www.ourconstitution.org.nz website.

Regards,

W. Bickle

New Zealand's Constitution

Submission Questions About New Zealand's Constitution

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

No. Although I am not opposed to this idea in principle I believe the current constitutional arrangements with a diverse mix of statute, common law and conventions works effectively and does not require change. When it comes to constitutional matters, in the interest of certainty and continuity, the old maxim '*if it aint broke don't fix it*' should never be sacrificed easily or merely for novelty's sake.

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

Parliament. A fully sovereign parliament provides a direct, unambiguous line of accountability between the electorate and the state. The unelected judiciary does not face this accountability and as such it is inappropriate for judges to wield the final say on matters of law and policy (except for legitimate judicial review of process).

Treaty of Waitangi

Submission Questions About the Treaty of Waitangi

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

I believe the Treaty of Waitangi has served its core purpose by establishing British rule, confirming property rights and making all people equal subjects of the Crown. A short, three-article document from 1840 is not adequate or appropriate to government modern 21st century life and I do not believe it was intended to be much more than transitional treaty at the time of signing.

I oppose the Treaty of Waitangi being enshrined in higher law as the implications of this are

too uncertain and may undermine the unified and democratic state of New Zealand.

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

No. I oppose any further formalisation of the Treaty of Waitangi in New Zealand's constitutional arrangements.

The entrenchment of the Treaty as higher law would systematically result in the granting of privilege (*the term privilege in law simply means being treated differently*) to of Māori descent. This would likely lead to an undermining of the core democratic principle of equality of all citizens before the law and would likely result in divisive race-based legislation and policy.

Māori Representation

Submission Questions About Māori Representation

1. *How should Māori views be represented in Parliament?*

Maori views should be represented through ordinary electoral processes just as per all other ethnicities. The MMP electoral system has provided Maori representation quite effectively and this, in addition to other factors, renders the Maori Electoral Roll redundant. The recommendation to abolish the Maori Roll was shared by the 1986 Royal Commission on the Electoral System.

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

As per other ethnicities Maori views should be represented through free elections and ordinary lobbying and submissions to Councils.

Electoral Matters

Submission Questions About Electoral Matters

1. *How many members of Parliament should we have? Why?*

The number of MPs should not be reduced and could possibly be increased to perhaps 140. A larger parliament would provide more MPs to service select committees and this could result in more attention being paid to legislation, resulting in higher quality laws. A larger parliament would also provide a larger pool from whom Ministers could be drawn.

2. *How long should the term of Parliament be? Why?*

No shorter than three years and no longer than four but both have advantages. A shorter term provides a frequent opportunity for the electorate to hold parliament accountable. However, a four year term would provide more opportunity for parliament to focus on the legislative

agenda between elections.

3. *How should the election date be decided? Why?*

A fixed date would result in greater certainty for the electorate and for parliament and would lessen the strategic advantage the incumbent government holds. However, any move to a fixed term should probably provide adequate flexibility for early elections if they are deemed necessary.

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

It is important that there are enough MPs to adequately staff select committees and electorates should not be so large that the local MP cannot easily travel between centres in the constituency.

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

If MPs elected as a member of a political party cannot become an Independent, the Party Leaders would gain too much power to control over their caucuses.

Other Issues

I believe the government should consider amending the Constitution Act 1986 to allow citizens who are not MPs to become Ministers of the Crown. In parliamentary democracies that allow this, the option is not usually used that greatly but the provision for this would allow the Prime Minister to draw on a much greater range of expertise across the country. However, for such a policy to ensure it would require cross-party support and a public referendum may be appropriate.

Submission to the

Constitutional Advisory

Panel

10.05.2013

From Sandor Biczó

Napier,

Introduction

My submission to the Constitutional Advisory Panel is made within a political/legal environment that sees New Zealand transformed into the second Police State in the South Pacific, behind only Fiji. A Police State is defined '...by its contempt for ordinary notions of the rule of law, as well as ignoring any idea of civil liberties.'¹ It cannot be, in logic, that any country can call itself 'free and Democratic' when it has even one statute or even one policy that would not look out of place in a Police State. In other words, a 'free and Democratic' society cannot be free and Democratic if it has caused large segments of its communities to live in 'Police State' conditions; many states within a state, if you like. It is easy to provide examples of how this government has created Police States within 21st Century New Zealand; those living in the province of Canterbury and the group of people that we disparagingly call beneficiaries currently live under Police State conditions, to name just a few. I certainly am not the only one who has ever held this view about governments stepping over the line of 'responsible government', as the distinguished jurist William Blackstone has commented thus;

'In all tyrannical governments, the supreme magistracy, or the right both of *making* and *enforcing* the law is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together, there can be no public liberty.'²

It is no idle speculation, nor hysterical reaction, that 21st Century New Zealand has 'Police State' laws and policy when you have the actual existence of such statutes as (1) The Canterbury Earthquake Recovery Act 2011, (2) The Search and Surveillance Act 2012, and a myriad of punitive policies aimed solely at beneficiaries of all kinds. The defining characteristics of the above examples of Police State enactments/policies in New Zealand is that they are arbitrary, discriminatory, with the making and enforcing of these Acts and governmental policies being carried out solely by the Executive branch of government. Moreover, I write this submission at a time where another spy agency is about to be given the statutory right to spy on New Zealanders. All of these Police State laws and governmental policies have transpired because New Zealand's weak constitutional framework allows it to happen ridiculously easily.

¹ Robertson, D., *A Dictionary of Modern Politics*, Europa Publications, London, 2002, P. 382.

² Blackstone, W., *Commentaries on the Laws of England*, in Palmer, G., *Unbridled Power*, Oxford University Press, Wellington, 1979, P.4.

977

Nelson

11/5/13 *

Prof John Burrows
Constitutional Advisory Panel

ATTN: PERSONAL

Dear John

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

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

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

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

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

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

Best wishes and Good Luck

Ray Caird

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

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¹ Robertson, D., *A Dictionary of Modern Politics*, Europa Publications, London, 2002, P. 382.

² Blackstone, W, *Commentaries on the Laws of England*, in Palmer, G., *Unbridled Power*, Oxford University Press, Wellington, 1979, P.4.

My Submission to the Constitutional Advisory Panel

I urge the Constitutional Advisory Panel to adopt a new constitutional proposal that sees that the *conditional legitimacy* given to a freely elected parliament in New Zealand is actively protected by the judiciary (The Supreme Court). At each General Election, New Zealand citizens are first and foremost voting for the continuation of a 'free and democratic' society, which is best expressed and guaranteed by the *structures* of the parliamentary system. But because only humans can subvert the structures of parliament, then it is a proper constitutional role for the judiciary in New Zealand (via the Supreme Court) to strike down Police State statute and governmental policies.

[A general justification of this submission to the Constitutional Advisory Panel is outlined below. The information contained in this entire submission is a simplified version of a legalistic essay I wrote in 2011 entitled *Jurisprudence, The New Zealand Bill of Rights Act 1990 and the Police State.*]

Three Strands of the Constitutional Problem; Towards a Police State

The three constitutional strands that work easily to create Police State statute and policy in New Zealand are; first, the ease with which the vague notion of 'responsible government' can be circumvented; secondly, the widely accepted notion of 'parliamentary sovereignty'; and third, the doubtful idea that a General Election works in a real way as a check on the excesses of a driven government in between those elections.

