



**Constitutional
Advisory Panel**

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13 December 2012

Mr John Hipkins

Auckland
NEW ZEALAND

Dear Mr Hipkins

Thank you for referring to the Panel your submission on the MMP voting system. To the extent that it touches on issues within the Panel's terms of reference we will treat it as a submission to the Panel.

The Panel is inviting all New Zealanders to join a conversation in the first half of 2013 about the constitutional rules for running our country. The Panel's role is to listen to and record the views of a wide range of New Zealanders and to report those views by the end of 2013. Depending on the views heard, the Panel may make recommendations for further work. Their job is to listen, not to make decisions.

The Panel will have information packs and meeting toolkits available in February to help individuals, organisations and communities to hold the constitutional conversations in whatever format works best for each. The packs may include easy-to-read information booklets, a workshop guide, video resources and printed submission forms.

You can sign up for regular updates or information packs on the Panel's website www.cap.govt.nz.

Yours sincerely

Secretariat
Constitutional Advisory Panel



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Secretariat
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Secretariat, Constitutional Advisory Panel: This may have been duplicated by Louise Vickerman. My submission includes subjects NOT covered in the recent review. Could I kindly have the courtesy of a reply please. John Hipkins, 21/11/2012

15 November 2012

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AUCKLAND

~~John~~ J. Hipkins

Dear Mr Hipkins

Thank you for your recent letter concerning the submissions you made on the 2012 review of the MMP voting system.

I enclose both the submissions we received from you on the review. One received on 29 August 2012 and the second, earlier, submission on 30 April 2012.

Yours sincerely

Louise Vickerman
MMP Review Coordinator
Electoral Commission



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Louise Vickerman
MMP Review Coordinator
Electoral Commission

SUBMISSION:

MMP Review Electoral Commission
Box 3220 WELLINGTON 6140.
COPIED, as a courtesy:

ELECTORAL COMMISSION

29 AUG 2012

RECEIVED

August 27 2012.

Stuart Mullin National Party, Auckland. (Thanks for data.)
Louise Vickerman (Thanks for data, and the E9 Booklet)
Rt. Hon John Key Prime Minister
Hon Amy Adams. (Chairperson - Select Committee.)
Hon David Carter. (See re Voting Papers/Local Government)
Hon Dr. Pita Sharples. (re reference, include Maoridom/General Roll)
D. Shearer. Leader of the Opposition (References to List MP's.)
Richard Prosser NZF List MP.
Gareth Hughes Green Party List MP. Conservative Party
The 3 MP's, North Shore's Electorate: A. Williams/C. Calder/M. Barry.
Media: N.Z. Herald. (Your Editorial / 16.8.2012.)
N.Z. Listener (Your Editorial 25.8.2012 LISTING SIDEWAYS.)

REVIEW OF MMP, AND ... ALTERNATIVE VOTING SYSTEM

Thanks for allowing this 78 year old a chance to make a further Submission, following my 24/4/12 effort.* (*attached*)
I am writing because I am astonished that the Electoral Commission has given the 'thumbs-up' to the dual candidacy option. How can it be acceptable for a MP, - who is rejected by the Electorate, to be able to enter Parliament on the "List" System? It maybe what MP's want, but that is not the view of voters. Someone wrote to the N.Z. Herald: - "For MP's to put this option together, is like having a fox guarding a hen-house."

I did not vote for MMP in the past, or in 2011. Though FPP had it's faults, so does MMP, and a system that may work with Germany's population is not working in N.Z.
The fault of FPP was that the candidate, getting slightly less votes, than the MP elected, was over-looked totally. The problem with MMP, is that it is a complicated system, that has produced complicated results.

I have divided my Submission into two Sections, A, and B.
A... is about the flaws of MMP, namely the DUAL Candidacy decision, (Page 6)

B ... is my suggestion, to improve both FPP and MMP, that will actually, and fairly, favour the minor parties.
In a nutshell, - long term, - to do away with MMP, and to introduce a fair and simple, (your, Page 3) system. I call this option the "Olympic System". The suggestion is very simple, - to triple the size of the Electorates, and allow the First, (Gold) Second, (Silver) and third, (Bronze) to all enter Parliament. That would be forty Electorates, multiplied by three, giving Parliament 120 individuals, including more Independent's. Considering, that on the Sport's field - accepted for centuries, it would be successful in Parliament. There is, unlike the MMP system, no room for being in 4th place.

(1) Section A: The 55% versus 45% DUAL CANDIDACY SUBMISSIONS:

On your Page 17, I am, like many, very suspicious of conducting Surveys, - because of, "lobbying" those in favour of radical changes, - "Status-quo" (55%) are often manipulated, whereas, because of apathy, - 45% were actually opposed to dual candidacy. Viewers, saw this on TV, - the more literate/suave /skilled/

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elect

person, gets their way, and often they represent minority views.

Thus the "55%/45% issue", is best argued against, under Common sense.... namely, the Media's opinions/Letters to the Editor/Radio talkback etc.

Hopefully, the three Commissioners, will take a fresh approach from what was agreed upon to date, and heed Submissions such as mine.

I agree with the "One electorate seat threshold etc;" and that the Party Vote threshold should be lowered to 4%. I am opposed to the proposal, ... to have no other comments, about the balance, -"diversity" etc.

In my 26/4/2012 Submission I highlighted:-

EITHER: The Electoral Roll, or being on the LIST. **Not both.**

There are some glaring examples of why some MP's are in Parliament, by default. There is also a strong consensus that both the Green Party, and N.Z. First, are over-represented in Parliament now. Some examples:

* **North Shore:** M.Barry, was elected with 22,709 votes (62.44%)

yet A.Williams, with 900 votes, 2.47% is in Parliament,... under the flawed DUAL System. C.Calder, gained 6,351 votes (26.27%) following Labour's 14,961 votes, (63.27%) in Manurewa... but is a National List MP in the North Shore Electorate. Thus my Electorate has 3 MP's, One Electorate, and two List.

(See Section B the Olympic Option, for 3 Elected MP's to all Electorates, seems both logical and easily understood.)

* **Auckland Central:** Green Party candidate D.Roche, got 2,903 votes, (8.76%) compared to National's 15,038 - (45.39%) Yet, she and J. Ardern, (43.23%) entered Parliament on the List system. Again, Auckland Central has 3 MP's. LABOUR, would have been better to have had J.Ardern on the List system, and highly placed. Again, see Section B; my vision of three MP's per Electorate.

* **East Coast Bays:** More interesting, Brett Stansfield, (Green) won 2,832 votes, - (8.72%), almost the same as D.Roche, but was #54 on the Party List. D.Roche was #11, Ask, the Green Party, - is that fair.?

* **Epsom:** This result was disgusting. The cynical gerrymandering by National, will not be forgotten. The Prime Minister's advisors gambled that with Dr.D. Brash #1 on the Act Party List, and a win by J. Banks, -similar to 2008 would bring Dr.Brash into Parliament, possibly in a senior Finance position with National. They failed. Banks: Electorate 44.10%/Party Vote 2.55%, Had P.Goldsmith won the Electorate Vote, National WOULD HAVE GAINED ONE MORE List seat... to reallocate. This result, not only proved the folly of the "One Electorate Seat Threshold" but also the political corruptness of an aspect of MMP. NAT:Party 64 5

* **Helensville, and Mt. Albert Electorates:** Neither, the Prime Minister OR, the Leader of the

Opposition, should have a Electorate to worry about. National and Labour should heed and make them #1 on the List only. Again,... not both.

In Mt. Albert, from 2002, 2005, and 2008, Helen Clark's majority decreased. Yet as #1 on the List, had she been defeated there in 2008, she would have still re-entered Parliament. As a comparison, Australia's John Howard, - that option was not there, after his defeat.

Mr. Shearer, should note he got 59.19% in the Electorate Vote yet National got 36.61% in the Party Vote in Mt. Albert, against Labour's 37.09%. This is a "wake-up" for Labour.

* Ohariu: As a quirk of the MMP system, I'm recording here that this Electorate has four MP's.... P. Dunne, C. Chauvel, G. Hughes and K. Shanks. That's three failed Electorate MP's in Parliament under what many people see as a major flaw in the MMP List system.

- (2) * Three MP's to an Electorate: Apart from Auckland Central/ and North Shore, the following Electorates have "2 Lists" in Parliament: - (ie a Total of 3)
- Dunedin North: (M. Woodhouse/ M. Turei)
- Epsom: (P. Goldsmith/ D. Parker)
- Mana: (P. Parata/ H. Logie)
- Mt. Albert. (D. Clendon/ M. Lee)
- Mt. Roskill. With only 1,258 votes, ... J. Genter (4.01%) & J. Blue.
- West Coast. (C. Auchinole/ K. Hague.)

The Commission should ask, who decides on the merit of the Listing System. The reasons on Page 18 for this anomaly is summed up, - "What constitutes a good Candidate," because Labour, in the 2011 Election, got it all wrong. (List sequence)

- (3) * An Electorate size that is too small, by world standards: eg: WAITAKERE:
P. Bennett - 13,465 Votes, and List, C. Sepulone

13,456 Votes (Nine votes)

By overseas standards, this margin is too small, ... see my Olympic Option, by making the Electorates larger for 3 to a Electorate/ and 3 into Parliament.

* Labour's woes. Putting 'long-term' MP's on the List, does not go down well with Voters. eg: D. Fenton/ S. Jones/ S. Moroney/ and D. Parker or M. Street.

Yet, on the North Shore, Labour's Ben Clark earned 20.57% at the Electorate, and 16.23% in the List count. This man would have given Labour a much needed new look, yet other failed MP's got in under the List System DUAL DEAL. (Mr. Clark was # 69 on Labour's List.)

- (4) Where National's Party Vote was higher than Labour's Electorate.

Rimutaka: 44.75% for National 33.13% for Labour. ALSO:

West Coast 45.79% for National 27.25% for Labour.

This 'Split Voting', makes a mockery of MMP.

- (5) Raise the level of Party Registration costs:

There are too many silly Party names, making the Polling paper a farce.

Some examples: "Aotearoa Legalise Cannabis Party"
 "Human Rights Party" "Libertarianz" "Restore
 all things in Christ" (Dunedin South) and finally, ... "Pirate
 Party of N.Z." with 277 votes/ 0.72% (Wellington Central)

The Registration Fee at present is \$1,000.00; and a "One Off"
 Fee of \$300.00. Perhaps the Registration Fee should be increa-
 sed to a higher figure, ... \$2,000.00 ?
 This would perhaps deter foolish, ego seeking people, who gain
 pleasure seeing their names on the Polling papers.

(6) Informal Voting and absentee Voters:

As with Local Body Elections, (interest, Mr. David Carter)
 statistically, we should know, - because of public apathy,
 why there are people who, invalidate their Voting paper; or
 abstain ,... as applies in the Maori Electorates.

Suggestion: For both the General Election/Local Body
 Election, - Add: "None of the Above", under the list of
 both Candidates, and the Party Vote.

(7) The Maori Vote/ and the Size of Parliament:

National, many people comment, - have failed addressing these TWO
 factors, in this MMP Review. Under " ONE RULE FOR ALL"
 a review should be made, in 2014 to either continue retaining
 separate Maori seats, / OR: the alternative, which is to have
 one Roll for all New Zealanders.

My view is that a "Nation divided racially, will never prosper."
 In the past there was a strong Lobby to reduce Parliament's
 size to around the 100 mark. For the Olympic system, the
 figure would have to be either 99 seats ie 33 Electorates, all
 returning three MP's with the highest votes, Gold/Silver/Bronze,
 OR: 102 seats, 34 Electorates, again all returning three MP's,
 as outlined above.

This option, would provide Maoridom to enter Parliament on the
 General Roll, or as the Maori Party or Mana. Again, this
 alternative to MMP would give the chance for an
 emerging new Party, (Conservative) or, - Independents.

(8) "LIST MP'S do not PULL THEIR WEIGHT" ?

They cannot compare their 'workload' to those who have a direct
 Electorate responsibility.... a spokesperson for the local
 Community. Here in the North Shore Electorate, Ms. Barry, has
 a National Party Electorate Office. Does, C. Calder, a LIST
 National MP, and Devonport resident have a similar role.? Our
 third MP, A. Williams, failed under MMP in the Election, (900
 votes/ 2.47%) is, under the LIST system, in Parliament.
 Surely, in their review of "DUAL CANDIDACY", the Chairperson,
 Deputy Chairperson, and the Chief Electoral Officer, must listen
 to those opposed to the "Status Quo".
 My view again; Candidates can choose either - to contest the
 Election, OR have their names on the Party List... not both.

SECTION B:

Clearly, there is a problem, or faults, with both FPP and MMP.

In this section, I want to expand, on what I see as a simple alternative to MMP...The "Olympic System". It's simplicity, is straightforward... that in any sports-race, there are those that come first/come second/ and come third. Everyone understands that.

Where MMP fails, is that the system has tried to pander to the smaller parties; and in hindsight, those groups have sadly, dictated to both the majority of voters, and commonsense.

I want New Zealand to be a better place for my six grandchildren and that is why in writing to the "MMP Review Electoral Commission", - I make no apology, to the fact that I've not only copied in the major Political parties, but also the Media. Both the N.Z. Herald/N.Z. Listener do a generally excellent job, with investigative reporting, and outspoken Editorials. The result of the "Proposals Paper" dated 13 August 2012, would perhaps indicate, that inasfar as DUAL CANDIDACY Page 17, ... the 'back door MP's', ... "On analysis this appears to us appears to be a problem of perception, rather than reality!" I differ. On the sports-field, there is - no prize - for being 4th; and that should apply in the General Elections.

I make the following observation /research to support my ideas: (In some areas, they repeat, my earlier observations.)

So, my options for discussion for the Commission are:-

- * With 120 seats, absorb the separate Maori Roll option.
- * Divide New Zealand into 40 Electorates.
- * ie Combine three adjacent Electorates into one. (Details follow)
- * The system does away with "LIST" MP'S entering Parliament.
- * Run the Election, -similar to FPP - with the 'twist' that those receiving the most votes/ and the second, and third "runner's up" all enter Parliament. (Gold/Silver/Bronze.)

These examples, based on the 2011 Electorates Results, are of interest:
In all the samples, the figures given, + and + are the same order as the present Electorates.

(1) Combine: East Coast Bays + Northcote + North Shore:

National	21,094	+	18,908	+	22,709.	=	62,711	Gold
Labour	6,453	+	9,529	+	7,481	=	23,463	Silver
Green Party	2,832	+	1,890	+	2,802	=	7,524	Bronze

(N.Z. First would not be represented at 2.47%)

(2) Combine: Auckland Central + Mt. Albert + Mt. Roskill:

Labour	14,321	+	18,716	+	17,906	=	50,943	Gold
National	15,038	+	8,695	+	10,635	=	34,368	Silver
Green Party	2,903	+	3,000	+	1,258	=	7,161	Bronze

(3) Combine: Te Tai Tokerau + Northland + Whangarei:

Mana	8,121	+	611	+	N/A	=	8,732	Bronze
Labour	6,956	+	6,826	+	7,602	=	21,384	Silver
National	N/A		18,188	+	20,049	=	38,237	Gold

(This exercise proves K.Davis should have been higher on Labour's List; that the Green Party are over represented in Parliament; that Hone H. would survive.)

(4) Combine: Waitakere + New Lynn + Hunua:

Continued next page, but note: HUNUA got N.Z. First 1,405 votes (4.8%)... are they over represented in Parliament now. ?

National	13,465	+	11,809	+	22,563	=	47,837	Gold
Labour	13,456	+	16,999	+	5,766	=	36,221	Silver
Green Party	1,855	+	2,364	+	2,576	=	6,795	Bronze

(5) Combine: Wellington Central + Ohariu + Hutt South

(Note that Ohariu now has four MP's.)

National	12,460	+	6,907	+	11,003	=	30,370	Silver
Labour	18,836	+	12,965	+	15,828	=	47,629	Gold
Green Party	5,225	+	2,160	+	3,693	=	11,078	(4th)
United Future	N/A	+	14,357	+	342	=	14,699	Bronze

NB: New Zealand First in Ohariu got 399 votes/0.91%

(6) Combine: Palmerston Nth + Rangitikei + Otaki *

Labour	16,525	+	8,902	+	13,920	=	39,347	Silver
National	13,240	+	18,284	+	19,151	=	50,675	Gold
Green Party #	1,485(4.61%)	+	2,108	+	1,750	=	5,343	Bronze

* Should Labour have elevated P. Foster (37.48%) to a higher List position, than other incumbents. ?

This indicates that the Green Party are over-represented now. These figures confirm that the 'rigging' of the LIST system is very much at fault.

(7) Combine: Ilam + Christchurch Central + Port Hills

National	20,070	+	12,064*	+	12,640	=	44,774	Gold
Labour	6,758	+	12,017	+	15,737	=	34,512	Silver
Green Party	5,099	#	2,321	+	3,252	=	10,672	Bronze

* The present National majority is only 47. This indicates having larger Electorates will avoid this close count

In Ilam the Green Party achieved 15.35%

(8) Combine: Invercargill + Dunedin South + Dunedin North

National	17,275	+	12,669	+	12,976	=	42,920	Gold
Labour	11,012	+	16,844	+	9,487	=	37,343	Silver
Green Party	2,433	+	3,197	+	5,721	=	11,351	Bronze

(9) Will the Commission/Bureaucrats reconsider the Review?

In compiling this research, I've spoken to many people. Not one person agrees to the principle of a 'failed' Electorate person, entering under the 'List'. (Back door Policy/decision.) Here, I should quote the Committee, chaired by Amy Adams, was as follows:

J. Anderton *	J. Boscawen #	L. Dalziel
P. Dunne *	P. Hodgson	D. Hughes #
R. Katene	H. Parata	P. Quinn
C. Tremain	M. Turei	

* In my view J. Anderton/ P. Dunne/ J. Banks (now) have very strong 'survivorship'/pecuniary interests to protect minor parties. The reason Peter Dunne/John Banks are not copied,

Both Mr Boscawen and Mr Hughes, have had adverse publicity, and Police investigations for criminal behavior; both since rejected from Parliament. No other comment is necessary.

(10) Quote's from the MEDIA, - worth putting on record:

N.Z. Listener: 16/4/2011: "Party lists have never been assembled on grounds of merit. Candidate's

talent, experience and even public appeal all play second-fiddle to each party's need to feed the beast of party patronage. National, has protected every last lacklustre, obscure backbencher on its list.....Labour, has used its List to reward ho-hum performers, and even some perennially losing candidates, as well as to provide a smoothed path for unionbacked hopefuls. "

N.Z. Listener: 25/8/2012: "The Commission has responded to the most obvious flaws in our electoral system, but its recommendations will result in only minimal change, at a time when the public appetite is whetted for decisive improvements.....lowering the party vote threshold from 5% to 4% is disappointingly timid" Finally, this gem: "There is also intense resentment of MP's who lose electorate seats, and yet are restored to Parliament because of their LIST ranking."

N.Z. Herald: (Their Editorial 16.8.2012.) "Among the public at large the most commonly heard criticism of MMP is that it allows MP's defeated in electorates to survive on the List."

Hopefully, the three people appointed, - Hon Sir Hugh Williams/ Jane Huria/Robt Peden will overturn, what has transpired from Amy Adam's Committee; because what the Commission states as,..."we consider prohibition of dual candidacies in principle and unworkable in practice."(that is dualcandidacies to be undesirable.) (Page 18.)

Not so. If they opt to(either)accept a high LIST seat, to ensure they stay in Parliament,... Key/Shearer/Finlayson etc, they do not need to be on the Electorate Voting choice.

If they wish to stand for an Electorate, they must opt NOT to be on the LIST safety-list. If rejected at the Polls, so be it. Again I repeat. Choose One Option. Not both. Last word: It is the MP's/Party Leader's that define and protect " good candidates " The public decide that(Page 18)

National, page 6 (Greg Hamilton) stated; "MMP HAS INHERENT INAD EQUACIES AND ANOMALIES"

That is why, I feel, a better understood system, "Olympic" would be embraced and understood by the bulk of New Zealanders. It works on the Sports Field.

Possibly, to break the Party System, Independent's, -high profile, qualified, citizens, have the correct skills to further advance New Zealand in many areas of their expertise.

(11) In Parliament, how would the OLYMPIC System work.?

Seating: To the right of Mr. Speaker, with the present 120 seats - the 40 "Gold's", a mixture of National/Labour/ and whoever, especially Independents, gained the most votes in the much larger 40 Electorates.

Opposite the Speaker, those that achieved less votes, but sufficient to justify them being represented in Parliament. Again these 40 "Silvers" will be a mix of Parties/Independents/ and a cross section of the Voter's decisions.

To the Speakers left side; those - now the smaller Parties, Green Party/ N.Z. First / Maori Party, and Independents.(40)

(12) The Speaker - "taking a Party Vote" to pass Legislation.

The present system, of the Clerk 'taking a call' is wrong, in that minor "One man " MP's ,... who are absent from the Chamber (ACT/ United Future/Mana,) have their 'vote' recorded, either by the Government, or the Opposition.

In the absence of a Upper House, in our Parliament, there needs to be better safeguards. One option would be to introduce Electronic Voting, and this would only be applicable to those Members actually present at the completion of debates.

With the Olympic system of determining who represents the three Members views, I can perhaps suggest something along these lines, as presently the Opposition vote against Bills, because that is the role they see themselves, to do.

Traditionally, the Leader of the Opposition, sits opposite the Prime Minister,...together with their 'shadow' Members. That would not be the case with my vision. There needs to be a more congenial form of collaboration, for the betterment of our country. To achieve this, one way would be to have a "Two-tier" system of recording votes: (by the Clerk.)

- (a) The separate votes from the three groups in Parliament, the Golds/Silvers/ and Bronze. eg: Recall, every group will be a mixture of National/ Labour/Independents etc. These Members will represent the very best of the voters selections. Perhaps there needs to be introduced a %%% system, 3 points for Gold/ 2 points for Silver, and 1 point for Bronze MP's- reflecting their lower numbers/support from the Polling Booth. (ie: %%%-wise.)
- (b) Retain the present system of For and Against, on Party lines.
- (c) Combine the two results, again For and Against, to achieve a fairer outcome, to what is now a travesty of Democracy in the House.

(13) Last words, a quote from the N.Z. Listener April 16 2011:

"The List system has shown its worth as a mechanism for introducing new talent to Parliament, and overcoming historic barriers to women and various ethnic groups, - which is why it is so worrying to see its reputation taking such a battering. Sadly, opportunities to improve the MMP system, of which a more open list system is just one example, are some years away. This election, the Government is only allowing voters the blunt instrument of a referendum on whether or not to keep MMP. The better question would be what changes would make MMP fairer.?"

This submission extends 8 pages. I hope, for the betterment of New Zealand there will be changes, - not over-night - but over a period. My strong view is that NO failed Electorate MP

should survive under a LIST safety net. The option of my OLYMPIC SYSTEM, is added as a "talking point" to those copied, and the MMP REVIEW ELECTORATE COMMISSION.

Thankyou,

John Hipkins

Footnote: I certainly would welcome any comments, from all addressees - favourable, or not. J.H.

MMP Review
Electoral Commission
Box 3220 WELLINGTON 6140

Copied: Editor N.Z. Herald. Your Editorial (24/4) re Self

28/4
/4/2012

(effect)

J. Armstrong. Your views (21/4) "Self-serving MP's strategy plain to see"

N.Z. Listener Your Editorial April 16-22 2011 -
"Noticeably listing" items quoted below.

North Shore's 3 MP's: M. Barry/C. Calder/A. Williams
Auckland's 3 MP's: N. Kaye/J. Ardern/D. Roche

MY SAY ON MMP

(1) THRESHOLDS: Based on the 2008/2011 Elections (the Thresholds) the 5% figure is too high. I suggest the Nationwide Threshold is lowered to 4%. Consider these anomalies that favour smaller Parties

- * The Conservative Party got 59,237 Party Votes (2.65%) but is not in Parliament... because it did not win a Electorate seat.
- * United Future got 13,443 Party Votes (0.60%) but is in Parliament because it won an Electorate seat.
- * Even worse, ACT got 23,889 Party votes (1.07%) but is in Parliament because of the "Epsom Clause". Shame on National.

My view is that the winning of ONE seat + and getting now 5% of the Nationwide Party Vote, SHOULD BE ABOLISHED.

(2) CONSIDER THESE RORTS THAT FAVOUR THE SMALLER PARTIES:

Party Votes:

The Green Party got 11.06%	= 14 Seats.
N.Z. First, got 6.59%	= 8 seats
Conservative Party got 2.65%	= 0 seats.
United Future got 0.60%.	= 1 seat.

Note: PARTY LIST'S, are not assembled on grounds of merit, the Labour Party has found that obscure MP's should have been replaced by "New blood",... not the same tired Union back-ground people.

(3) By-Elections and Dual Candidacy factors:

No List MP should be also on the Electoral Roll. Either choose one or the Other. Not both.

Examples: John Key should be #1 on the List; and not a choice for National in Helensville. David Shearer should be #1 on the List; and not a Labour choice in Mt. Albert

In the 2005 Election, John Tamahere accepted his defeat in the Poll, and did not choose to enter Parliament "via the Back Door/List system."

Again, both National and Labour protect poorly behaving MP's. They should promote promising new candidates.

Open Lists, should offer Voters the extra-option of expressing preferences. In Switzerland/Sweden/Holland, List Candidates can be moved up the ranks into Parliament, -if voters endorse them.

Finally: A MP who resigns his Party, (eg Chris Carter) should not be allowed to remain as a 'Independant', if elected as Labour.

Factors of DUAL CANDIDACY on Page 9.

I repeat: Hopefully the Commission will listen... MP's must choose to be either on the Electoral Roll, or on the List.
One other thought: Because there were 748,086 Invalid Votes ie 33.14%,... I suggest that the future Roll selection includes. - "None of the above" That is because, overall we Voters are very disillusionized with the choice of people offering themselves.

I would appreciate a reply, and I trust my facts are correct regards both 'counts' and %%%.

John Hipkins.

FAX
PLEASE FAX ME THE NAMES OF THE SELECT COMMITTEE MEMBERS FOR
THIS MMP REVIEW: Does Ms. Barry have a firm opinion on people
on the Electoral Roll, who are rejected, but turn up as 'List'?

Phone

To the Team;

Could someone 'phone me so that I know this material has arrived in the post.

In retirement, I have tried to take a civil interest in many areas, and the views of my attachments are also those of mine.

I am not sure how my lone voice is heard, can you explain how the quantity of data is processed for the Panel.

There will be some instances of duplicated views here, for which I apologise.

I am happy to accept any advice or criticism.

I will complete the **Quick Submission**, later with an Index of my Submissions.

I am assuming many organisations will forward very long and extensive Submissions,... I have chosen to break mine up, which are mostly alphabetical from my extensive files.

Thankyou,

John Hipkins.

Footnote: Is there any value, in copying the Hon. Judith Collins, Minister of Justice, for her own info.?

I ask, because sometime back, I suggested we needed a new Constitution, to replace the Treaty signed in 1840.

Finally, to make progress do all the Panel have to be in agreement,... ie will it be on a majority vote, if there is not a unanimous decision,... and how will Submitters be informed of the results to be addressed by the Ministry of Justice/ or the Minister. ?

Constitutional Advisory Panel
C/o Ministry of Justice WELLINGTON
(Submission # 1)

Auckland

24 April 2013

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Today I spoke with Eleni explaining that in the last decade, I have collected various items, that I would like to share with the Panel. I welcome, and thank you for this. I was informed that I may attach, - within reason - some of this data, to support my views. One problem is that where there is some criticism of say, - **the Treaty of Waitangi**, or matters pertaining to **Maoridom**,...a person making the "Submission" is labelled 'racist'. I say this as I note the Panel is made up of 50% iwi/tribal members, and the balance Burrows/Chin/Coddington/Cullen/Luxton and Tennent, are of non-part-Maori descent. ~~I mention this (once) as there was a press-item asking why part-Maori (say 14% of the population had 50% membership of the Panel.)~~ I will expand later. I am not 'racist'. To make my point, I am 79, of no iwi descent, and my ancestors, - the **Hipkins** came here from Staffordshire in 1884; and the **Cranwells** arrived as "Albertlanders" in 1862 from Lincolnshire in 1862. But, I do not mention **NGATI Staffordshire**, or **NGATI Lincolnshire**,....as my 'tribal' roots.

More about "Tribes" "Iwi" Maori seats in Parliament, etc later. The submissions, that will follow, over a period, are mostly in **alphabetical format**, as mentioned to your Office. Again, I thank you for this opportunity, and hopefully the end results will make New Zealand a better place.... we need **ONE RULE FOR ALL**.

Submission # 1 (Attachment, - ACT SUMMARY, TREATY OF WAITANGI)

ACT in 2002 under Richard Prebble, was a different 'beast' to that of now. These views are worthy of discussion in 2013, - they are relevant:

- (a) Maori underachievement: Both this/next (b) threaten us.
- (b) The 'backlash' from the Grievance Industry.
- (c) The "grave train" regards the Waitangi Settlement process,

The views of R. Prebble in 2002/2003 are still with us now, - "well paid Lawyers/Consultants, who are never satisfied."

ACT then pointed out that the payments made, - with the goodwill of other New Zealanders, - who are **innocent of past events**, - has, and is being abused, and is alienating the rest of us.

ACT's Principles, should be of interest to the Panel, - even though these arguments, for a better New Zealand were made/2002.