- (i) Despite what the Constitutional Advisory Panel's discussion document says, there is no such thing as responsible government under this present National-led government. In fact, we can thank this present government for highlighting the failure of an Executive to be 'responsible' by using a simple test.

We can appreciate that when a government has stepped over the line of being 'responsible', even by a small margin, we can see the effects to be exponential, and we can see the effects become 'Police State' laws and policy affecting a very large number of New Zealanders.

For example, there is in existence now, a law/policy that requires beneficiaries with children to meet certain requirements, or their benefit incomes will be cut in half. Of course, by punitively cutting benefit incomes for these families it means that they will not then be able to afford the expense of looking after their children properly, and so inevitably the C.Y.F .S. governmental service will be called in to uplift the children, putting them in the state's care.

As Blackstone has said (see quote in the Introduction), the same people here are making and enforcing the law, in terms of beneficiary families. Moreover, a non-beneficiary person who has a family, and who has a job, is not subject to these same requirements whatsoever.

In terms of the Canterbury Earthquake Rebuilding Act 2011, this whole statute would not look out of place in any Police State you care to name, not least because of its limitations on the right to justice. The only conclusion you can come to, I submit to the Constitutional Advisory Panel, is that the people of Canterbury province are living in a Police State within the wider state of New Zealand. They are certainly not living in a free and democratic province of New Zealand.

In short, there are absolutely no checks and balances in our parliamentary system at present that can stop a determined government of New Zealand stepping over some vague line of 'responsible government.'

- (ii) Our Westminster governmental system contains the principle of 'parliamentary sovereignty' which acts to significantly encourage any driven government to enact any kind of law it wants to - including 'Police State' law. The reality is, is that a government essentially controls the legislative and executive branches of our parliamentary system.³

From a constitutional viewpoint, parliamentary sovereignty relegates absolute and unfettered legislation making ability to a freely elected New Zealand House of Representatives.⁴ Its effect is to create '..Statute [that] prevails over all other sources of law,

³ Chen, M., & Palmer, G., *Public Law in New Zealand*, Oxford University Press, Auckland, 1993. P.51.

⁴ Joseph, P., *Constitutional & Administrative Law in New Zealand, Third Ed.*, Brookers Ltd., Wellington, 2007. P. 498.

including judicial precedent and common law principles, subordinate legislation made under Parliament's delegated authority...'⁴

Moreover, the political coalition 'confidence and supply' agreements, particularly under our M.M.P. electoral system, means that a parliamentary majority is pretty much able to do what it wants in terms of enacting statute and enabling governmental policy. Under such a system, whatever checks and balances exist are feeble. The paucity of effective checks and balances under New Zealand's parliamentary system means that no government up to this point in time has ever lost a confidence vote.⁶

- (iii) Some constitutional observers say that the 3 year term of government between General Elections are a check on the excesses of any government.⁷ However, this does not necessarily work in reality, due to the way the voting public take a wider view in analysing a particular government's behaviour, and what you get is authoritarian government in between each General Election. There are two examples of this; one recent and one historical. The recent example of a political party being returned to power for a second term is the present National-led government (while this government is a coalition government, it is dominated by the National Political Party). Despite widespread opposition to asset sales (of power companies) the incumbent National-led government was returned to power clearly for other reasons.

The second, historical example, was the Lange-led Labour government being returned for a second term in office despite its 'blitzkrieg' economic policies causing much social hardship in its first term. It is an historical fact that the Lange-led Labour government was not returned to power for a third term by a disaffected electorate, but their policies remain by and large intact in 2013 (around 30 years later).

It remains to be seen if this present National-led government is returned to power in the next General Elections.

⁵ Ibid, P.196.

⁶ Palmer, G., *Unbridled Power?*, Oxford University Press, Wellington, 1979, P.12.

These two examples illustrate the fact that it is easy to be an authoritarian government under the constitutional structure we operate in New Zealand at present.

These 3 constitutional weaknesses means that there has essentially been nothing to check New Zealand's move to a Police State in terms of some sections of our wider community. It is not mere speculation but a fact, that the people living in quake affected Canterbury province live under the Canterbury Earthquake Recovery Act 2011 – a statute enacted by our very own parliament that would not look out of place in any Police State you care to mention. Moreover, the statutes and policy recently created by the current governmental Executive towards only beneficiaries means that this group too live under Police State conditions. To say that we live in a 'free and democratic' New Zealand is to perpetuate a type of mass constitutional denial of the statutory facts, in much the same way we Kiwis believe that we live in a 'clean, green' country. But the solution to a parliamentary system that is very easy to abuse is staring us right in the face.

The Constitutional Solution for 21st Century New Zealand

The constitutional solution to New Zealand's easily abused parliamentary system is simply a recognition of an electoral fact that has gone un-noticed by even our most respected legal theorists⁸. The proposal put forward in this Constitutional Advisory Panel submission is that our constitution *must* recognise the fact that whenever a General Election in New Zealand occurs, Kiwis are actually voting for a 'free and democratic' society in the very first instance, before they even consider which political party they will eventually vote for. This is a very easy concept to illustrate.

To illustrate how voters in a General Election in the first instance vote for the continuation of a 'free and democratic' New Zealand, a simple thought experiment will be undertaken. If a person was able to, and went around to ask directly each and every voter in New Zealand if they voted for a Police State in the last General Election – each voter would reply that they certainly did not vote for a Police State in the last General Election. This means, then, that the *legitimacy* that voters have given to a freely elected parliament at

⁸ All of these New Zealand-based legal thinkers perpetuate the standard principle of legislative supremacy and the Separation of Powers Doctrine; Butler, A., & Butler, P., *The New Zealand Bill of Rights Act: A Commentary*, LexisNexis, Wellington, 2005; Huscroft, G., & Rishworth, P., *Rights and Freedoms; The New Zealand Bill of Rights Act 1990 and The Human Rights Act 1993*, Brookers, Wellington, 2005; Joseph, P., *Constitutional & Administrative Law in New Zealand, Third Ed.*, Brookers Ltd., Wellington, 2007.

every General Election held in New Zealand is a *conditional legitimacy*.⁹ Of course, voters would then carry on in the General Election and then vote for the political party of their choice – the winner becoming the (coalition?) government.

This *conditional legitimacy* given to parliament by the citizens of New Zealand can only be faithfully expressed through the *structures* of the parliamentary process. In other words, only the *structures* of parliament can dependably guarantee and continually re-create the voter's wish to maintain a 'free and democratic' society for the whole of the parliamentary term.

But as the pro-gun lobby in the United States of America are keen to point out, '...guns don't kill people, humans do.' In the same way, and in a constitutional sense, only humans in government want to create Police State types of statutes and policies. This ability of people in government to easily subvert the 'free and democratic' *structures* of a Westminster-based New Zealand parliament to create Police State statutes and policies, is in direct violation to the *conditional legitimacy* given by each and every voter at the General Election which bestowed the very same government into power in the first place.

The best safeguard against the abuse of the *conditional legitimacy* bestowed on a freely elected government by voters in free elections, given that this legitimacy is enshrined in the *structures* of the parliamentary system, is the judicial system in our country – and in particular the (reasonably) newly constituted Supreme Court of New Zealand. Clearly, it has been its role for centuries, and is still now its role in 21st Century New Zealand, that the courts play a vitally important role in interpreting a plethora statutes, rules and regulations, together with upholding the myriad of legal rights and responsibilities of the citizens who go through the various organs of the judiciary as a whole. In a very basic way, it will be the judiciary's role to protect the *conditional legitimacy* given by the citizens to the government they have elected.