- * ONE LAW for all New Zealanders. get
- * Have in the Waitangi Tribunal, people who can ^{get} at what truth can be discovered now; and **reject the rest.**
- * Maori and Non-Maori should be equal before the law.
- * New Zealand cannot have harmonious race relations built upon **apartheid principles.**
- * Repeal laws that allow any Agency to discriminate against **or favour**, any New Zealander on the basis of **race, colour, ethnicity**, or national origin.
- * Abolish the Maori seats in Parliament.
- * End State-sponsored racial discrimination.
(To the above I would add,... imagine the **savings**, if Maori funding for Health/Education etc was 'merged' into the Government departments.)

JOHN HIPKINS


[ACT Policies](#)
[Search Policies](#)
[About ACT](#)
[Links](#)

Summary: Treaty of Waitangi

ACT New Zealand

Friday 14 Jun 2002

[Policy - Treaty of Waitangi & Maori Affairs](#)

Problems

Two things threaten race relations in New Zealand. One is Maori underachievement. The other is the backlash that an escalating grievance industry could all too easily provoke. No amount of money can undo past wrongs or solve the problem of underachievement.

Unfortunately, mismanagement of the Treaty of Waitangi settlements process has created a grievance industry that sustains a gravy train for well-paid lawyers and consultants. It can never be satisfied and worsens race relations. It has not helped, and will not help, most Maori.

Payments depend entirely on the goodwill of citizens alive today who are entirely innocent of any wrong-doing. This goodwill is being increasingly abused by the grievance industry and alienating ordinary New Zealanders.

ACT's Principles

- Everyone, Maori and non-Maori alike, should be equal before the law. The Treaty itself guarantees Maori and non-Maori the same rights and privileges as New Zealand citizens. New Zealand can not have harmonious race relations built upon apartheid principles.
- Claims should be properly settled where land was unlawfully taken, or improperly compensated and we can identify the descendants of those who were wronged.
- Solutions to the problem of Maori underachievement must be found partly within Maoridom.

Proposals: Towards Full and Final Settlements

- ~~Set the year 2009 as the target date for achieving one law for all New Zealanders.~~ N/A.
- Set a final date for lodging historical claims: 31 December 2003, and ensure that all cases before the Waitangi Tribunal are heard and determined by 2008.
- Appoint to the Waitangi Tribunal people known for their ability to apply the rules of evidence rigorously to get at what truth can be discovered at this distance, and to reject the rest.
- Amend the Treaty of Waitangi Act so as to redirect the Tribunal and the judges to the clear statements of the first and third Treaty articles by which the Crown received "absolutely... forever the complete government of [New Zealand]" and in which the Crown undertook to "protect all the ordinary people of New Zealand and [to] give them the same rights and duties of citizenship ...".
- Repeal all laws that permit or require any central or local government agency to discriminate against, or to favour, any New Zealander on the basis of race, colour, ethnicity or national origin. To end state-sponsored racial discrimination we must also abolish the Maori seats. The Royal Commission on the Electoral System considered that this should be done on the adoption of MMP.

Recent Statements on Treaty of Waitangi & Maori Affairs

24 April 2013

NEW ZEALAND NEEDS--SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion subject - Part-Maori Customary rights.

My second Submission to you, will not be as easy as my #1. That's because, I do not want to offend the part-Maori members of the Panel.

In a "nutshell ", the subject matter is the somewhat disturbing "trend", (for want of another word) regards the "Maori-ization" (a made-up word) of many aspects of our day to day events here ... be it at Parliament/ in Local Bodies/ greeting overseas VIP's, or in opening foreign embassies/ or, taking delivery of a new aircraft at Seattle, for Air New Zealand.

Where it upsets people, is that today's part-Maori, are over-represented in media events, in areas, as listed above.

The 2006 Census (my 2009 Statesman's Yearbook) states:-
565,329 (14.6%) of the total population, were listed in the Maori population... compared to 15.1% in 1996. They continued:
"In this census 157,100 New Zealander's said they could hold a conversation in Maori, and in 2001 one in four of Maori ethnicity, claimed to speak the language."

(a) Attachment: Letter from me to Mr. Doug McKay CEO **AUCKLAND COUNCIL:** Re inaugural Meeting, Town Hall 2010.

My main points, (which were not acknowledged) were:

- * The lack of common-sense courtesies to Mr. Key, and others.
- * The fact that guests had to listen to four 'tribal elders' speaking in Maori, with no respect to all the invited.
- * This hour-long introduction was condemned by the Media, and in many 'Letters to the Editor.' I quote several:
Michael Bassett: "Bizarre rights of Maori 'Customary Rights, Leaders need to bring themselves into the modern world, elderly Maori men who bumbled away."
- * Other comments are copied from Pat Booth, E. Jackson, A. Pullen #
- * Parliament: Can the Panel please discuss, why it is permissible for the Maori Party, to speak in Maori, and no translation is provided.?

(b) Attachment: N.Z. Listener, April 20, 2013, Bill Ralston, ... POWHIRI-PHOOEY. This article will not be re-quoted here, but I have highlighted/underlined some of his views.
This respected writer wonders why it is logical, where all those present are Pakeha, yet the greeting is in Maori and a waiata is sung.
Bill Ralston concluded, he does not want to offend people, but the Panel should discuss:

- * My view, ... Why are New Zealander's too tolerant.? We allow minority groups, get their own way. From Ralston:
- * The part-Maori welcome, ... half-naked men, poking their tongue out.
- * Are we overusing, the HAKA, the POWHIRI, and MAORI CULTURE.?
- * Many of us are from Britain, would Morris Dances be okay. ?
- * Keep part-Maori traditions/languages/customs to themselves.

These are excellent viewpoints that should be discussed by the Panel.

John Hipkins

X
TO THE PANEL:
I HAVE ONLY HIGH-LIGHTED
MAJOR VIEWS, TO ASSIST YOU.
J.H. 24/4/2013.

AUCL:AND
Ph/Fax:
Nov. 29, 2010.

TO: Mr. Doug. McKay. CEO Auckland City.

COPIED:

L. Brown. Mayor.
All Councillors - Anae.....Wood.
Mr. John Key. Prime Minister
Mr. Rodney Hide. ACT/ Local Government.
Pat Booth. North Shore Times.
Brian Rudman. N.Z. Herald.
Dr. Michael Bassett.

"THATS NOT FAIR, NOT ETHICAL, NOT RIGHT."(Quote A.Pullen.) #

(1) Inaugural Meeting, Auckland Council -1/11/2010.
(people were 'hopping mad.'))

In attending this function, I was dismayed at the total lack of common-sense courtesy to the PM, other Cabinet Ministers and indeed, to all the patient guests and the public, who had to sit through over an hour listening to 4 selected 'tribal iwi',...speaking only the Maori language.

It was extremely rude and discourteous to Mr Key, - probably tired from having returned from Asia the previous day.

Pat Booth's self explanatory article dated November 16 is copied to all addressees. Note the comments from Michael Bassett,...

"bizarre rights of Maori 'customary rights',...Maori leaders need to bring themselves into the modern world,...elderly Maori men who burbled away (shouting in one case) in a language that was understood by perhaps 30 people out of 1,500 in the Town Hall in my younger days Maori always had the courtesy to translate what they had said in Maori. No more.

Eric Jackson wrote,...I am dismayed by all too frequent use of "rent a Maori cultural party"

Adele Pullen wrote,... we thought it was the height of bad manners -to be conducted almost entirely in Maori.

The hour long 6pm -7pm + "welcome" spoilt the evening. Letters to the N.Z. Herald were critical, "keep your powhiring, and 'hongi' tactics to the marae."

Could I please have a response from Council, to avoid a repeat.?

(2) Parliament.

Can someone in the Prime Minister's Office please explain to me WHY the Maori Party often speak ONLY in Maori, and also never have the decency to provide a translation.?

How would Maoridom react if their guests on the marae spoke in a foreign language, ? Dutch, Asian, or any other.?

The population, other than Maoridom find this behaviour both arragant, and ignorent. Tax-payers deserve better.

copyright material removed.

25 April 2013

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion subject -What defines being Maori.?

Later, I will raise the issue of whether, in this Century ~~do we~~
~~need to allocate separate Seats for part-Maori.~~

I would hope that a major item that will be raised by Submitters
...will be, under the banner of 'ETHNICITY'...what defines
being part-Maori.?

From memory there are in excess of 12 part-Maori MP's, and for
that reason I wrote to the Hon Simon Bridges on the 18th June '12
to promote a Members Bill - Cross Party - to define for New
Zealanders, who are not part-Maori,...WHAT MAORI MEANS, inasfar as
being a benefactor for Taxpayer 'Special Treatment'.

I alluded to Simon, as a part-Maori MP, to propose to Mr. Key -
that the only way forward for N.Z. is to have One Rule for All.
My suggestion to this Minister was to read what Bill English
said on the 7th May, 2002 to the N.Z. Centre for Public Law in
Wellington, "WE NEED A SINGLE STANDARD OF CITIZENSHIP FOR ALL"
I never had a reply. (The text/copy of this speech will follow.)

(a) Attachment: Dr. Hugh Barr. In the N.Z. Herald (March 8 '11)
Dr. Barr submitted to the Herald's DIALOGUE,
a contribution titled, -"Bill means public pays twice for Maori
customary rights."

I responded, with the attached Letter, dated earlier to both he
and Dr. Muriel Newman, (with copies to others, as listed) using the
Heading:- "Race Relations in N.Z. are now at an all-time Low."

My main points were: (2 Pages)

- * That both LABOUR/NATIONAL have pandered to Maori Activists.
- * I listed the names/organisations that supported ONE RULE
FOR ALL. (ACT/Brownlee/Brash/Duff etc.)
- * In this Letter, following the tragic earthquakes, that the
Waitangi Tribunal and the Waitangi Settlements Office, should
be closed down.
- * I copied Joris de Bres,... to address subjects such as
Ethnicity arguments, that 'feeling Maori' was not good
enough. I continued regards the contributions of academics/
indigenous people, tribal boundaries, and so on.
- * To conclude. I pointed out that tribal boundaries, were
drawn up after 1840, after the Musket Wars/utu era of
Maoridom's inter-tribal, and bloody wars.

(b) N.Z. Herald 25/9/2006, by Jon Stokes.(Maori issues Reporter)

" BRASH OUTRAGES MAORI BY QUESTIONING THEIR IDENTITY: "
Key points made by Dr. Brash, and worthy of the Panel to discuss :-

- * Whether Maori remained a distinct indigenous group because
few if any full-blooded ones remained.
- * Pita Sharples responded, " Culture is not about the amount of
blood you have, IT IS ABOUT BELIEFS, PHILOSOPHY, CUSTOMS, AND
ASPERATIONS."
- * Dr. Brash expanded: "There has been a lot of inter-marriage,
and that is welcome."

These 2006 Newspaper clippings, hopefully will assist the Panel.

. JOHN HIPKINS

TO:

Dr. Muriel Newman/Dr. Hugh Barr. Auckland.
COASTAL COALITION. Box 984 Whangarei. March 6, 2011.
Joris de Bres. Race Relations Commissioner. Ph/Fax:

COPIED- As a courtesy/Information.

Mr. C. Finlayson. Minister of Treaty Settlements.

Mr. J. Key. Prime Minister.

Mr. W. English. Finance Minister.

P. Sharples/T. Turia. MAORI Party.

P. Goff. Leader of the Opposition./Editor, N.Z. Herald./Listener.

RACE RELATIONS IN N.Z. ARE NOW AT AN ALL TIME LOW.

The Coastal Coalition is to be saluted for your "Open Letter to all Kiwis" in the N.Z. Herald, March 5, 2011. (B 15.)
Re the 'Foreshore & Seabed', your campaign to me is not about this 'racist & divisive Bill' - or (sadly) both Labour's and National's past pandering to the Maori Activists, - to remain on the Government's benches.

To Muriel and Hugh, I'm attaching Page 1 only of my August 10 2010 letter titled MULTI PARTY DISCUSSION DOCUMENT - ONE STANDARD FOR ALL. This was addressed to Messrs Finlayson and others, ... perhaps Coastal Coalition may wish to access the additional 18 pages from Mr. Finlayson's Office. ? In this document, quotes from over ten years many individuals/Organisations that supported "One Rule For All".
This letter included: ACT/ G. Brownlee/D. Brash/John Armstrong/ Alan Duff/ P. Dunne/ W. English/G. George/F. Haden (Decd) /Jim Hopkins/Shane Jones/Dr. Rod Lea/W. Mapp/ Paul Moon (Author)/ W. Peters/ Brian Rudman/Elizabeth Rata/P. Sharples, (who quoted Nelson Mandela)/T. Turia, (who wrote that 'Maori seats should remain until such time as Maori believe the seats are unnecessary' (July 4 2003)

I have copied this full file to the Human Rights Commissioner on the 28/2/2011, ... for him to confront Race Problems that the National Government does not want to tackle.

My view may seem outrageous, ... but with the catastrophic events unfolding now in Canterbury, I have lobbied for both the Waitangi Tribunal and the Waitangi Settlements Office be closed down.

My submissions to the Race Relations Commissioner are to address the racist, and flawed "politically correct" Legislation passed by both Labour and National Governments. Again, in no order of importance, they are:-

* Today's part Maori Ethnicity arguments, ... "Feeling Maori" is not good enough to gain special privileges, because of mixed, and favoured bloodlines. We, New Zealanders, need "One Rule for all" (Indeed, in 2002 while in Opposition, Bill English preached this.) A new Constitution is urgently needed to replace a Document signed in 1840. ← * NB

* Mr. Finlayson to me (August 5, 2010) and now copied to the Coastal Coalition, to assist your cause wrote, ... "what happened between Maori before 1840 is NOT RELEVANT." (My caps) I say it is.... New Zealand's History did not commence from 1840.

* I hate the terminology 'half caste' for today's part Maori but are these descendants of a warrior society even half ? .. or quarter, one-eighth, more so 1/16th, or more.

But, in the argument "One Rule for All" the fact is that Maori's own History prior to 1840 was one of tribal blood-

shed/tribal invasions/tribal cannibalism/far worse than

(2)

losses caused to Maori by Crown breaches of the Treaty of Waitangi,...as mentioned by the Minister for Treaty of Waitangi Negotiations in his Letter 30/8/2010 to me and copied to your office in Whangarei. He added:

"The Government remains committed to Treaty settlements (my underlines) " because we believe they are just and contribute to the welfare of all who live in New Zealand."

I fail to see, that events, so long long ago are relevant now for todays Taxpayers to accept. Even, before the February 22 earthquake.

* Academics have over-played the era of "indigenous people."

It is time to move forward, and todays part- Maori enjoy a better life style than their dead ancestors,... that is why the likes of Hone Harawira and his activist supporters ... in their hatred, of all things Pakeha, have now brought Race Relations matters to boiling point, to both the Maori Party, and all New Zealanders, regardless of their roots.