To put this idea of *conditional legitimacy* in perspective, if a statute or policy has gone through the *structure* of a New Zealand parliament, and is congruent with the wish of voters to continue to live in a 'free and democratic' society, then the New Zealand courts *must* find that the principle of parliamentary supremacy remains valid. Conversely, if a statute or policy has gone through the *structures* of parliament and it has been found to contradict the wish (or

⁹ In other writing I have also referred to this idea as *fettered legitimacy*.

conditional legitimacy) of voters, then offending statutes or policies will be struck down by the Supreme Court of New Zealand.

It is my submission to the Constitutional Advisory Panel, that only this proposed constitutional amendment, as outlines above, can safeguard the *conditional legitimacy* bestowed by every voter on every freely elected parliament in New Zealand, but ignored up to this present point in time.

Summary

The overall thrust of this submission to the Constitutional Advisory Panel is that New Zealand without question, has become the second Police State in the South Pacific behind Fiji, by the very existence of several Acts of parliament that would not look out of place in any authoritarian regime. Moreover, I write this submission about how our country has already become a Police State at a time when another spy agency is about to get statutory permission to spy on New Zealanders (the so-called GCSB). It is clear to me that larger and larger groups of Kiwis are living under more and more Police State statute and Police State governmental policies; from those living in the quake ravaged Canterbury province, to those who we vilify as being beneficiaries, and to every New Zealander who can be spied upon not just by the SIS security service, but be spied on by the GCSB as well.

All of this has happened because our current constitutional framework has allowed it to happen. Instead of a parliamentary system that protects voters *conditional legitimacy* given to an elected government, the Westminster system we use in New Zealand makes it easy to trample on the *conditional legitimacy* given by voters to our various Members of Parliament.

It is my submission the judicial system in New Zealand is the only qualified entity in New Zealand's present constitutional framework that can actively protect the *conditional legitimacy* given to the Members of Parliament by citizens in a General Election that, in turn, the same voters bestow as the basis for governmental legitimacy. Only the judiciary, after hundreds of years doing that very job, can protect ordinary Kiwis from the excesses of a government that chooses to ignore the vague notion of 'responsible government', and ignores the *conditional legitimacy* given to parliament by these very same voters. It is the voter who gives every elected parliament in New Zealand its complete legitimacy, and it is only proper that this legitimacy is protected by our judicial system. A judicial system that has the constitutional right to strike down Police State legislation and strike down

governmental policy in the name of every voter who has bestowed legitimacy on the freely elected parliament.

If our parliament has to enact Police State laws, and create Police State governmental policies just to make our society work as they think it should, then something is very, very wrong with the way we live our lives here in New Zealand.¹⁰

Clearly, we take our 'free and democratic' society in New Zealand completely for granted – the very same free and democratic society that thousands of people have fought and died for recently in the countries of Libya and Egypt, and the very same free and democratic society thousands of ordinary Syrians are fighting and dying for even as I finish writing this submission to the Constitutional Advisory Panel.

¹⁰ Palmer, G., has this to say in his book, *Unbridled Power*, P.13; 'The authoritarian nature of decision-making in New Zealand may have worked well for a number of colonists, but it cannot function fairly in a pluralist society with people of different races and creeds, all of whom have different aspirations and outlooks.'

976a

Sandor Biczó,

Napier,

10.05.2013.

The Chief Justice,
Ministry of Justice,
National Office,
Level 3, Vogel Building,
8 Aitken Street,
Wellington.

Dear Sir/Madam,

I have felt the need to write to you again, but in a wider 'social' context that is still very much connected to the legalistic essay I sent to you in 2011 entitled *Jurisprudence, The New Zealand Bill of Rights Act 1990, and the Police State*. The driving force for this second letter in 2013 was provided by my pending submission to the recently created Constitutional Advisory Panel, and while I do not hold out any hope for any meaningful constitutional outcomes from this politically-based exercise, particularly as the inevitable report is destined for the hands of ministers in the incumbent government, I thought I may as well use it as a another opportunity to get my ideas 'out there.'

You have no real need to read my submission to the Constitutional Advisory Panel, as it is (hopefully) a more simplified and more easily understood version of my first 'legalistic' essay I wrote in 2011. But at this point, I feel as if this submission is 'funnelling' outwards towards the social structures (as opposed to legal structures) that we live by here in New Zealand. It is possible that New Zealand may be on the threshold of some very profound constitutional and social change – but I will not be holding my breath waiting for it.

Nonetheless, and against a backdrop of a very, very unwell New Zealand society in the widest possible sense, it is possible that [my idea of] the institution of a Second Economy may well save us in a collective sense.

It almost goes without saying that New Zealand's judiciary does not operate in a vacuum, and is very much part of the wider 'social fabric', just as the Treaty of Waitangi is part of the 'social fabric' of our country. To me, the institution of a Second Economy based on indigenous values may well be the Golden Key we are all wishing for. I have enclosed one, or two, essays based on my vision for a New Zealand that caters for the very indigenous section of our society that exists in a very real way – I know this because of our rich Maori heritage and because the second significant political party (Labour) is founded on socialist principles. I believe over the passage of time, together with the unique history of our comparatively young nation, this indigenous spirit has infused not just Maori, but many people of different ethnicities and different worldviews.

However, I must stress that the indigenous approach that I am describing cannot be labelled as Socialism, nor Communism, as we understand them in our modern world. The indigenous approach I am espousing is based on values of helping each other from a place of caring, and one that I believe redresses the dreadful imbalances created by our Western-based, neo-classical economics oriented, completely individualistic, model of living.

Among a lot of other things, my indigenous-based, Hapu New Zealand [Second Economy] vision addresses the deleterious social effects of many thousands of jobs being exported to other low-wage economies, and the equally damaging effect of technology being purposively introduced that displaces the need for humans in the workplace.

But I despair of such a Second Economy being introduced, as no matter which political party is voted into government, there are powerful ideological and economic barriers that will prevent such a sorely needed Golden Key being introduced into 21st Century New Zealand.

Moreover, and just to reassure you, I have neither the personal ability nor the personal drive to become a politician that might institute such profound changes, or even worse, the leader of a new political party. I think we have enough of both in MMP New Zealand to last us a life time.

Its only left for me to hope that the pen is indeed mightier than the sword, and that smarter social and economic structures are instituted for the benefit of every New Zealander, and that the punitive pre-historic club we rely on in this country is thrown away, finally.

Cheers,



Sandor.

Article #1

A Second Economy for New Zealand.

After twenty-seven years of following free market economic theory in New Zealand, I think it is high time that someone stood up and said that it is categorically not working for us Kiwis - especially when it comes to finding jobs for those on our long dole queues. To me, it is like kicking a proverbial economic dead horse for nearly thirty years - and then for free market supporters to say the poor old horse is moving, and that there are thousands of jobs just around the next corner as a result if we just keep kicking the poor old horse harder and longer. So, here we are in the year 2011 and New Zealand is really no better off in a structural economic sense, and in a full-employment sense, than when free market reforms were introduced starting in 1984. OK, I accept that the world had to recently weather a global economic recession. OK, I accept that no one can foretell the occurrence of a killer earthquake that pretty much destroys or damages much of Christchurch. But if New Zealand had a strong, resilient economy we would not so much as blink in dealing with these wholly unexpected life-events.

Kiwis are fond of looking over the ditch to an Australia blessed with untold mineral wealth, and we are all fond of comparing ourselves with how lucky the Ozzie's are - and how they were really never affected by the recent global recession, and how they are coping quite nicely in the clean up of their own killer natural disaster Queensland floods. It is easy to look at Australia as a shining example of how free market economic theory is working brilliantly - but this is a country that is so maddeningly rich in minerals that it can afford to maintain an expensive federal system as one example, and could recently afford to spontaneously pay out a cash grant to each family living in Australia worth many thousands of dollars as a second example.

Unfortunately, New Zealand is not Australia, and equally, free market theories are not working in New Zealand for each of us ordinary Kiwis that have to endure endless unemployment lines; cuts to this or that government service; and asset sales just to balance the government books. I won't go into a long-winded, dry, and incomprehensible explanation about the failings of free market economic theory, but what I will show is how an important part of free market economic theory is dodgy to say the least, and how this, in turn, means that free market economic theory will never properly work in New Zealand.

The thesis of this essay is that until such time as New Zealand can take a multiple perspective approach to Kiwi economic problems, the reliance on a single economic theory will never give us a solid economic foundation – and we will continue to forever chase a free market economic mirage with success that will always be just beyond reach.

At the heart of free market economics is the reliance on the business sector to create wealth, and especially to create jobs for those on New Zealand's presently long dole queues. But in a free market economy, the business sector is a very unreliable employer, and can never guarantee full employment. There are many reasons why the business sector is an unreliable provider of employment;

- (1) as we have seen recently, if there is some sort of a world-wide recession, then the business sector will more than likely shed staff. Of course, we have seen this very thing occur in New Zealand as soon as the full effects of the recent world-wide recession hit Kiwi shores. As the recession intensified its effect in New Zealand, so did the dole queues lengthen;
- (2) the business sector thinks nothing of shifting production to low wage economies in order to improve the returns to their shareholders, but along with this shift in production so do Kiwi jobs disappear for those staff that are directly affected. This dynamic is not a unique feature of the Kiwi economy – it is a very common feature of those countries that rely solely on free market economics;
- (3) the New Zealand business sector is always at the forefront of adopting advanced technologies that either use less staff, or dispense with human staff altogether. For example, look at the way some Kiwi supermarkets have six or so self-serve checkouts looked after by just one person. Also, take the recent example of a newly developed robot that is able to prune Kiwi grape vines without the need of human staff at all;
- (4) it is accepted economic theory that the business sector will operate more efficiently when there is internal economic competition. Not only does this competitive environment preclude a full employment scenario, it seems that the private sector is not really as efficient as it

is held up to being. One recent example of private sector inefficiency is how the present government has created a public sector legal prosecution office due to the 'inefficiency' of the many private legal firms that were once solely relied upon to defend those charged with offences within the 'legal aid' justice system. A second example is how an 'inefficient' investment sector has seen a long list of finance companies collapse to the extent that a government bale-out was instituted to the tune of \$1.3 Billion NZD and the creation of a new public watchdog body to more closely monitor their activities. These are not the only examples of free market economic theory inefficiencies;

- (5) there can be significant barriers to starting a business in many sectors of the New Zealand economy. For example, the cost of breaking into a new market sector, like the dairy industry, can run into the many millions of dollars, which is made all the riskier because the established businesses have had many years 'head start';
- (6) access by businesses based overseas further limits sales made by New Zealand-based businesses selling the same, or similar item;
- (7) New Zealand-based businesses will not always choose to employ Kiwis to work in their business. For example, Television One News recently uncovered a situation where overseas visitors were/are granted extended visas in order to work during the rugby world cup - this is despite their being plenty of unemployed Kiwis living in the cities where rugby games will be held;
- (8) the market can change. A business may find that the product they are making is not what customers want, so any well run business will try to switch to this new customer demand. Or the supply of raw product might be reduced (by drought, as the following example will show). For example, a (boning) plant processing frozen lamb closed in June. 2011, in Waipukurau due to a trend towards chilled lamb products and reduced supply of lambs due to drought, among other things;
- (9) There is only a comparatively small group of Kiwis who could be described as 'risk takers.' At the end of the day, starting any business involves risk. The risk attached to buying an existing business is comparatively smaller, but then the price to buy such a business is

comparatively larger (stands to reason). On the other hand, starting any new business from scratch involves high risk, and as a result, the chance it will not survive is correspondingly high, at least to begin with. Not many people within New Zealand can afford to risk, and even want to risk, many thousands of their own dollars.

Free markets cannot and do not operate efficiently when they rely on an unreliable business sector for full employment. What's more, it makes for a very one-dimensional and flimsy approach to just have one tool, like the free market theory, for a country like New Zealand to rely on to create wealth and prosperity. Is not New Zealand clever enough and sophisticated enough to create a multiple perspective approach when it comes to economics and job creation? Clearly, we are not.

If our economic approach in New Zealand has been one dimensional for decades, it completely ignores the fact that we live in a multi-dimensional society. Because New Zealand's unique history has been given to us largely by Maori, we have a strong indigenous/communal/socialist theme that pervades not only Maoridom, but has been accepted by other non-Maori that have lived in this country for a long time. Even our general political system reflects this aspect of New Zealand as, very broadly speaking, we have the main political parties representing ideologies that either support business-based or socialist-based approaches. The application of a one-dimensional economic system onto a multi-dimensional societal system, as we have here in New Zealand, makes for significant dysfunction. In other words, instead of saying that free market economics does not work if applied in isolation in a country like New Zealand, the statement can be reformulated to instead say that those that identify with indigenous/communal/socialist identities cannot operate properly in a significantly different way of living. I would then suggest that these kinds of people that cannot operate effectively in a free market environment are those that largely make up the numbers of unemployed in New Zealand.

It follows, then, that the creation of a 'second economy' that operates alongside a free market economy within New Zealand would not only make the way Kiwis live their lives more efficient, it would make our lives more robust and resilient to particularly internal and external economic forces that conspire to destabilise our society. I call this 'second economy' the 'Hapu' concept, and within this is what I call the 'Industrial Marae.' Very briefly, the 'Hapu' concept rejects an economic theory that supports high food prices as a normal and acceptable occurrence, and says instead that those that live in a

so-called 'land of plenty' should live as cheaply as possible, almost as a human right. In a way, this makes the 'Hapu' concept very much like a club, where everyone in this club is working together for the benefit of everyone else in this club. Is this not another way of describing indigenous/communal/socialist society – or Maori culture? The 'Industrial Marae', very briefly, is where a group of people get together in a manufacturing setting to make the things that those in the 'Hapu' club need on a daily/weekly basis. The people that work in an 'Industrial Marae' will simultaneously be the workers/managers/shareholders of the 'Industrial Marae', who in turn, are supported organisationally and market-wise by the 'Hapu' community. In free market language, the benefit to a free market society will be the elimination of those that depend on the state for indigenous/communal/socialist support that we currently refer to as beneficiaries – not to mention the saving of billions of non-productive New Zealand dollars per year. That should make everyone into instant supporters of such a 'secondary economy' should it not?