* Todays, tribal boundaries were drawn up after 1840, after the Musket Wars /utu era, where stronger tribes invaded and enslaved weaker tribes. Does any academic raise what happened in the Chatham Islands, ?

The Dictionary defines "tribesmen" - a member of a non - industrialised society. That is hardly relevant in urban and rural N.Z. now where the Government is dealing with "tribes" and "Tribesmen"

I have asked the Human Rights Commissioner to investigate the present Te Patukirikiri Settlement Negotiations Mandate Hui. (Public Notices Herald 21/2/2011) as an example of how beneficiaries will benefit, just by a show of hands by this "tribe". The public need to know, who are these people/ how many of them qualify, and what was the reason for their claims against the Government,... funded by us Taxpayers. (Copied to Whangarei.)

Again Mr. Finlayson says 'we are committed' and your Coalition says that the public are opposed to a few privileged iwi gaining financially etc for not only this racist Coastline threat, but for all the past and future settlements that the Government has inherited from the past.

I join the Coalition in my protest, and the tragic horrific events in Christchurch will hopefully see Mr. Key, over-ride Mr. Finlayson,

I urge, if you have not already done so, write to Joris de Bres and request that race relations between part Maori/ and the rest of New Zealanders is addressed, as clearly this Government does not have the courage to do so.

I wish you well, and in time in their reply from the Human Rights Commission to me, I ask this Office to copy both Mr. Finlayson and the Coastal Coalition people, ... Muriel Newman and Hugh Barr.

Constitutional Advisory Panel
C/o Ministry of Justice. Wellington.
(Submission # 4.)

Auckland
April 25, 2013

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion points; ONE RULE FOR ALL INCLUDES MAORI.

On the 26th September 2006, I wrote to Dr. Pita Sharples, Co Leader Maori Party, ... using the above Heading, "**One Rule for all**," etc These are the major issues I raised, which are unsolved in 2013:

- * Past History/ the Grievance Industry: Present-day part Maori in their claims against the 'Crown' for events after 1840, blatantly **overlook** the atrocious inter-tribal wars prior to the signing of the Treaty. I wrote that while events of post European settlement are lamentable, **by comparison**, the Musket War era was far more appalling as regards bloodshed/slavery/ and of course cannibalism (kai tangata) or kai huanga, the eating of relatives.

The view I have made to the Hon. C. Finlayson is this. Sure the new settlers to the Colony, did 'bad things'. But, if, and when all the Treaty Settlements are finalised, ... **then using that logic of 'righting past wrongs', SURELY**, and using the same sets of criteria, ... is every iwi/tribal/part Maori group, ... going to reignite old grievances among today's **Maori descendants re** invasions/massacres, that are part of our History prior to 1840.

- * **To Dr Sharples**, I suggested that Maoridom needed a strong Leader, to follow the example set by **Nelson Mandela**, ie
O **A FORGIVENESS** AND RECONCILIATION POLICY, to move N.Z. forward.

On the 5th of May, 2002, I wrote to Michelle Boag, President of the National Party.... raising the exact issues that now will be addressed, in trying to present a new Constitution to New Zealanders, that will hopefully replace the Treaty/1840.

The main issues:

- * I quoted a Letter/NZ Herald 28/1/02, "we should remember the words of **Dr. Martin Luther King**, in his **"I have a dream"**, I HAVE A DREAM THAT MY FOUR CHILDREN WILL ONE DAY LIVE IN A NATION WHERE THEY WILL NOT BE JUDGED BY THE COLOUR OF THEIR SKIN BUT BY THE CONTENT OF THEIR CHARACTER."....."Singling out one group for special favours promotes racism."
(This view, so special, was made on the eve of Waitangi Day.)
This Panel, must decide if today's 2013-part-Maori-citizens, are receiving "special favours" NOTE: I use the word 'part-Maori.

- * An important fact: **Michael Bassett**, at that time on **Assignment** then admitted that the 'Settlement Process' was NOT working in the manner it was envisaged.

- * I quoted a Letter to Michelle, "... I am shocked at how much Maori culture is rammed down people's throats. State sponsored spiritual mumbo-jumbo appears to take precedence over anything. This is a multi-cultural not a bicultural Nation, and other people, apart from maori, need proper constitutional representation."

- * A Letter from myself/North Shore Times 21/2/02 read:
"One of the advantages the Tribes gained in 1840 was a degree of peace and a break from the bloodshed that was the norm with the inter-tribal fighting up to that time."
I wish the Panel well.

JOHN HIPKINS.

Constitutional Advisory Panel.
C/o Ministry of Justice. Wellington.
(Submission # 5)

J. Hipkins 10b.

Auckland

April 26, 2013.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussions points - A drift to SEPARATISM.?

For your records, the following are the main subjects I wrote about, in a Fax. (dated 17/6/2012) to the Hon. Judith Collins, Minister of Justice:

* Rereading Guyon Espiner's 'The Hard sell' into the mind of John Key,...I asked the Minister, - " how many reader's searched in vain for National's Policy to move away from a drift to SEPARATISM."

* I continued:- "Yet, the mischievously-media-driven blurb, 'the race card', is not being tackled or addresseed by the National Government. They have the mandate to introduce **Legislation** to make New Zealand, - ONE RULE FOR ALL, - or EQUAL CITIZENSHIP"

I continued: " The PM, and his Caucus must know that **separate** Taxpayer funding for 'part-Maori', that is directed to **Health/Education/Justice/Social Development**, (and even to AUCKLAND COUNCIL,...) is outrageous.

Socially, by maintaining a Government sponsored system of 'racial separatism' should have no place in New Zealand....and no country will prosper while these policies are supported."

I ended by quoting what Bill English said in 2002, - All NEW ZEALANDERS, PAKEHA, PACIFIC AND ASIAN AND MAORI TOO, WANT TO BE-JUST NEW ZEALANDERS.

(b) Essential reading for the Panel Members is "The Musket Wars, - A History of Inter-iwi Conflict 1806-45" R.Crosby. Reviewed by Iain Sharp in 1999, this book honestly records the grisly stories about tribal conflicts. This, and other books are essential to read, to understand aspects of history that many,... making 'Settlement claims', do not want to discuss.

(c) N.Z. Herald, May 3, 2003: By John Armstrong,.. interesting: "CULLEN GRABS TREATY HOT POTATO."
Main points, for the Panel are:

* "The Treaty of Waitangi guarantees property rights to Maori which do not automatically apply to other New Zealanders."
* " Maori enjoy special rights by virtue of the Treaty."
* The then Deputy PM defined the Treaty as a Living Document ruling that, " the Maori language version takes precedence because that is the version those ceding rights can be assumed to have understood clearly."

His Treaty spiel, arose from Labour caucus discussions which indicated even Labour MP's were uncertain about the direction of the Policy.

Dr. Cullen - said re some others:
* H. Clark - went silent regards the backlash of Closing the gap.

* M. Wilson (Treaty Negotiations) epitomises political correctness.

* P. Horomia, is invisible, and T.Turia, is too scary. Written ten years ago, data for the Panel to discuss. ?

J. Hipkins

Constitutional Advisory Panel
C/o Ministry of Justice.
Wellington.
(Submission # 6)

AUCKLAND
April 27, 2013.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion points - Favoured Bloodlines. ?

This Submission, confirms correspondence with the Hon. Bill English, over a period of time, including his time in the Opposition:-

(a) **Attachment:** A letter dated May 12, 2010, - regards the Government's increase of GST to 15%, and the fact that with our Rate demands, it was 'A TAX ON A TAX'. This letter was copied to C. Finlayson, pointing out that the public are angry that a significant portion of their taxes is being spent on one ethnic group, - **part-Maoridom**. Main points were:-

- * (This argument is repeated) - "when the earlier history of bloodshed and ethnic cleansing,...tribe against tribe, before 1840, is a part of our history that politicians don't address."
- * Here I pointed out that part-Maori activists cannot face the fact that their own history, - is nothing to be proud of.
- * I repeated the point that Michael Bassett, now admits that the present Settlement process is a mistake.
- * I concluded, that the Government should close down the Treaty of Waitangi Tribunal.

(b) **Attachment:** I provide, for the Panel, the reply from the Minister, dated 7 September, 2010.
I point out, that this reply does not address the main thrust of my argument,...Favoured Bloodlines, or one ethnic group.

(c) **Attachments 12 Pages:** This speech by Bill English, confirms the **Hypocrisy** of the National Govt. of saying one thing in **Opposition**, and doing the **opposite** now:
Main points: I apologise, for my own doodling/highlights:

- * (The speech was made 7 May 2002 at the N.Z. Centre for Public Law, Wellington.) Page 1: "The Treaty created one Sovereignty, and so one citizenship (He thanks Simon Upton.)"
- * **Same as I do**, Mr. English, (same page) raises the issue of **devastation** by the Musket wars, where, from 1817, ten's of thousands of tribal groups were killed.
- * (Page 2) **An important fact now ignored**,...Maori began to seek law, FROM THE BIBLE, AND THE BRITISH, to stop the Wars.
- * (Page 4) "Protectorate status for indigenous peoples was seen as an attractive remedy in the Colonies."
- * (Page 5) **"The Treaty extinguished Maori sovereignty.**
- * (Pages 7/8) **"Rangatiratanga could not have meant independence**,...Maori were prepared to **cede their sovereignty** because of the anticipated benefits, of a **non-segregated policy**.
- * (Page 11) **Mr. English said: WHAT BEGAN IN 1840 WAS INCORPORATION, the incorporation of Pakeha into Maori and Maori into Pakeha.**
- * (page 12) **"We need deeper debate about the principles of the Treaty- he closed the solution, lies in a single standard of citizenship for all, the headings I will use.**

JOHN HIPKINS

Refaxed July 26

Page 1 of 4 pages.

Auckland
May 12, 2010.
Fax:

TO: Bill English.

Minister of Finance. Fax:

COPIED: Chris Finlayson. (Re Treaty Settlements.) Fax

FAVOURERED BLOODLINES.?

Mr. English,

Thanks for your reply May 6 regards my suggestion to retain GST on Rates at 12½% instead of an increase to 15%. I have to question in this age, Government's ability to make ONE exception and leave GST at the present rate. You don't elaborate on my statement that Rates are a form of TAX, and so GST is a tax on a tax. New Zealanders understand that fair taxes should be wisely spent, and this was another reason for my earlier letter, and why I've copied Chris in now.

National party supporters are presently very annoyed that their Tax takes are being spent unpopularly on one ethnic group,... Maori-dom. In fact National is making the same mistake as LABOUR, of being "out of touch" with their supporters/voters.

Being blunt: Pakeha citizens see the continual misuse of their hard earned Taxes, spent on cash handouts for Treaty settlements, when the earlier history of both bloodshed and ethnic cleansing,... Maori tribe against Maori tribe,... before 1840 is a sad fact of our History, that politicians do not want to face up to.

Your speech in 2002,(3 pages faxed) dates from when you were in Opposition is excellent clear thinking, and I suggest Chris is copied with the full 12 pages. The bottom line is so basic and commonsense. Maori tribes devastated one another during the Musket Wars, killing tens of thousands. Why is it today Maori activists in the Maori Party can't accept that their own history is nothing to be proud about.? Quoting Hobson you said, " we are all ONE people" (page 11) AND: "1840 started the incorporation of Pakeha into Maori, and Maori into Pakeha." All of us, plus Maori WANT TO BE JUST NEW ZEALANDERS, you wrote on page 12. And importantly you said, that the Treaty lies in a single standard of citizenship for all.

Mr. Finlayson, Labour's Michael Bassett now admits that the Settlement process was a mistake, and DIVIDES New Zealanders. After reading THE MUSKET WARS, and Moon's THIS HORRID PRACTICE, my logic is simple.If there is logic and justification for "Being sorry", then surely EVERY OTHER MAORI TRIBE, IN THE FUTURE, COULD THEN RESTART THE SAME PROCESS OF CLAIMS ETC, that slaughtered/enslaved/ and practised cannibalism before 1840. If this logic makes sense, the Treaty of Waitangi Tribunal should be closed now, Then we can move forward as a mature nation,

I would appreciate your views, I've resisted the idea to copy in P. Sharples.

John Hipkins.

REFAXED JULY 8, TO MESSRS ENGLISH/FINLAYSON from
I still await a reply, preferably from Chris. Why can't politicians reply honestly.?. Read "Musket Wars". "This Horrid Practice" & "Two Worlds", highlighting Maori Cannibalism, and use those historical FACTS to close down the Treaty of Wait-
angli Tribunal claims. I u

First
Fax
was
sent
May 12.



Office of Hon Bill English

MP for Clutha-Southland
Deputy Prime Minister

Minister of Finance
Minister for Infrastructure

- 7 SEP 2010

John Hipkins

AUCKLAND

Dear John Hipkins

Thank you for your further letter of 12 May 2010 about GST on rates and the Treaty settlement process. I regret the delay in replying.

You have asked for a response to your comment about GST being a tax on a tax. As rates are the means by which local authorities charge for the provision of a wide range of community goods and services, I believe they should be subject to GST like other goods and services. Not to do so could result in an unfair pricing advantage for local authorities which could disadvantage private businesses that sell similar goods and services.

With respect to the Treaty settlement process, I understand your concern at the commitment of substantial amounts of public money, particularly in these difficult times. However, I believe that the benefits are real and extend far beyond individual iwi settlements.

You note the inter-tribal warfare amongst Māori pre-1840. Regardless of this, Treaty settlements attempt to provide redress for genuine documented historic wrongs committed by the Crown against Māori post-1840. For each settlement, the Government assesses carefully how much redress is appropriate to provide, depending on the extent of the Treaty breaches, weighed up against the cost to the taxpayer.

I have seen the settlement process bring new cohesion to iwi groups. In particular, I believe that settlements enable iwi to focus on the contemporary and future challenges their people face and address them more effectively. In my view, this is in the interests not just of Māori but of all New Zealanders. It is for that reason the Government is investing in the progression of Treaty settlements.

I trust my comments help to clarify the Government's position.

Yours sincerely

Hon Bill English
Minister of Finance

#5

12 pages

The Honourable Bill English, MP
Leader of the New Zealand National Party
Leader of the Opposition
at the New Zealand Centre for Public Law
Wellington, 7 May 2002

"The Treaty of Waitangi and New Zealand citizenship"

Seven weeks ago, on 21 March, TV 3 broadcast a documentary called "2050 – What If ..."¹ Three times in the first five minutes, tino rangatiratanga was defined as absolute sovereignty. The show's premise was that by 2050, Maori sovereignty had been "restored". So if you crossed Maori land in your car, for example, you might have to pay a toll. Crossing from one *rohe* to another, you might be required to show a passport. Te Reo could become compulsory in schools, and necessary to hold some jobs. That part of the programme was all good entertainment.

What was not so entertaining were the views expressed in the gaps between the "What If ... " scenarios. Donna Hall said that separation – Pakeha from Maori, Maori from Pakeha – would be "okay". Jane Kelsey assured viewers that "there was no question that we will have *tino rangatiratanga*. The question is how *tauiwi* will respond to that assertion." This was shortly after Dr Ranginui Walker had again repeated that *tino rangatiratanga* was full and absolute chieftainship.

The Treaty, in other words, is not what its words say it is.

There is little public debate on the meaning of the Treaty. But there should be. Uncontested assertions are shaping government policy, judicial thinking and political debate. In the manner of the *marae*, our common interests are best served by robust debate, in an environment of mutual respect. Today I will argue that the Treaty created one sovereignty and so one common citizenship. I owe much to the work of my former colleague Simon Upton and advisor Bernard Cadogan for the historical material.

I say that unless New Zealanders accept *Te Tiriti o Waitangi* at something much closer to its face value, we could destroy something unique. New Zealand's whakapapa of sovereignty, our genealogy as New Zealanders, is unique. Although our country has relatives in the world, we have no twin.

This is because of the way in which New Zealand sovereignty was established by the Treaty of Waitangi.

In the lead-up to New Zealand's creation in 1840, the Maori political and social environments had been devastated by more than two decades of musket wars. From 1817, warlords and their forces killed tens of thousands. Entire areas were ethnically-

¹ "2050 – What if ... ", Part 2 of TV3's Inside New Zealand documentary series, aired on 21.3.02.

cleansed. It was likely that further slaughter could not be avoided by traditional means, nor could further violent dispossessions of *hapu* of their traditional homelands, be prevented. An outside arbiter was thought to be absolutely necessary by an increasing number of Maori.² Many Maori began to seek *law*, either from the Bible, or from the British.³ So they also began seeking a legislative sovereign power to make that law, and to enforce it.

On the British side, the political and intellectual environment at the time of New Zealand's creation, was the principled libertarianism of Britain in the 1820s and 1830s. That age saw Britain's abolition of slavery; emancipation of Catholics and other religious minorities; recognition of the new Latin American republics and the establishment of protective exclusion zones around them; intervention in the Greek war of national liberation; and evolution of a principled colonial policy in India. The Reform Bill transformed the political landscape. Free trade and repeal of the Navigation Acts had begun to transform Britain's economy and those of its colonies.

And the British did one other thing: the Colonial office invented "New Zealand."

New Zealand was to be an entirely new type of colony. Its people were supposed to 'co-evolve'. The new land's British subjects, of both founding races, were to intermarry. Later generations would become amalgams of 1840's Maori and European populations, hence that derided term these days, amalgamation. It was expected in the 1830s and 1840s that upper class Maori would intermarry with upper class European, the middle and the working classes likewise. The two peoples were to embrace. New Zealand was to become a 'racially'-homogenous community, like those that had emerged in Peru, Chile, Venezuela or Mexico, all recently liberated from Spain.

Roman law, which was often mentioned in *ius gentium* discussions about colonies, distinguished between *commercium*, and *connubium*, as two qualitatively different relationships. While New Zealand lay in the British sphere of interest, the relationship between Maori and the British in New South Wales, for example, had been that of *commercium*.⁴

In Britain, a policy advisor by the name of the Reverend Montagu Hawtrey persuaded both James Stephen, the head of the Colonial Office, Edward Gibbon Wakefield, and others, that in New Zealand, *commercium* and the *status quo* would not be beneficial for Maori. So that Maori would not suffer the same fate as the Indians of North America, the desirable course was *connubium* and then, common citizenship. This would require the establishment of British sovereignty.

There was a further expectation, later expressed by the Colonial Office's man on the ground, Sir George Grey, that the new New Zealanders would slowly mix *culturally*,

² Tamati Waka Nene, for example, said on 5.2.1840 on Te Tii Marae, that Hobson should be a "father, a judge, a peacemaker". Reported on p. 50 of The Treaty of Waitangi, Claudia Orange, Allen & Unwin, 1987.

³ For example, the letter quoted on p.27, Ch. 3, A Show of Justice, Alan Ward, AUP, 1974, from GBPP 1838, 680, p. 272.

⁴ See "Römisches Staatsrecht", Vol. 1, Theodor Mommsen, Basel 1952.

as well as ethnically. As Grey said when he was farewelling Ngati Toa, Ngati Raukawa and Atiawa chiefs at Otaki in 1853:

*"Hereafter, a great nation will occupy these Islands, and with wonder and gladness they will look back upon the works of those men who assisted in founding their country; and when the children in those times ask their parents who were the men who founded so great a country, they will answer them, the men who did these things in the olden times were our ancestors. Yes, those things were done, not by our European ancestors alone, but partly also by our ancestors who were the original native inhabitants of these Islands, and they will tell them many names, and amongst them those of my friends."*⁵

Both peoples would act. *Both* would shape the future. *Each* would assimilate the other, creating an entirely new people, their constitution and civilisation to be founded on that of Britain.

So, to establish this new sovereignty, Lord Normanby, the Secretary of State for the Colonies in the Melbourne government, instructed Captain Hobson that certain pre-conditions *had* to be satisfied before any treaty could be signed with the "Aborigines of New Zealand". "I have already stated," Lord Normanby wrote in Hobson's Instructions, "that we acknowledge New Zealand as a Sovereign and independent State ...".

He then immediately, albeit implicitly, acknowledged that this was a polite legal fiction: New Zealand was a "Sovereign and independent State so far at least as it is possible to make that acknowledgement in favour of a people composed of numerous, dispersed and petty Tribes, who possess few political relations to each other, and are incompetent to act, or even deliberate, in concert."

Even so, Lord Normanby continued, "the admission of their rights [emphasis added], though inevitably qualified by this consideration, is binding on the faith of the British Crown. The Queen, in common with Her Majesty's immediate Predecessor ... disclaims for herself and for her Subjects, every pretention to seize on the Islands of New Zealand, or to govern them as part of the Dominion of Great Britain, unless the free and intelligent consent of the Natives, expressed according to their established usages [emphasis added], shall first be obtained. ..."

In conclusion, Normanby told Captain Hobson that: "Her Majesty's Gov[ernmen]t have resolved to authorise you to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any parts of those Islands which they [emphasis added] may be willing to place under Her Majesty's Dominion."

This is all a reminder of just how powerful the British were at the time. Yet in 1820s and 30s Britain, global power had to be wielded conscientiously. The *realpolitik* and overt racism that characterised the Empire later in the century were not yet evident.

⁵ The frontispiece in *The Origin of The Maori Wars*, Keith Sinclair, NZUP, 1957.

So why did the British negotiate to extend full British sovereignty over New Zealand? For the option of establishing a protectorate was available.⁶

Protectorate status for indigenous peoples was seen as an attractive remedy in many colonial situations. For one thing, protectorate status maintained a degree of sovereignty for those being protected. The last "Grand Master" imperialist, Lord Curzon, Viceroy of India, declared: "*A Protectorate is a plan adopted for extending the political or strategical, as distinct from the administrative, Frontier of a country which the protecting Power is, for whatever reason, unable or unwilling to seize and hold itself, and, while falling short of the full rights of property or sovereignty [emphasis added], it carries with it a considerable degree of control over the policy and international relations of the protected State.*"⁷

The British Crown, however, was never a *suzerain* over any protectorate.⁸

The British had to reconcile the Maori desire to come under British law, and so become British subjects, with what further colonisation would demand.

If Maori in 1840 *had* refused to surrender their sovereignty, Hobson would have annexed only the land under contemporary British settlements. This, however, would have prevented the expansion of settlements beyond what would almost literally have been beachheads. Pakeha would have remained 'beachcombers', and incapable of providing the economic development and capital that Maori so desired.

"Hobson's choice" would then have been to secure the sale of adequate land to the settlements and the conversion of not just title, but of sovereignty as well, piece by piece. Maori surely would have been utterly perplexed by having to demarcate *iwi* homelands as British Protectorates, while the lands in between their designated *refugia* and British settlements constituted a kind of no man's land.

But as Hobson's Instructions made perfectly clear, he was to extinguish the source and practice of aboriginal sovereignty, and ultimately of self-government. The Treaty of Waitangi was the first in a series of instruments and actions to effect this.

Article I conveyed all indigenous sovereignty to the Crown.

Article II was designed to end war and raiding and dispossession, by stating that land could only be transferred via the new government.

⁶ The model would have been the protectorate extended over the Fante people, in what is now Ghana, in 1830.

⁷ Lord Curzon of Kedleston, from the 1907 Romanes Lecture, Frontiers, <http://www-ibru-dur.ac.uk/docs/curzon4.html>

⁸ As the CA decision in *Mighell v. the Sultan of Johore* in 1884 declared, the relations between Queen Victoria and the Sultan were those "*of alliance and not of suzerainty and dependence*". CA 1893, Nov. 4, 27, 28, 29. (*Mighell v. the Sultan of Johore* is a breach of promise case, resulting from the Sultan's philanderings as one "Albert Baker".) Moreover, a British Protectorate did *not* make British subjects out of the inhabitants of the territory in question. They remained subjects of, to use specific historical examples, the Kings of Tonga or Swaziland. The only 'space', then, for indigenous sovereignty was either within a protectorate or as a domestic dependent nation.

And Article III expressly declared all members of Maori *hapu* or *iwi* to be British subjects, and therefore, today, New Zealand citizens. Maori would no longer be members of domestic, or dependent, first nations.

By comparison North American Indians such as the Cherokee were adjudged to be "domestic dependent nations" by Chief Justice John Marshall in the United States.⁹ Because American Indians were not automatically American citizens, they had to claim citizenship individually.

In 1840, it was also international legal practice that protectorates and jurisdiction could be established in or over territories without a paramount authority.¹⁰ As the British extended their sphere of interest across the Tasman, Maori first sought protectorate status from William IV in 1831. And British Resident James Busby and Bay of Island chiefs proclaimed a Confederation of the United Tribes of New Zealand in October 1835. Colonial Secretary Lord Glenelg informed the Governor of New South Wales, Sir Richard Bourke, in 1836, that: "*His Majesty will continue to be the Parent of their infant State and its Protector from all attempts on its Independence.*"¹¹¹²

The parties – Maori and the British – continued moving toward one another. Their next international legal encounter was the signing of the Treaty of Waitangi.

The Treaty extinguished Maori sovereignty. The British would not have come into New Zealand unless it did.

But the Treaty's establishment of a new sovereign power has since been challenged. Hone Heke was the first to do so in 1843. The King Movement followed suit in the 1860s. Recently, those early challengers have been succeeded by post-colonial theorists and indigenous rights activists, who consider it inevitable that portions of New Zealand should soon become autonomous *iwi* statelets. *

Irredentism is the desire of any nationalist movement to reclaim lost land or cultural heritage. Maori irredentism has moved on from land and resource claims and is now directed towards sovereignty itself.

This position seems founded on the belief that what the Treaty established in 1840 was indeed a protectorate. This formula is separate yet co-ordinate sovereignties, and separate citizenships. The TV3 documentary showed how this might look in practice. It looked to be a disaster.

I for one am not giving up on New Zealand.

⁹ Cherokee Nation v. State of Georgia (1831). See <http://odur.let.rug.nl/~usa/D/1801-1825/marshallcases/mar06.htm>.

¹⁰ See The Sierra Leone Act 1861.

¹¹ GBPP, 1838/680 p. 159, Glenelg to Bourke, 25.5.1836.

¹² In the 1830s, the French had an increasing interest in New Zealand. Capt. Lavaud, of the corvette *L'Aude*, was instructed by the French Minister of the Marine, Amiral Duperré, to establish "a semi-official and symbolic occupation" at Akaroa as *Commissaire du Roi*, over as large a territory as possible. The French government hoped to "build the core of a French possession" out of the Catholic mission in New Zealand, the Akaroa settlement, and the whale fishery. It should be assumed that Duperré, the French imperialist who conquered Algiers in 1830, had serious territorial ambitions.

Assertions of Maori sovereignty are usually buttressed by the claim that the international legal principle of *contra preferentem* should prevail. This principle was first propounded in 1899 by the United States Supreme Court, in the case *Jones v. Meehan*.¹³ *Contra preferentem* is the legal principle which states that, where the language of a contract is said to be ambiguous, the contract must be construed against the party selecting the terms in it.

Contra preferentem is also the last resort for people who do not share in the citizenship of the country asserting sovereignty over them, to obtain remedy for grievance. I consider that in New Zealand, *contra preferentem* is a valuable principle, but not a supreme one. It is sound American law, but the concept does not fully extend to cover New Zealand's circumstances. Maori, by Article I, in international law, fully ceded sovereignty, and by Article III, became British subjects just like Pakeha.

In any dispute about the meaning or effect of the Treaty of Waitangi, the *United Nations 1969 Vienna Convention on the Law of Treaties*, ratified by New Zealand in 1971, over-rides *contra preferentem*.

Article 33, clause 4 states: "... when a comparison of authentic texts [in two or more languages] discloses a difference of meaning ... the meaning which best reconciles [emphasis added] the texts, having regard to the object and purpose of the treaty, shall be adopted."

So, does Article II of the Treaty of Waitangi mean that New Zealand should ultimately be dissolved into separate and autonomous tribal governments, plus a state representing the "Rest of New Zealand", plus an over-arching authority? Some argue that British intentions in signing the Treaty of Waitangi were and are irrelevant and that the meaning of *rangatiratanga* is what some Maori say it means – an unextinguished aboriginal right to self-government, according to the *contra preferentem* principle.¹⁴

¹³ The key passage in the *Jones v Meehan* decision is as follows:

"In construing any Treaty between the United States and an Indian tribe, it must always ... be borne in mind that the negotiations for the Treaty are conducted, on the part of the United States, and enlightened and powerful nation, by representatives skilled in diplomacy, masters of a written language, understanding the modes and forms of creating the various technical estates known to their law, and assisted by an interpreter employed by themselves; that the Treaty is drawn up by them and in their own language; that the Indians, on the other hand, are a weak and dependent people, who have no written language and are wholly unfamiliar with all forms of legal expression, and whose only knowledge of the term in which the Treaty is framed is that imported to them by the interpreter employed by the United States; and that the Treaty must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by Indians."

¹⁴ Claudia Orange correctly notes (on p. 41 of *The Treaty of Waitangi*) that the word "kawana" in the Treaty text, would have reminded Maori of Pontius Pilate, the Roman Governor who acquiesced in the execution of Christ. This most valuable insight should be pursued. All four gospel accounts of the arrest, trial and execution of Christ, offered Maori a working model of the disposition of sovereignty, and of indigenous governance, in Roman Palestine. Both Herod Antipas as a client king, and Pontius Pilate, served at Caesar's, i.e., the sovereign's, pleasure.

Article 33 of the Vienna Convention, however, means that British as well as Maori intentions are highly relevant in any discussions of the meaning and long-term significance of the Treaty of Waitangi.

So Article 33 restores 'bilateralism' to Treaty interpretation. Maori were indeed sovereign in 1840. But the Treaty of Waitangi fully conveyed that sovereignty. This was recognised by the other international maritime powers in the Pacific at that time – France, the United States and Russia in particular.