Summary

In summary, for a long time in New Zealand we have been kicking a dead free market horse to make it work, and as a result the unemployment queue grows when things are really bad and kicking the poor old horse harder doesn't really work. But unemployment never really disappears when things are really good and thankfully we don't have to kick the poor old free market economy horse as hard. According to my view, free market theory does not work reliably at all in isolation, especially in terms of maintaining full employment within an unreliable business sector employer. Just recently, an economist in the Sydney Morning Herald commented that unemployment (in Australia) was under five percent and 'consistent with full employment.' Well no, unemployment under five percent is still unemployment – it is never 'consistent' with full employment – except in the gobbledegook of economic language. Even in a land of milk and honey, as surely Australia presently is, unemployment is still ever present, and will always be ever present; except that the Aussies are rich enough to live with it. New Zealand is not rich enough to live with unemployment for a variety of fiscal reasons. Surely, the time has come to think out of the ideological square and create a 'second economy' within New Zealand that more truly resonates with a large number of those who ascribe to indigenous/communal/socialist ways of thinking. The 'Hapu' concept, with its associated 'Industrial Marae' concept better reflects a desire for an indigenous/communal/socialist economic approach within New Zealand rather than one foisted on them with an individualistic European free

market pedigree. The introduction of a secondary economic system that works alongside our existing free market economic system within New Zealand is not impossible. Indeed, there are free market precedents for a multiple perspective approach, as many thousands of finance company investors found out recently to their heavy financial cost. Is not the golden rule of investing never to put all of your eggs into one basket?

Article #2

Social and Economic Colonialism in Present-day New Zealand.

Introduction

If this present National government wins the looming general election this November, the plans it has for beneficiaries is nothing short of social and economic colonialism re-emerging in 21st century New Zealand. For example, one of the announced plans by Minister Paula Bennett says that beneficiaries in New Zealand will undergo mandatory drug and alcohol testing, and presumably if they refuse, then their benefits will be stopped. These plans, and others like it, will instantly create a second class Kiwi citizen within New Zealand. Creation of a second class Kiwi citizen is proof that New Zealand's colonial past has only really been lurking in the background ready to jump out again at any moment. Included in this colonialist strategy pursued by the present government is the related ideas of Victorian-era social Darwinism, where it was typical to view 'others' like indigenous peoples as 'savages' that needed Victorian-era people to educate them and bring them into the 'civilised' world. This kind of social Darwinism also helped the Victorian-era peoples to reinforce the superior belief in themselves and their technologically advanced 'Western' culture. It is probably no accident, then, that slavery was an important part in the economic development of predominantly 'Western' civilisations. To further cement these supremacist colonialist views were the ideas of the early economists, such as Adam Smith (who wrote the first ever serious book on economics in 1776). It is probably no surprise to realise that the foundational book written by Adam Smith was composed at a time of rampant world-wide colonialism that would itself contain very colonialist ideas; such that there is one economic model based on individual competition suitable for everyone, not least because it developed within a superior 'Western' culture.

This essay's thesis is that in 21st century New Zealand, we are well on the way to creating a second-class Kiwi citizen via social and economic colonialism on a beneficiary group of people 'enslaved' by their inability to live in a New Zealand that requires everyone to adopt an individualistic and competitive European-based social and economic culture.

In many ways, beneficiaries in present-day New Zealand can be considered as enslaved by colonialist-based governmental social policy. To take the example of the intended mandatory drug and alcohol testing of beneficiaries by the present government if it is re-elected. If you have a job in New Zealand at the moment, then you will never be required to undergo mandatory drug testing, but if you do not have a job and if you are a beneficiary, then people will be forced to undergo mandatory drug and alcohol testing when this new regime is adopted. While it is accepted that some jobs become dangerous if a worker is under the influence of drugs and alcohol, it means that most working people in New Zealand who are not employed in a potentially dangerous job are now among the ranks of its first class citizens. What would happen if this government introduced mandatory drug and alcohol testing for every employee within New Zealand regardless of occupation? Would there not be an enormous hue and cry – and would not the government be accused of being a police state and a Dictatorship, to say the least? Obviously, the absence of little hue and cry in the public arena to date means that greater New Zealand has become willing to accept second-class citizenry in the form of mandatory drug and alcohol tested beneficiaries. This makes beneficiaries an 'outsider' within mainstream Kiwi society that helps reinforces the present government in their superior colonialist beliefs. For once you have an 'outsider', then this dovetails with social Darwinism's idea of the 'other' which then connects perfectly with the Victorian-era idea that there is a superior 'first class' person who knows how to help a poor old second class person that needs to be civilised. These superior people are the people running our present government who will institute such a colonialist policy, and the ordinary people of New Zealand that will support such a governmental policy; who all think that they know what is best for the beneficiaries. What's more, it provides the justification to these 'superior' New Zealanders that they must bring these beneficiary 'savages' into mainstream New Zealand culture –to use colonialist/social Darwinist language. The Encyclopaedia Britannica [Vol. 27, 15th Ed.] notes that, '...regardless of the slaves origin, he was nearly always a marginal person in the society in which he was enslaved' [P.296]. There is no doubt that beneficiaries in New Zealand have been marginal to begin with, and will become even more marginal by becoming second-class Kiwi citizens via mandatory drug and alcohol testing. Through this, and other colonialist policy mechanisms, beneficiaries have become enslaved within New Zealand due to their inability to succeed in an individualistic/competitive European-based culture. It is a colonialist way of thinking to believe that everyone can succeed in a competitive, individualistic European-based society.

By a similar method, economics works in a colonialist way within New Zealand. While different forms of economics have been around for millennia, the first, most celebrated, and most quoted economic theorist is probably Adam Smith and his book *The Wealth of Nations*, written in 1776. But this book was written at a time in world history when colonialism was at its height, and his book necessarily contains all of the colonialist ideas of the time because Adam Smith totally immersed it. In other words, no one thought there was the slightest thing wrong with colonialism during this period, because colonisation was the normal thing to do at that time if you were an advanced and ambitious 'Western' nation during the 17th and 18th centuries. From the point of view of the colonisers, the only thing 'wrong' at that time of worldwide colonisation is if you allowed some other competing 'Western' nation to beat you to a people or culture ripe for colonisation. The only other group of people that thought that there was anything wrong with the whole idea of colonialism at that time were those people being colonised. While *The Wealth of Nations* may have been a turning point in the modern study of economics, it also has the function of reinforcing colonialist actions then and now. Probably the most important colonialist idea in the general field of modern economics is the idea that there is one theory that fits all humans; which must be the theory of free market economics. This 'one size fits all' approach ignores two basic realities. First, all humans do not think in the same way, live in the same way, and act in the same way. Clearly, indigenous cultures (like Maori, for example) have lived in a communal and sharing way for millennia before Europeans came to New Zealand, or before Europeans reached other indigenous cultures throughout the world. Generally speaking, indigenous cultures revolve around a village/tribal system that highly value sharing and communal effort, among other things. This indigenous way of life is totally opposed to the individualistic and competitive 'Western' way of living. Secondly, a 'one size fits all' approach assumes that any human can change from a communal/social/sharing worldview to a 'better' individualistic and competitive economic European-based model. The modern discipline of economics contains the belief that the system of free markets (for example) will benefit everyone regardless of who they are and regardless of where they came from - and that surely is a colonialist idea. Present-day beneficiaries are economically marginalised by such economic theories, but it subsequently puts them in a subservient position where they need to be further 'helped' for their own welfare; and the best people to help these poor beneficiaries is of course the present government of New Zealand through its Minister Paula Bennett instituting mandatory drug and alcohol testing - and other similar types of maternalistic action. If that is not economic colonialism in present-day New Zealand then I don't know what is.