It has been asserted in recent years that Maori expected to retain some degree of sovereignty. Surely, just as the constituent states of the United States had handed over various sovereign powers, but had retained others, Maori also retain an unextinguished aboriginal right to self-governance.¹⁵

Voluntary cession of sovereignty and incorporation of nations into others has occurred throughout history, around the world.

In the Pacific, the last king of Kauai in the Hawaiian archipelago, Kaumualii, finally bequeathed *his* island monarchy to Kamehameha II in 1824, so completing the unification of the Kingdom of Hawaii. Kaumualii had previously submitted to Kamehameha I in 1810, in exchange for being recognised as a tributary monarch.

Any call for aboriginal self-government in New Zealand can *only* be based on unextinguished indigenous right. But sovereignty was ceded. We know this because:

1. The British intended it to be so.
2. Maori must have intended it, as well.

Rangatiratanga could simply not have meant 'independence' as it had in the Maori version of the 1835 Declaration of the United Tribes of New Zealand. It would have been, and still is, a logical contradiction in Maori, English, or any language. In the practical politics of the time, Maori were prepared to cede their sovereignty, because of the anticipated benefits of a common, non-segregated polity in New Zealand.¹⁶

As Simon Upton pointed out in 2000, the British in 1840 knew "they were not dealing with ignorant savages. Since Marsden's arrival in 1814, missionaries had been living among Maori, people were becoming increasingly bi-lingual to survive and Maori literacy had burgeoned throughout the 1830s. That is not to say that the chiefs who

¹⁵ This ironically resembles John C Calhoun's argument from 1832 that South Carolina had the right to nullify federal laws and to secede from the Union. Despite Calhoun's claim that there was a constitutional right to own slaves, American states did not retain a right to withdraw from the Union, as the Armies of Lincoln's Federal Government had to prove between 1861 and 1865, and as the law of the United States still insists.

¹⁶ "It strains belief that, having transferred sovereignty to the Crown in the first article, Williams would posit a principle of omni-present Maori authority in the second, yet recent analysis is dependent on this being the case. The British did, of course, care about securing the colony's land base. This is logically why confirmation of tino rangatiratanga is paired with advice on how to go about selling the land. The logic, and the crudeness of the pairing, point to rangatiratanga's referring not to culture in the sense of *Maoriness* itself, but specifically to land and resource ownership." From: "The pursuit of modernity in Maori society – The conceptual bases of citizenship in the early colonial period", by Lyndsay Head, in *Histories, Power and Loss*, Andrew Sharp and Paul McHugh, eds., Bridget Williams Books, 2001.

*signed [the Treaty] were seasoned old solicitors. But they were dealing with missionaries and officials who respected their grasp of events and who needed and wanted their willing accession to the Treaty. In light of suggestions (not unreasonable) that the British side would have put the best light on their formula for seeking to persuade the chiefs, Pakeha views were not necessarily all the same either. Bishop Jean Baptiste Pompallier, a French national, was accused by some of sowing doubts in the minds of some chiefs."*¹⁷

Pompallier explained himself soon afterwards: *'It was for them [that is, the chiefs] to determine what they might desire to do with their national sovereignty, whether to keep it or to transfer it [emphasis added] to a foreign nation; they were therefore at liberty to sign or not to sign the treaty which was going to be put before them.'*¹⁸

The history of seeking a protectorate from William IV, the formation of the United Tribes in 1835 and the discussions between missionaries and Maori all indicate both Maori and Pakeha understood that the Treaty of Waitangi was an international treaty. The Treaty of Waitangi is not only indigenous law. *Because* it transferred sovereignty, it is also international law. So the Treaty, juridically speaking, is itself is a hybrid. As the Treaty is, so are New Zealand's citizens meant to be.

Article III extends the rights of British subjects to Maori. This is not to say they became citizens – it's the role of the liberal participatory state to turn subjects into citizens. Let's call this state subjecthood as others have – what kinds of *subjecthood* did the transfer of sovereignty create?

Hobson and the missionaries took great pains to explain to Maori the decision they had to make, and the kind of sovereignty and order the British would create. As Williams wrote later, about the discussions of 5 February 1840 on Te Tii Marae: *"We gave them but one version, explaining clause by clause, showing the advantage to them of being taken under the fostering care of the British Government, by which act they would become one people with the English, in the suppression of wars, and of every lawless act; under one Sovereign, and one Law, human and divine."*¹⁹

What no-one made wholly explicit however, was that existing practices and customs would stand only "for the time being". The confusion over *rangatiratanga* has arisen because *de facto* Maori self-government persisted under the new regime. Article 71 of NZCA 1852 did not make matters much clearer.²⁰

¹⁷ The Rt. Hon. Simon Upton, in Upton-on-Line, 17.8.00.

¹⁸ Pompallier to Père Colin, 14.5.1840.

¹⁹ Quoted on p. 51 of The Treaty of Waitangi, Claudia Orange.

²⁰ "LXXI. And whereas it may be expedient that the Laws, Customs, and Usages of the aboriginal or native Inhabitants of *New Zealand*, so far as they are not repugnant to the general Principles of Humanity, should for the present be maintained for the Government of themselves, in all their Relations to and Dealings with each other, and that particular Districts should be set apart within which such Laws, Customs, or Usages should be so observed:

It shall be lawful for Her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom, from Time to Time to make Provision for the Purposes aforesaid, any Repugnancy of any such native Laws, Customs, or Usages to the Law of *England*, or to any Law, Statue, or Usage in force in *New Zealand*, or in any part thereof, in anywise notwithstanding."

British colonial policy created two kinds of British subjecthood in New Zealand in the two decades after the Treaty. Maori remained under tutelage as subjects, equal before the law, but unable to take part in representative government. Collective land ownership excluded them from the franchise. Pakeha had the full rights of citizenship – voting and representation. The British extended enough “subjecthood” to enable orderly land transactions.

The NZCA of 1852 set up central and provincial government. Maori were effectively excluded, confined in their political identity as British subjects through their *whānau* and *hāpu*. There was no universal franchise, only property franchise, and Maori could only become citizens if they eventually established individual ownership.

Article 71 of the New Zealand Constitution Act 1852 gave Maori the right to limited and local self government. The question of whether these rights emanated from Article II of the treaty of Waitangi was avoided, as the Colonial Office and the British Government did not think that they did.

But it is evident that Article 71 was a temporary expedient, another of Sir George Grey’s way-stations on the road to amalgamation.

Herman Merivale, Permanent Under-Secretary of the Colonial Office, summed up contemporary policy to Sir George Grey on 29 November 1848:²¹ *“In a country where there is great readiness for rebellion, allowing the organisation of the tribes to fall into decay is a safeguard for our authority.”*

There had been no question of integrating Maori as Maori into settler political institutions under the New Zealand Constitution Act of 1852. Maori individuals with individualised land tenure, however, could exercise their franchise and stand for election. Racism was not necessarily behind the limitation, nor was the policy to encourage them to individualise land tenure altogether insidious in intent. Liberals everywhere in the mid-nineteenth century were convinced, in all honesty, that corporate mortmain was an evil.²² As William Gladstone himself observed in 1869 in relation to Irish land tenure:

“To get lands out of Mortmain would be very desirable, if there are any means short of compulsion by which we can promote it. A corporation is almost under a natural incapacity for the full discharge of the duties of a Landlord”.

Mortmain is the locking up of land and resources in corporate ownership, and then throwing away the key – the land is off the market. The land and resources in question may or may not be well managed, but bad managers cannot be removed. That applied to established churches, universities, certain feudal privileges; and for *whānau* as well. *Whānau* ownership was seen to be feudal and inconsistent with liberal citizenship. It is a classical ethical and economic doctrine.

²¹ CO 209/63, quoted on p. 197 of *The Colonial Office: A History*, Henry L Hall, Longmans, 1937.

²² Mortmain: A term applied to denote the alienation of lands or tenements to any corporation, sole or aggregate, ecclesiastical or temporal. These purchases having been chiefly made by religious houses, in consequence of which lands become perpetually inherent in one “dead hand”, this occasioned the general appellation of mortmain to be applied to such alienations. *Black’s Law Dictionary*, 1990.

The 1852 Constitution Act failed. It relied on Maori patterns of land tenure to change, and they didn't. And it took another two decades, and war, to resolve the question that Maori had exactly the same kind of British subjecthood as Pakeha. They could participate in representative government. Maori representation by Maori, was part of the post-war settlement. The Maori Representation Act 1867 established universal male suffrage for Maori, in advance of Pakeha. The franchise for Maori and Pakeha remained unsynchronised for the next hundred years.²³

The general principle was indeed that Maori and Pakeha were equal subjects, but should, or needed to be, separate for the time being. The result ⁽²⁴⁾ was that Maori subjecthood and Pakeha subjecthood were not of the same order.

9 see below

In the 15 years from 1840, the British administration permitted and even encouraged Maori local self-government to continue. There were two governments, coordinated at the level of the Governor. Grey offered provincial government, against growing pressure to "sort out the Maoris", and war began.

By what right did the British, and later, settler governments, feel entitled to overrule Maori custom and usage, and eventually phase it out? Was this just racism? Or an assertion of ethnic superiority? Or ruthless power politics?

Actually, there was more to it than that. The British believed in the superiority of a *legislative* sovereign over a *proprietary* sovereign. They adhered to the doctrine that legislative sovereignty gradually but steadily would transform custom and usage into statute. And if we try and reconcile both Maori and English text according to Article 33 of the Vienna Convention, this has to be taken into account.

This calls for legal archaeology. But while digging, we have to keep in mind that the polar opposites in indigenous law are the tendencies either to be *a-historical*, or *historicist*. We may either disregard history in an attempt to achieve some great abstraction, or we can be totally absorbed in hermetically-sealed and ideology-driven interpretations of the past. The proper balance between these two extremes when it come to the Treaty of Waitangi has yet to be found.

Henry Sumner Maine, the great juridical historian, defined sovereignty in his 1875 *Lectures on the Early History of Institutions*.²⁵ For Maine there are two kinds of sovereign power, those which legislate and those which do not. The latter are executive and proprietary sovereigns, capable of enforcing civil order and upholding customary law. Maine cited numerous Indian examples to illustrate this kind of sovereignty.

²³ Pakeha men got a secret ballot in 1870, all Maori gained the secret ballot only in 1937, and Maori only gained the freedom to select their electoral roll in 1975. Maori of more than half Maori ethnicity were only allowed to stand as candidates for general seats from 1967, although they were not allowed to register as general electors until 1975.

²⁴ New Zealand could easily have been partitioned among the European and Atlantic powers during the 1840s, just as Samoa was between Germany and the United States: the island of New Guinea was partitioned three-ways, between the Netherlands, Germany and Great Britain. New Zealand may well have been partitioned between Maori, Britain and France.

²⁵ See <http://www.blupete.com/Literature/Biographies/Law/Maine.htm>, for further information.

2

However, a legislating sovereignty overwhelms all proprietary sovereigns with the sheer energy of legislation, and reduces customary practice and village usage into "customs of manors" or "local habits".

This is why the formula "*for the time being*" appears in NZCA 1852, Article 71.

This is a good example of Victorian legal historicism in action. Like Anglo-Saxon and Indian village customary law, Maori usage was to vanish before the legislation of the new Sovereign. For some years, parallel structures could persist.

By Maine's benchmark, Maori did not legislate. They had customary law. In the minds of the 19th century jurists, this customary law retreated inexorably before legislation, as darkness is dispelled by sunrise.

This is not to say that to the British mind, Maori could never have legislated. The Kingdom of Hawaii as already indicated, was a recognised nation state with a legislating sovereign, Kamehameha I.²⁶

So whatever *tino rangatiratanga* may have meant in the Maori language of 1840, it did *not* mean a like power or capacity to legislate like his. The Maori signatories to the Treaty of Waitangi were not in the business of altering customary law with legislative acts as in Hawaii. Unable to accomplish what Kamehameha I and his successors had achieved, Maori leaders were willing to become British subjects to achieve the same end.

What has taken place in New Zealand since 1840, is not assimilation, nor even amalgamation. What actually began in 1840 was incorporation, the incorporation of Pakeha into Maori and Maori into Pakeha.

The Treaty extinguished Maori sovereignty, and constituted a single sovereignty. What was intended was convergence of the two different kinds of subjects created while New Zealand was a Crown Colony. The New Zealand mind has taken some long time to accept and adapt to one standard of citizenship. 19th century Governments ran roughshod over Maori because Maori were seen as subjects, but not citizens. We can only move forward – not on different paths but on one path – by fulfilling citizenship, not dividing it.

In any case our demography will defeat attempts to apply indigenous law from places where populations are much smaller, or geographically defined.

Which means that in its own way, William Hobson's description is almost right. Even though we are not, even now, "*all one people*", since 1840, we have been *becoming* one. We were always meant to fuse our two versions of subjecthood into

²⁶ This explains why Kamehameha I has his statue in the Capitol Building, in Washington, along with other great legislators and jurists from history. Kamehameha was renowned from Washington to St Petersburg. And in the Bay of Islands.

Kamehameha's Law of the Splintered Paddle or *Ke Kanawai Mamalohoe*, was the first Hawaiian enactment to protect people from violent assault in public places. Kamehameha expressly declared that "*old men and women and children may lie along the roadside and not be molested*".

common New Zealand citizenship. Let's not lose faith in New Zealand, now. It has already brought us a long way.

Maori "blood soil and language" nationalist arguments promise not a single remedy for Maori advancement, or for their country's advancement. These arguments are 200 years old. New Zealand is in fact a post-nationalist response to racial coexistence. New Zealand will not continue "Onward" as our national motto used to say, by going back to the duality of the 1840s to the 1860s.

It's against this background that we need a deeper debate about the principles of the Treaty. Questioned in the House on the principles of the Treaty, Labour evaded answers and then ultimately fell back on the 1989 statement by the Palmer Government. This is no basis for the Attorney-General's preference for judicial activism to interpret the Treaty. Our judiciary is competent and intelligent, but they breathe the same thin air as the politicians on Treaty issues. They cannot make mature consideration without deeper, more open debate about the Treaty.

Unless more New Zealanders become aware of the content of modern Treaty discourse, and where that discourse *will* inevitably take us, we are going to wake up one day, and find that New Zealand has been reconfigured more or less as that shown in the TV3 documentary "2050 – What if ...".

Then New Zealanders, Pakeha, Pacific and Asian, and Maori too – for most Maori want to be 'just New Zealanders' – will ask "How could this have happened?" And the judges will keep explaining in their judgments, and the Ministers will remain silent, the media will bite on the sensational aspects of it, and no 'ordinary' New Zealander will be any wiser.

I admit that the New Zealand Government and the British Government before it, have been responsible for breaches of the quasi-contractarian dimension of the Treaty.