A second class Kiwi citizen is a citizen that must do what they are told, or else. There will be no choice for the people whom Minister Paula Bennett labels as 'at risk' and 'vulnerable'. How can there be a choice for 'vulnerable' people if their benefit is paid by the Ministry of Social Development and its derivative government departments? How many of these 'vulnerable' people will have the courage to stand up to The Ministry of Social Development and refuse to undertake these mandatory requirements? Very few, I would suggest. Obviously, the alternative that faces anyone refusing these new mandatory requirements is that their benefit will be discontinued. For a first example, if this present government is re-elected to power, they will make it mandatory for mothers of young children to actively look for work when their youngest reaches a certain age. For a so-called 'vulnerable' person looking after young children it will mean that their benefit will be stopped if they refuse to comply with this new mandatory regime, which then means they will not be able to buy food and pay the bills for their young children or themselves for that matter, and then C.Y.F.S. will become involved because they are unable to care for their family properly. Of course, C.Y.F.S. will be called in because it will be the beneficiaries fault for refusing to comply in the first place. The social agency C.Y.F.S. will probably remove the children, and the parent or parents themselves will be forced to live on the street and eat out of rubbish tins just to survive. In the case of a single unemployed person, the refusal to undertake a mandatory drug and alcohol test will mean, again, that their benefit is stopped. Again, it will become their fault that their weekly unemployment benefit is stopped, because they refused to comply with a mandatory drug and alcohol testing requirement. Again, the alternative that faces a single unemployed person is the subsequent inability to buy food, pay the rent, and pay the power bill, among other things. Again, this person will be forced to live and sleep on the street and to eat out of rubbish tins just to survive. Again I ask, how many of those people that Paula Bennett labels as 'vulnerable' will have the courage to say no to these mandatory requirements when they know what faces them. In the past, colonised indigenous cultures were required to do what the colonisers wanted them to do, and in present-day New Zealand it is no different.

Summary

In summary, re-emerging social and economic colonialism in present-day New Zealand is well on the way to creating not just an 'enslaved' second-class Kiwi citizen, but a whole new wider societal class system. The whole basis of colonialism is the belief that there is a 'superior' race and culture that has a responsibility to help civilise the less fortunate 'savages' (or beneficiaries, in this case), and to reap the clear economic advantages while doing it. While slavery has been a part of human civilisation throughout millennia, more recently it was during the critical 17th and 18th century that slavery and colonialism has largely shaped our modern social and economic world; leaving a legacy where we now have African Americans in North America, The Continent, and the Caribbean, and where we now have Spanish and Portuguese as the predominant spoken languages on the South American continent. At the height of colonialism throughout the 17th and 18th centuries it was the technologically powerful 'Western' Nations (along with the Islamic world) that forced their ideals, forced their language, and forced their way of life on a wide range of indigenous people throughout the world, and it is easy to see its re-emergence in present-day New Zealand with the planned governmental policies towards those that we call beneficiaries. Planned changes, like mandatory drug and alcohol testing for beneficiaries, will be forced on New Zealand's newly created second-class citizenship – because colonialists always require that 'savages' adopt their ideals, their language, and their ways of life. Subjugated and enslaved indigenous peoples are given no choice by colonialists, just as beneficiaries in New Zealand will have no choice but to submit to these planned governmental policies; or simply their benefit payment will be stopped and they will be forced to live on the street and eat out of rubbish tins. When these planned social and economic colonialist policies are introduced, New Zealand is not only creating a second-class Kiwi citizen at an individual level, it is inventing a whole new wider social class system in present-day New Zealand. In this new social class system, the new Upper-class will be the government and all who support colonialist policy in New Zealand, the new Middle-class will be those Kiwis with a job, and the Lower-class will be those on some kind of benefit.

Article #5

What is Paradise in New Zealand – and how will we know when we get there?

Introduction

If you were to walk along any street in New Zealand and ask the first 100 Kiwis you met what they thought paradise was for them, I am sure you would get 100 different answers. For some Kiwis, paradise in New Zealand might be manifested by the Second Coming of Christ, while for other Kiwis it might be winning a Saturday night Lotto Jackpot draw worth millions of dollars, or it might be something else. Let me tell you what I think paradise is for New Zealand, and let me explain how we will know when we get there.

I will first assume that whatever a Kiwi paradise looks like, it will revolve around money - as money is probably one of the most important foundations of a developed country like New Zealand. My second assumption will state that any Kiwi paradise must necessarily revolve around short- and long-term financial security. One can't ignore the buzz around New Zealand in the week before a huge Lotto jackpot draw of many millions of dollars. So why is that? Is it because Kiwis are captivated by the prospect of having more than enough money to make them secure for the rest of their lives? One cannot also ignore that in the last few years there have been at least 60 finance company collapses with many thousands of Kiwis losing many thousands of dollars. So why is that? Is it because Kiwi investors were hypnotised by the high rates of return from a finance company which would then have assured their future financial security?

It seems, therefore, that paradise in New Zealand appears to revolve around short- and long-term financial security. So the 'trick' will be to organise everything else to achieve this goal. First, I would suggest that if New Zealand no longer has a 'beneficiary problem', then that would get us along the way to short-term security for each Kiwi, and long-term security for a government that does not need to pay out billions in some sort of state funded benefit. Second, a new concept like the 'Industrial Marae' idea will be set up that will simultaneously provide jobs for those we presently call a beneficiary; provide cheap household consumables (like soap and other cleaning products); and provide a second 'shareholder' income for those working in the 'Industrial Marae' that will largely go to long-term savings for retirement. Thirdly, we can set up an umbrella organisation, like the 'Hapu

New Zealand' model that will ensure short- and long-term security in terms of reducing the cost of living for household consumables; much like any business would cut costs to improve its own short- and long-term viability.

This essay's thesis is that creating a paradise within New Zealand means creating a "Hapu New Zealand' concept that looks after all of its people by removing everyone's major long- and short-term financial worries by effectively creating three income streams, so that they each have the space and time to further create their own individual versions of paradise.

The relationship we have with money in New Zealand determines how close we are to paradise as individuals and as a nation. The main assumption in this article is that money constitutes one of the most important structures of the Kiwi way of life, and therefore money determines how easily each individual Kiwi will live - at least when it comes to availability of food and how comfortable our individual lifestyles are. Indeed, we revere those in our Kiwi society that have been able to amass huge amounts of personal financial wealth, whether through property or cash - and we bash those at the other end of the scale we call beneficiaries, for their abject failure to achieve even wage earning status due to being on the Unemployment Benefit, or because they are a single parent on the Domestic Purposes Benefit. In New Zealand, we are predominantly judged by our monetary status, and the more we have then the closer an individual Kiwi is to paradise, and the less monetary status a Kiwi has by being some kind of beneficiary - the further away they are from paradise.