But the solution to the challenges that the Treaty presents to all New Zealanders, lies in a single standard of citizenship for all. And considering the Treaty's original intent, I for one will not apologise for being proud of being a New Zealander.

Constitutional Advisory Panel
C/o Ministry of Justice.
Wellington.
(Submission \$ 7.)

St

AUCKLAND
April 27, 2013.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion points - "The Corruption of New Zealand Democracy - A Treaty Overview."

This 120 page book, written by John Robinson in 2011, should I hope be read by all twelve Panel members. His other book, titled "Twisting the Treaty", etc has reached the book-shelves.

How the part-Maori Panel members will view these books for 'reform' - will be absorbing to read. My research that ten 'tribes' are represented in the co-chair and five members, ... Ngati Tahu, Ngati, Porou, Ngati Awa, amongst a few. I note that Leonie Pihama, lists three tribal backgrounds. I mention this, as an aside, that the Hipkins come from 'tribes' in - Ireland, Staffordshire/Lincolnshire, (both England,) and Scotland. Here, I must question why, ... with so much inter-marriage, ... is it essential to cling to these 'tribal' trappings.? I am not being offensive, in writing this.

Getting my views across to the Hon C. Finlayson, has not been easy. As to be expected, I have considerable files to/from this man, ... who somehow, - shares the dual role of ATTORNEY-GENERAL, and MINISTER FOR TREATY OF WAITANGI NEGOTIATIONS.

(a) To quote from John Robinson's book is impossible, However, his (Page 1) includes this: "We hold these truths to be self evident, that all men are created equal." (you know where, USA) And: "Article 3 of the Treaty of Waitangi constitutes a guarantee of legal equality between Maori and other citizens of New Zealand. This means that all New Zealand citizens are equal before the law."

Dr. Robinson's book, expands on the Musket war era, a subject that is taboo among Maori activists, ... and the 'politically correct' would-be pakeha academics, who have over-ruled Media. On page 82 the Author asks, ... "What is racism.?" He rightly says it is racism for Hone Harawira, to talk of 'White mother-fuckers.' It is not racism for Dr. Brash to focus on the dangerous DRIFT TOWARDS RACIAL SEPARATISM in New Zealand. This book, is critical of how NATIONAL's Mr. Finlayson has trampled over the democratic rights of New Zealanders.

(b) Attachment: A reply from the Minister dated 3rd April 2012 regards the Ngati Whatua Orakei Settlement. Can the Panel please tell us what the word "TREASURES" means.? The word 'ownership' has now reached ludicrous, or ridiculous levels lately, ... of do Maori own the water. ? I never got a reply, but I pointed out, - if certain iwi own the rivers, do they also own the rain that fill the rivers, or the snow on the mountains, or the clouds above, that form the rain.?

(c) Attachment: The letter I wrote dated March 18 2012, - DEMANDS FROM AUCKLANDERS OF ANGLO-WHATUA DESCENT. Here /for the first time I question, how do these people qualify for 'Special treatment' -

JOHN HIPKINS



Office of Hon Christopher Finlayson

Attorney-General

Minister for Treaty of Waitangi Negotiations

Minister for Arts, Culture and Heritage

10 APR 2012

Mr John Hipkins

AUCKLAND

Dear Mr Hipkins

Ngāti Whātua Ōrākei Settlement

Thank you for your letter dated 18 March 2012 regarding Ngāti Whātua and Mr Chapple's piece in the Devonport Flagstaff.

When the Treaty of Waitangi was signed, the Crown guaranteed to Māori the continued ownership of their lands, forests, fisheries, treasures and other properties for as long as they wished to own them. Unfortunately the Crown has not upheld that promise over time, and Māori lost much of their property through Crown breaches of the Treaty. To redress that loss, and rebuild the relationship between Māori and the Crown, the Crown established a process for settling historical Treaty claims.

The policies around Treaty settlements balance the interests of all New Zealanders. The redress typically represents far less than the real value of those losses because the Government also has to recognise the wider interests of New Zealand society.

With this in context, I'm sure you can appreciate why this government remains committed to completing durable and fair historical Treaty settlements.

Yours sincerely

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

copy

TO: C.Finlayson.

Auckland 0624

COPIED: Information of:-

18/3/2012.

N.Z. FIRST: W.Peters/R.Prosser/A.Williams. Fax/Ph;
LABOUR: D.Shearer/C.Robertson/P.Horomia/C.Hipkins.
NATIONAL: J.Ross/M.Barry/C.Calder/W.English/G.Brownlee
P.M. John Key.
UNITED FUTURE: P. Dunne.
MEDIA: Paul Holmes/James Griffin (NZ. Herald)
N.Z. Listener Jane Clifton. Devonport Flagstaff.
AUCKLAND COUNCIL: Jeanne Hutchinson DDevonport-Takapuna
Local Board.

DEMANDS FROM AUCKLANDERS OF ANGLO-NGATI WHATUA DESCENT.

Mr. Finlayson, please take the time to read this excellent Letter, from R. P. Chapple, published this week in THE DEVONPORT FLAGSTAFF, a local paper that has won many awards for Community Involvement.

This correspondence sums up many points that I have made in the past to M.P.'s about the flawed Treaty of Waitangi settlement process, and how New Zealand is a tragically divided Nation, over racial matters.

Reuben repeats the views of thousands of New Zealanders who are dismayed by the actions of past Governments,... namely regards ETHNICITY.

Quote: " There is no longer a separate "maori" ethnicity, as there once was in 1840. All those claiming to be "Maori" today have at least some European ancestry, but have chosen to completely REJECT one set of ancestors for a "Maori" cultural identity."

I wrote to Richard Prosser on the 13/2/12, as to what happened to National's ONE RULE FOR ALL, that was their theme while in Opposition. You/others were copied. I have suggested to N.Z. First,...please tell Aucklanders the following,... how many of our citizens count themselves as tribal members of Ngati Whatua. ? Can we research just how these people qualify. ? What is their breakdown of bloodline,...1/4th; 1/8th; 1/16th; 1/32nd; or even 1/64th.?

Bill English on the 7th May 2002, made strong statements to make N.Z. a better place, a single standard of citizenship for all, and to do away with "raced based" Legislation for both Health and Education. He also highlighted the fact that prior to 1840 Maori were warlike,... the Musket Wars era, with bloodshed/slavery/ and cannibalism.

Chapple's Letter spells out the errors of the past under Lange onwards; that includes Michael Bassett, Shipley, Mr. Doug Graham and Margaret Wilson. Here he also highlights the 1986 ACT, and the flawed opinions of 5 judges in 1987. The nonsense of iwi's clinging to tribal roots is best explained for the rest of us, non-part-Maori folk is to add "Ngati" to our tribal backgrounds, mine came from England, Staffordshire.

I would appreciate a reply.

Note, my right arm is in plaster.

My Wife will p.p. my

signature.

John Hipkins
P. Ngati Staffordshire.

Copyright material removed here ✓

A "OPEN LETTER" TO THE PRESIDENT OF THE NATIONAL PARTY:

TO: Peter Goodfellow. President. N.Z. National Party. *Auckland*
COPIED: April 12, 2011.

Government: Mr. J. Key, PM. W. English. (Deputy) G. Brownlee.
 C. Finlayson. A. Tolley. J-L. Ross.

Coalition Partners: J. Boscawen and P. Dunne. (I have not copied the Maori Party, - they sadly view criticism as 'racist'.)

Sean: N.Z. National Party, Greenlane. Thanks for your time.

WHAT WILL NATIONAL'S "PLATFORM" BE FOR 'ONE RULE FOR ALL'?

This is the first time I've written to the prime addressee. Sadly, in writing directly to MP's one seldom receives an honest reply. As a long-time National voter, I want to record that I fully endorse ACT's July 9th Ad. 'FED UP WITH PANDERING TO MAORI RADICALS.?' I cannot understand why National, - after 9 years in Opposition, and with a sizable mandate from the 2008 Election, have not tackled and resolved problems related to stop the division, and bitterness that is clearly evident in N.Z. ~~Accordingly, I will switch my 'List' vote, from National, to ACT.~~ *ignore 2013*

(I VOTED NATIONAL "LIST")

Nor can I understand that, or why, Maori want a separate Roll for racial reasons, - when they would be better represented on the General Roll. It is not necessary to quote here the 13 points that ACT listed to satisfy the demands of the Maori Party, however ... the hypocrisy of what Mr Key's leadership is, ALL the points made by Dr. Brash, John Boscawen, were indeed echoed by National, when they were in Opposition. But, now in Government they are dictating policies that will NOT achieve a desire for New Zealand to be 'one people.'

In this short space, let me quote what was promised in the past:-
 (1) Bill English: N.Z. Centre for Public Law, May 7, 2002.

"the Treaty created one sovereignty, one common citizenship,"
 "... Maori had been devastated by more than 2 decades of musket wars,"
 "... entire areas were ethnically -cleansed," "... the Treaty extinguished Maori sovereignty" ... "what began in 1840 was the incorporation of Pakeha into Maori and Maori into Pakeha," Finally,
Bill said: "the solution to the challenges that the Treaty presents to all New Zealanders, lies in a single standard of citizenship for all." No different, to what ACT says now.

(2) Gerry Brownlee: "National's Treaty Policy, April 22 2005.

"There is a dangerous drift toward racial separation" ... National believes the Treaty granted rights to all New Zealanders, not just Maori," "remove inappropriate references to the 'principles' of the Treaty from legislation" ..
 "remove race based funding from education, and health,"
 "Maori in particular are to stop looking back and start moving forward," ... "state assistance should be on need, not race" "Abolish Parliament's Maori seats, established in 1867, they were intended to be temporary."

(3) Peter Dunne: (Herald, March 8, 2004.) "the only way forward is to create a new founding document." "Don Brash has said what middle New Zealand has been afraid to say" ... "that Maori should no longer receive special treatment."

(4) Chris Finlayson: To me August 30 2010. "The Government remains committed to Treaty settlements, we believe they are just and contribute to the welfare of all who live in N.Z. I do not propose to correspond with you further on this matter."

(5) Jami-Lee Ross: Maiden speech April 6 2011: "there is absolutely nothing wrong with saying that all New Zealanders should be treated equally. He iwi tahi tatou, we are all one people." So, why should Joris De Bres, today, question ACT's, or anybody else's freedom of speech?"

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Constitutional Advisory Board.
C/o Ministry of Justice
Wellington.
(Submission # 8)

AUCKLAND
29 April, 2013.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion: The Treaty has been milked long enough.
We are up to the Letter "G" - Garth George, and Peter Goodfellow

(a) Attachment: Dated 9 July 2009, this hard-hitting contribution to the N.Z. Herald, - I hope will engage conversation within the Board. His main points are:

* "When will the **taxpayers be freed**, from having to watch hundreds of Millions of public Dollars being shovelled at Maori"

* **Again**, we are reminded that part-Maori make up about 15%.

* "When is this money going to be spent on other things like **Health, Education, and infrastructure**"

* Why, and this is a new subject for this Submitter, - "why **after a quarter of a century of Maori tribes acquiring this vast wealth**, MORE THAN 50% OF OUR JAIL POPULATION ARE MAORI: POVERTY IS ENDEMIC AMONG MAORI: ILLITERACY AND INNUMERACY ARE RIFE AMONG YOUNG MAORI,....AND CRIME, VIOLENCE AND CHILD ABUSE ARE MORE OFTEN THAN NOT PERPETRATED BY MAORI. ? "

* **Mr. George continues:** "Why do Maori claim the exclusive title of **tangata whenua**, (indigenous people of the land), when the same applies to most Pakeha whose parents/grandparents/ and often **great-great-grandparents** were born here. ? Will the Board discuss this, with six of the Panel **part-Maori**.? And, will the Government listen later.?"

(b) Attachment: The letter I wrote to Mr. Goodfellow, President of the **National Party**, April 12 2011.
Written before this crucial Election, I made a plea - asking - **What will National's Platform be for "ONE RULE FOR ALL" ?**

Silly me. As happens, I did not get a reply, and that I feel is because the Government were 'stitching up' deals to win the **part-Maori votes**.

How times have changed since National were in Opposition. Mr. Key's Secretary in Helensville said/about this turnaround:-
"Oh, but times have changed."

* I will not quote W.English, but read what Gerry Brownlee said in 2005, the year they could have won:-
"THERE IS A DANGEROUS DRIFT TOWARD RACIAL SEPARATION;...NATIONAL BELIEVES THE TREATY GRANTED RIGHTS TO ALL NEW ZEALANDERS, NOT JUST MAORI. The balance of what Gerry said is included in(2) here.

* Peter Dunne: (Herald March 8, 2004)....the only way forward is to create a new founding document,...
"Maori should not no longer receive special treatment."

* The Hon. C. Finlayson, wrote to me: " I do not propose to correspond with you further on this matter."
And that, is the way this Minister treated the public over the deal he gave Ngati Whatua Orakei, in 2012...over the Navy land.

John Hipkins.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion: Hone Pani Tamati Waka Nene Harawira:

(a) Attachment: Dated November 17, 2009, I am enclosing, ~~for the Panel's deliberation, a letter I wrote~~ to J. De Bres, Race Relations Commissioner. (Four pages.) Note - I concluded my 'Heading',...(Has, Mr. Harawira)-DONE US A FAVOUR.?

The main points, of my Letter are:- (Under Paragraph Headings)

* Quoting Jim Hopkins,(2): "We can all dredge up grievances, but **History** is dead, and gone!" Jim thanks Hone for sharing his victimhood and anger. I agree with his summing up,..."**Some-body, I didn't know did something awful to somebody else I didn't know.**"

* (6) In "The Musket Wars" by R. Crosby, I include the fact that about 50,000 to 60,000 Maori tribes-people, were either **killed/enslaved, or forced to migrate.** This book is very gory.

* (8) Michael Laws,(Sunday Star-Times) points out to us that Mr. Harawira " raises the issue of HATE, - that 'someone else' is always to blame. Michael cites the kura kaupapa,, that they teach grievance/ that Maori are the 'chosen' people, vested with privilege. And he talks about child abuse: The Panel, should discuss, why are these children's names locked into New Zealanders minds,...Witka/Whakarura/Te Hira Grey/Lilly Bing/Ngati Kahui and Glassie. ?

* (9) Editor Pamela Stirling highlights 'Double Standards' and that this MP sees himself as a **guerrilla agent**,out to avenge etc

* (10) Shane Jones is reported, that in his view the **Maori Party**, is racially divisive. I agree,... would Maoridom accept say a **Pakeha Party**, or "**Asian Party**". ?
Despite this Letter to the Race Relations Commissioner,(and those copied in Parliament),,, we have not progressed one iota.

* **Titiwai Harawira:**

Some years ago I heard this wo. man, say, on her talkback, - "**we never wanted those 'pink-faced-Poms in our country.'**" Those messages send out a strong message of **hate** to Maoridom.