This relationship to money carries on through our lives until we get to retirement. If we are lucky enough, we will retire without any money worries whatsoever, and that will be paradise. If we are unlucky then we will move into retirement without being financially secure, and so our lives will be far away from paradise. It is the same as a nation. If New Zealand is close to financial paradise as a county then we will not have a fiscal drag of social welfare payments on our collective society because everyone will be in a job and working for a living.

I have previously talked about the 'Industrial Marae' as being a part of the wider 'Hapu New Zealand' concept, and it is my belief that these ideas will bring us closer to paradise, individually and collectively as a nation. There is no real need for there to be anyone unemployed in New Zealand if they are

working in an indigenous-based 'Industrial Marae.' We all need such personal consumables like bathroom soap, shaving cream, deodorant, along with household consumables such as disinfectant and dishwashing liquid. These things will be made in an 'Industrial Marae' by those we currently on an Unemployment Benefit and those who are on the Domestic Purposes Benefit; not to mention a good portion of people on a Sickness Benefit. The 'Industrial Marae' will maximise human labour and use production machinery only where it is advisable to do so. Depending on the available workforce in the provinces of New Zealand, each 'Industrial Marae' can have attached a Early Childhood Centre that looks after young children while their caregiver is working. The Early Childhood Centre in itself will act as an important employment provider where 'on the job training' can be given by a qualified trainer to those child carers as they work. In a similar way, there will be simple administrative tasks that need to be done (such as inwards and outwards goods documentation) that can be done by someone previously on a Sickness Benefit that might still have a back injury. While there will be no Managers and Supervisors as such, there will be a need for several people to organise work flows across many processes. As I have earlier said in other essays, each person working in an 'Industrial Marae' will simultaneously be the 'shareholder' and the 'manager', which means that as well as earning a weekly wage, they will also regularly have banked a 'shareholder' return into their Kiwisaver account for their future retirement. In other words, each of those working in an 'Industrial Marae' will have two incomes; the first being their weekly 'in the hand' wage, and the second will be their 'shareholder return' which will largely be banked in their Kiwisaver account for their impending retirement. In terms of the 'Industrial Marae', there need not be anyone on an Unemployment Benefit ever again – which must bring those individuals and New Zealand as a nation – closer to paradise.

The 'Industrial Marae' will operate under the umbrella organisation called 'Hapu New Zealand' and have the core 'Hapu' values to guide it. While the 'Industrial Marae' aims to effectively harness the economic power of those presently on some kind of social welfare payment, the 'Hapu' concept has a core goal of making sure that those people within the 'Hapu New Zealand' umbrella live as cheaply as is humanly possible. This is not a new idea, as any business operating now in New Zealand continually looks at ways to cut their costs to improve their overall profitability, and so why should it be any different for each Kiwi who joins the 'Hapu New Zealand' organisation? The 'Hapu' concept says that by working together in an indigenous way, this collective effort will eventually provide the cheapest, best quality, food, consumables, and services for the individual and collective benefit of all those who choose to join the 'Hapu New Zealand.' To begin with, an investment in fixed plant and machinery will need to be made by a New Zealand

government to create 'Industrial Maraes' where they are needed most – in the economically depressed provinces. This fixed plant and machinery will always be owned by the government but operated by the 'Hapu New Zealand' umbrella organisation. It is entirely possible that some sort of modest lease arrangement between 'Hapu New Zealand' and the government of the day is negotiated. Once this fixed cost investment is made, then the government of the day will win by saving billions of dollars per year on social welfare payments.

By paying the 'Hapu New Zealand' organisation a grant of 500 million NZD per year (a ball-park figure), it is making an investment that works to *magnify* the return for New Zealand as a country. It is no different for any business in New Zealand, as they must continually invest in such things as new technologies or new processes that will translate into even greater returns for that business. In other words, any current business would be very happy if they invested \$5 dollars and received a return of \$20-\$30 dollars! Excluding the initial sunk cost of setting up a myriad of 'Industrial Maraes' around the provinces of New Zealand, a yearly 500 million grant will ensure that the 'Industrial Maraes' make sought after high quality household consumables at a very low cost to participating members, which in turn, will keep those in the 'Industrial Maraes' working on a long term basis. In other words, investing 500 million dollars will *magnify* to a saving of around 8 billion NZD dollars per year on current social welfare payments, which must be a gain to New Zealand as a whole. What would New Zealand be like with 8 billion NZD per year to play with? Would that bring our country closer to paradise? What's more, the 'Hapu New Zealand' concept will work alongside the current economy in New Zealand, and Kiwis will have the *choice* to participate in whichever economy they choose – the free market economy or the indigenous economy. I think any ordinary business in New Zealand would be happy to pay \$50 for a return of \$200, or more. That kind of idea must put us on the individual and collective road to paradise.

Every year that New Zealand fails to harness the mighty resource that we presently call beneficiaries, is another year that we Kiwis lose billions and billions of dollars in a financial paradise lost. If we assume that we could save 8 billion NZD per year in social welfare payments by implementing the 'Hapu New Zealand' concept, then in just 3 years New Zealand has lost \$24 billion NZD. Over a 10 year period (without the implementation of the 'Hapu New Zealand' concept) our country will have lost \$80 Billion NZD! The point must be made that the 'Hapu New Zealand' concept is not some far off mirage that will take decades to implement – on the contrary, we can start right now and be well on the way to harnessing the huge resource of unemployed (and of all the other kinds of people that are disparagingly called beneficiaries) in New

Zealand within a year by creating their own 'Industrial Maraes', At the same time, we will be creating a social network the will help many New Zealanders live as cheaply as is humanly possible. I reiterate, will not only be those on the Unemployment Benefit who can take part in the 'Hapu New Zealand' concept, but those on Domestic Purposes Benefits and Sickness Benefits as well. In other words, by not harnessing these people in an indigenous way, we are missing out on the very real opportunity to not only equal the economy of Australia – but to easily surpass it without any real effort at all, merely by doing things in our own Kiwi way. BY WORKING SMARTER! All we Kiwis have to do is think smarter and paradise will just fall into our collective laps, just like that. The 'Hapu New Zealand' concept will enable those in an 'Industrial Marae' to help those New Zealanders that choose to take part the very real opportunity of living as cheaply as possible, who in turn will keep those in the 'Industrial Maraes' fully employed in the long-term. The New Zealand government's role is to invest 500 million per year to set up and maintain the 'Hapu New Zealand' concept in order to achieve a *magnified* return to New Zealand as a whole to the amount of *at least* 8 billion NZD per year.* That surely must be paradise.

Summary

In summary, a financial paradise is here right now in New Zealand, but we just cannot see it, and therefore we will not achieve the financial paradise as a nation that will allow each of us to further attain our own version of individual paradise. Rightly or wrongly, money is currently a significant determining factor in our collective lives as a nation and the individual lives of each New Zealander. In other words, only by achieving a state of *financial* paradise as a country can each of us Kiwis then live in an *individual* paradise – whatever that may be for each of us. The 'Hapu New Zealand' concept, along with its 'Industrial Marae' idea, has a multi-faceted solution to simultaneously provide billions of dollars of saved social welfare payments to New Zealand as a whole, and allow each Kiwi in an 'Industrial Marae' to earn not just a weekly wage to live comfortably on, but an extra shareholder return that will be largely saved for retirement (in effect – two incomes). As well, each person that is part of an 'Industrial Marae' will make the best quality everyday goods for those other people who choose to be a part of the 'Hapu New Zealand' organisation. Therefore, in a very indigenous way, people will be carrying out important work making everyday important products and

* This excludes the initial sunk cost of set-up.

services so that other Kiwis can live cheaply (This will be a type of 'third income' for those working in the 'Industrial Marae'). The idea of living as cheaply as is possible is not a new idea, as many good business organizations operating in today's New Zealand must always be looking at their overall cost structure in order to remain viable.

The returns for New Zealand as a nation are fiscally significant. In a very short time, there will be no one on an Unemployment Benefit in New Zealand ever, because they will be working in an 'Industrial Marae.' It is also easily achievable that there will be *at least* a 80-90% reduction of those on a Domestic Purposes Benefit as they too will be working in the same 'Industrial Marae' while their children are at school, or while their young children are being cared for in the crèche attached to the 'Industrial Marae.' If need be, in true indigenous fashion, someone goes out at end of school time and picks up all of the children that need picking up – and they will be brought back to the 'Industrial Marae' to be cared for until their parent(s) has finished work. It will be easily achievable that there can be *at least* a 50-70% reduction of those on a Sickness Benefit/Long Term ACC Payment, as they will as well be working in the same 'Industrial Marae' carrying out the essential administrative tasks that will need to be done (i.e. light admin work). If all of these 'beneficiary' type of people are now working in an 'Industrial Marae', then they will not be on any kind of benefit payment, which *must therefore* translate into a saving for New Zealand as a whole of at least \$8 billion NZD per annum, would it not?

From the other end, choosing to belong to the 'Hapu New Zealand' concept/organisation will allow Kiwis to live as cheaply as is humanly possible – in the same way any ordinary existing business must do in New Zealand right now. In a very indigenous way, an invitation will be extended to every Kiwi to choose to belong to the 'Hapu New Zealand' organisation. They may choose to direct credit \$5 per week into 'Hapu New Zealand' which will give them a years supply of soap, shampoo, and dishwashing liquid (this is a 'guestimation' for illustrative purposes only) for their entire immediate family. This family will find that by doing this, they are saving \$100-200 per year by choosing not to buy from anywhere else (as before, this will be like a 'third income' for those working in an 'Industrial Marae'). Eventually, as the 'Hapu New Zealand' concept grows and spreads around New Zealand, this will extend over a greater range of household groceries, which will then enable each family that chooses to join the very real opportunity to live as cheaply as is humanly possible. At the end of the day, it will be each New Zealanders' choice whether to belong to 'Hapu New Zealand', or not - and it will be a choice between living cheaply and not living cheaply – and that is what will drive the 'Hapu New Zealand' concept.

Paradise for every New Zealander is right here right now - and every year we fail to implement the 'Hapu New Zealand' concept is a year without living in paradise. Living in a country with an extra \$8 billion to play with each year would definitely put each of us individual Kiwis on the road to paradise. This \$8 billion NZD will be what we would be saving each year *at least* by having all of those we currently label as beneficiaries working under the 'Hapu New Zealand' concept. Every year of not living in such a paradise is another year of choosing living in a kind of financial and social hell.

3546

From: "Linda Biddington"
To: <constitutionalreview@justice.govt.nz>
Date: 12/07/2013 11:11 p.m.
Subject: CAP Submission

Submission to Constitutional Review

1. Size of Parliament

A citizens referendum in 1999 had an overwhelming number of New Zealanders, (>80%), preferring a 99 seat parliament. Polls carried out since then have all been in favour of fewer members of parliament.

New Zealand's population is less than 5 million

Australia's House of Representatives has 150 members and the Senate has 76 members ~ for a population of 23 million.

Based on this New Zealand has double the number of parliamentarians per head of population

I support a reduction in the number of MPs

2. Length of term of Parliament

No submission

3. Size and number of electorates, and method for calculating size

To make representatives more accountable the number of electorates should remain the same with less list MPs to make up the final number.

4. Electoral Integrity Legislation

If a list MP leaves a party they should be forced to leave parliament and the next person on the list sworn in. This preserves the "will of the people". With an electorate MP it is a bit different. The people of the electorate have chosen the person as much as the party and a by-election would be necessary to fill the seat.

5. Maori Representation

Maori Seats in Parliament - MMP gives minorities' ample representation. In fact the 1987 Royal Commission on the Electoral System recommended the Maori Seats be abolished if MMP was introduced.

Too many current politicians are where they are only because of MMP so it's here to stay! Therefore the Maori Seats should go.

Maori Seats in Local Government -

Local government should be decided by local people. In the Bay of Plenty, where separate Maori representation began, Maori make up nearly 30% of the population - surely enough to get representation through open elections.

(Other populations: Gisborne about 45%, Northland about 30%, Waikato and Hawkes Bay 20%; Auckland and Wellington 12%; Canterbury about 7%)

If there are barriers to getting fair representation we should be looking at ways to break through those barriers while still preserving democracy - e.g. financial help and mentoring for Maori standing for local government for the first election following abolition of separate Maori representation.

6. Role of the Treaty of Waitangi

The Treaty document seals the transfer of power from the Maori chiefs to the Queen of England and in exchange they were offered her protection and the rights and privileges of British subjects including land rights.

It has been endlessly re-interpreted to infiltrate into all aspects of our lives in a way that was never intended by the original signatories (Maori or English).

Redress for confiscated land has been and is being effected and rightfully so.

There are no other outstanding issues. Maori have the same rights as any other New Zealander as promised in the Treaty. I cannot see the necessity to refer to it in any Constitution or in any statute, law or government policy.

7. Bill of Rights issues

No submission

8. Written Constitution

If we want to protect parliamentary sovereignty a 'written' constitution must not be introduced. It would leave unelected and unsackable judges and lawyers in charge of law making, rather than elected MPs who rely on the goodwill of the people to remain in power.

9. Other comments

In a democracy, something as fundamental as a constitutional change must

have wide public input and support. So far I have seen very little consultation except with special interest groups.

A broad review of New Zealand's constitutional arrangements by a special Select Committee in 2005 concluded that the most widely used process for constitutional modification is through a public referendum. They referred to a 1986 Royal Commission into electoral affairs which also recommended that referenda be held on major constitutional issues.

This issue should be as widely consulted as possible and then put to a public vote.

Linda Biddington

5151

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:27 p.m.

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

Full Names: hamish bielski Email: Phone: Postal
AddressA: Postal AddressB: Postal City: Otautau Postal Region:
Southland Postal Post Code: Postal Country: New Zealand Submission: 1. 99. Too
many achieving nothing, getting paid too much.

2. 4 years. Long enough to establish policies, and make people think about voting more seriously.

3. Status quo

4. Status quo

5. No more independent MP's.

Submitted on the 13 June 2013 at 13:52

1127

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 12:42 p.m.
Subject: The form on your contact page has just been submitted

Sent from Constitutional Advisory Panel #link:<http://www.cap.govt.nz/>.

Contact Name: Paul Bieleski Phone: Email:

Comment: I think there should be a limitation on the executive so that no secret treaties can be made without the consent of parliament. Any sending of our troops & defense personell to a war zone must have the consent of parliament.

Sent on the 6 June 2013 at 12:42