Copied here, a 'self explanatory' I had published in the DEVONPORT FLAGSTAFF June 17 2011, - re **Ngati Whatua**, being handed Navy Land.

JUNE 17 2011

Letters

Should Navy land and housing go to Maori?

Your June 3 "Defence cuts etc" item makes interesting reading. Only time will determine whether this decision - by the government to benefit some part-Maori Ngati Whatua 'Tribal resident here, is in fact a welcome decision for those of us who do not share this favoured blood-line. Today's \$150 million housing valuation for the 365 houses... owned by the Crown, was I presume funded by earlier generations by all our ancestors' taxes.

Both Bill English, when in opposition (2002) and more recently the newly elected National MP for Hunua, Jami Lee Ross, have strongly argued for - "One Rule For All". This view was recently confirmed by a TV poll that 81% of us do not support separate 'privileges' for Maoridom. Dr Don Brash will canvass this argument in the November election.

My logic questions the government's decision to pass on this wealth - on a plate - to a unspecified number of claimants

both National and Labour will not address, is the ethnicity factor of what constitutes being Maori actually is - thus defining a person for special privileges.

The argument 'feeling Maori' for a person of mixed heritage is just not fair or right. The words tribe/tribesman.tribeswomen are defined as a 'a member of a tribe in a non-industrialised society'! Hardly relevant in 2011. Also in a recent census, 12 % of those on a Maori Roll did not know which 'tribe' they came from. (Inter-marriage etc).

The economy now is in its worst state for decades. Debt levels are horrendous, of course not helped by the Canterbury earthquake etc. This decision by the government reminds this resident of the quote by H.L Mencken: " For every problem there is a solution that is neat and simple - and wrong."

John Hipkins

5

X

(b) Ngati Whatua o Orakei Corporate Ltd: (Level 6 99 Queen St

Auckland Ph 09 3361670)

Last year, in under-taking some research, I spoke to the Registrar, (lady) as to the,... size of the tribe, (ie Membership),... how they went about the actual legitimacy of ascertaining the applicants background re their tribal roots.

I could not get a satisfactory answer, but,...when I mentioned that the land in down-town Auckland, they have now, (Custom's St, Railway yards, and Leased land at The Strand)... I was told: "That is where we used to grow our vegetables, and, fish."

Perhaps the Panel can advise, just how is the criteria set. ?

(c) Attachment: Brian Rudman: August 4 2010:" Hone sends a Message from a dark past."

Main points to include here:

- * The MP for Tai Tokerau's 'latest anti-Pakeha' comments ,no longer cause outrage, just bemusement.
- * Brian then quoted Donna Awatere,-declared in the mid-1980's this: " This country is Aotearoa,it is ours. White people of any generation have no business being in this country."
- * Donna added: "we can never have biculturalism,... because the Pakeha,with their built-in hatred towards other cultures will never allow it."
- * Ethnicity factors... the unanswered challenge:
Brian wrote: In the 2006 Census, 42.6% of the 565,329 people claiming Maori ethnicity, also claimed shared European ethnicity. (These are questions I have put to the Hon. C. Finlayson, but he refuses to comment.) Brian added:-
"Another 7% of Maori said they were part 'Pacific peoples' 1.5% had Asian blood and 2.3% added "New Zealander"
- * Brian continues,.. and this is important,.. that Tariana Turia in 1944, that at the age of 14 she found out that her Father was an American soldier, " and has never been comfortable with her American lineage. I mention this,not to be nasty, but to question why part-Maori think that their tribal roots, dominate their claims.? Could it be the \$\$\$\$ signs.?

Jim Hopkins, N.Z.Herald November 13 2009: I will quote only this.

To Mr. Harawira,.. All history is dead,Hone.It's over.The awful thing about history is that you can't change it. But, the wonderful thing about history is you can invent it. And keep on inventing it.There isn't one history,Hone, there's a thousand.

Perhaps, in their deliberations, the Panel may read this. Several times.

Last word.

April 25 2013, (N.Z. Herald) "HARAWIRA A RARE SIGHT IN HOUSE"

This man, has been absent for 49 of the 120 sitting days since the 2011 Election. So, I have included this 'Attachment'

Will the Panel discuss this outrageous matter. Or, are we too politically correct.

John Hipkins

TO: J. De Bres.
Race Relations Commissioner:

Auckland.
November
Phone/Fax:

A OPEN LETTER COPIED TO:

Maori Party: T.Tariana./P.Sharples./H.Harawira./Te Ururoa Flavell
R.Katene.
The Government: J.Key./W. English./S.Power./C.Finlayson./W.Mapp.
G. te Heuheu./ P. Bennett./ S. Joyce.
The Opposition. P.Goff./ P. Horomia./ S. Jones.
ACT Party: R. Hide.

Contributors, The media: M. Laws.(S. S. Times) P. Sterling.
(Listener)'Leader'Editorials,(Mr.Anonymous) N.Z.Herald./ Tapu
Misa. (N.Z. Herald.)/ J. Hopkins. (N.Z. Herald)/P.Gower. (NZH)

SO,HAS HONE PANI TAMATI WAKA NENE HARAWIRA..DONE US A FAVOUR.?

People may say, the best way to handle the 'Harawira' Family, is to do nothing, or ignore them." But, "What's good for the goose, is good for the gander". In our democracy I respect 'free speech' and regard Hone's views accordingly. However recent events of his, as a M..P. ... need to be challenged.

(1) Last week I spoke to the Secretaries of both Mr. Key and Mr. Goff. I suggested both men make a joint statement strongly criticizing him for his behaviour, and submitted that reference should be made to two Books - "The-Musket-Wars"(Crosby) and "This Horrid Practice" (Moon)

Without wishing to embarrass, Mr. Harawira, the Maori Party, (which I admire) or Maoridom in general, my plea was to point out, in a honest and open manner,... that the history of the Maori ancestors, (of todays part-Maori) was not a great deal to be proud of,... under the heading of GRIEVANCES.

(2) It is a sad fact that history has ignored aspects of early events in New Zealand, which Maori activists always ignore. This is best illustrated by quoting Jim Hopkins, (13/11) "...that we could all dredge up grievances, BUT history is dead and gone. Jim cleverly thanks Hone for "sharing his victimhood and anger." About land that was 'stolen' he says: " Somebody I didn't know did something awful to somebody else I didn't know a long time ago when I was'nt there. And that makes me angry" Jim concluded: "History is dead, we can't change it. " And, before I move on to the unprintable grievances that Maori perpetrated against other Maori tribes in the past, let me remind addresses he closed his article with a challenge to Mr. Harawira, he can reply, " Some of my best genes are Pakeha."

(3) My sincere commiserations are extended to both the Maori Party, and all Members of Parliament. There is, in my view only ONE action that can be taken, the same that applied to Mr R. Worth. Mr. Harawira should be expelled from the Maori Party. He should not automatically seek a role as the Independent MP for Te Tai Tokerau.
A Bye-Election should take place for the constituents to decide his future.

(4) The question of 'Race Relations' is complex, especially with factors of 'Human Rights' I chose my Heading above ... not to antagonise Maoridom, but with a hope that there would be a more open dialogue regarding the past

events in New Zealand, that are seldom mentioned by the media.

Firstly, I refer to Elizabeth Rata. (Academic) She is a tough talker on tribal issues, and believes that if New Zealand continues on racial lines, it is a mistake. She wrote that Maori revivals of 'retribalisation' would back-fire. Her research confirms the opposite of what she expected. She added in her recent book: " Somehow our history, and the place of ~~*ETHNICITY~~, has an iron grip. It stifles the rigorous discussion that we need." (* My capitals) Hence this letter. 9/

(5) Saturday's Herald's 'Editorial' (It annoys many that the Editor claims it is not necessary to give credit to the author.) was headed: A POINT THAT De BRES OUGHT TO EXPLAIN. (Nov. 14.) Here they admit that Hone now has bigger problems, with record numbers of complaints to you. They confirm his style of protest is well known. and the real damage lies in damage Mr. Harawira has done to his own people. They add that 'racism' is widely and wilfully misunderstood. As you know, in their conclusion of this "Harawira pantomime", YOU should tell complainants, WHAT RACISM REALLY IS,... to save your time, and Taxpayer's money. To conclude. Am I a 'racist' in writing this letter. Please tell me. 9/

(6) The Books. For those addressees, that have not read either, I strongly recommend you do so. They both make grisly reading. In including this material here, I am simply trying to compare the arguments put to today's citizens,... of their land that was taken by the white settlers from Maoridom, TO THE ATROCIOUS events that applied before signing of the Treaty, The Musket Wars: A History of Inter-Iwi conflict 1806-1845. By R. D. Crosby. (Reed)

Of an estimated 100,000 - 150,000 Maori living here in 1810, by 1840 about 50,000 and 60,000 had been killed, enslaved or forced to migrate as a result of the wars. This book is one of the goriest books I've read. 9/

Pa's were attacked by stronger warrior tribes, the victims were slaughtered. the bodies cooked, or baskets filled with meat to take home. But it is now History. Time to move on. This Horrid Practice. By Paul Moon. Penguin.

Historian M. Wright reviewed this Book in 2008 wrote: " In this post-colonial age of penance for the deeds of the past British Governments we sometimes forget that the Treaty of Waitangi and subsequent settlement of New Zealand by Pakeha had one outcome that nobody has questioned since. Maori stopped eating each other. " 9/

It goes on. Not nice. Kai tangata - cannibalism had its place in Maori culture horrified the British as early as 1769. So, this book is brave in it's concept, and the Author handles the subject with care.

Again. I include this data, NOT to offend, but to EMPHASIZE a legitimate comparison with the recent events that Mr. Harawira has made, enraging all New Zealanders. In detailing the above, I am not being derogatory to Maoridom.

(7) Don Brash - Previous National Leader.

I want to clear up a matter, that my MP Wayne Mapp will recall. I wrote to Dr. Brash prior to the 2005 election about Race matters and quoted "The Musket Wars" He followed up on this theme. "One law for all". I was dismayed that he did not elaborate on the reasons for his stance,... as outlined. He was wrongly pilloried after his Orewa speech for being 'racist'. I said to Wayne,... "This will cost you the Election." I was right. Mr. De Bres, however distasteful you have, in my view a responsibility to 'clear the air' over events before 1840. The N.Z. Press will not do it. They thrive on controversy. Especially, the Australian owned media.

(8) Michael Laws. Sunday Star- Times

In his October 25 issue, this man raises the issue of 'HATE'. He highlights, as does Hone,... that someone else is always to blame. He cites the local kura kaupapa. Their rendering of our history is often wrong. They teach Grievance. They support ideas or myths that Maori are chosen people, vested with privilege. He talks about child abuse. Mr. Key and Dr Sharples are reaching out trying to resolve major problems in Maoridom. In stating these facts, Mr. Laws is not being racist, as some in Maori sectors would believe. He is speaking the truth. Ask Paula Bennett. Why are these names on all New Zealander's minds: Witka - Whakarura -- Te Hira Grey - 'Lilly Bing' - Ngati Kahui - Glassie - Te Awa. ? Can Hone Harawira explain these statistics. ? Michael in his November 14th issue informs us that Hone does not accept Caucus discipline. He writes that John Key, (unlike Helen Clark would have.) has accepted the wrong advice, and has employed the 'shooing policeman persona' hoping the Maori Party will step in. He suggests that you, the Race Relations Commissioner has handled the problem too weakly. Phil Goff, for once, has spoken out louder and more honestly than the Government bench individuals. The public deserve better, this state of bullying from the Member of Te Tai Tokerau cannot be allowed to fester.

(9) Pamela Stirling The Listener, this week.

She highlights "Double standards". It is not Hone Harawira's choice of words, but the BELIEFS he expresses. She reminds us he is of Ngapuhi (and not mentioned pakeha) affiliations. Bravely, they inform readers,... it's as tho' he considers himself not as an MP but as a guerrilla agent, out to avenge etc etc. The Executive of the Maori Party, and other MP's on both sides of the Chamber know this. But, that does not excuse your office a more positive stance. (The Herald! confirmed that.)

(10) Shane Jones. (Labour List MP.)

In yesterday's 'N.Z. Herald' Shane attacks the Maori Party as 'racially divisive', comparing them to Dr. Brash.

Mr. Jones continued,.. " I am horrified that Hone promoted a "Victimhood culture" among Maori,.. where we know there's serious problems, of gangs/violence/ drugs and child abuse, were all blamed on History. He concludes that Mr. Harawira can't be a respected Parliamentarian, AND a 'staunch warrior' at the same time. a/

(10) Tapu Misa. (N.Z. Herald, Nov. 16.)

This young lady writes intelligently about the "Harawira fass" suggesting that we all have "a them and us" mentality. She overlooks History as I have highlighted about the inter-tribal Wars. Maoridom forget - about the loss of land, - that they never bought the land, they walked over the land, and were conquered by stronger warlike tribes for their 'land'. Communities lived in fear. Remember also the Treaty of Waitangi ' Tribal boundaries were drawn up after the 'Musket War's era. Tapu writes that it is stupid to blame Pakeha for the effects of colonisation, as voiced by Hone and others. She is uncertain that H.H. should be forced out of the Maori Party. After recent events it is now totally hypothetical how much support he enjoys, especially Auckland. Thus, a Bye-Election would seem to be the better option.

(11) The Maori Party and separate Maori seats.

This, is a very subtle and delicate subject to broach, but as a Race Relations person it does need to be discussed. By the mere title of either 'Maori' Party OR 'Asian Party' OR 'Pakeha Party',.. the ADJECTIVE used to precede a group is definitely 'racist' a

I wrote to Tariana Turia on May 26 2003, and in her reply, (July 4th 2003) she replied, and I trust she does not mind me quoting her - six years later. ! She and I agreed that all Countries/ societies have had a bloody history and reasons for anger. (I avoid the word 'grievance' and the word 'compensations'.)

Inasfar as removing the Maori seats, and including Maori on one general roll - which I support, - Tariana relevantly replied.... "With regard to your desire to see the abolition of the Maori seats in Parliament, it is my belief, and the policy of this Government, that the Maori seats should remain until such time Maori believe seats are unnecessary or desirable. Consensus on this issue would be required before any change could be considered and it does not appear that consensus exists at this time." (That was in her role as Associate Minister of Maori Affairs in the Labour Govt.)

(12) Conclusion.

For the reasons I have outlined to addressees, there should be debate about the future settlement process within the recommendations of the Treaty of Waitangi Tribunal. ..the reason Mr. Finlayson is copied. I have argued with Dr. Mapp, that the continued policy of Maoridom blaming the white settlers for injustices is wrong, and the more money that is distributed from Taxpayer Funds in compensation, will only erode Maori pride and lead to more crime based on a 'dependancy attitude' Perhaps that's the reason many in Maoridom now live in Australia. ? a/
Mr. de Bres, your role is not easy. In your reply to me, please COPY the addressees listed.

As you said Joris, we need dialogue, not sticks. (Herald, yesterday)

JOHN HIPKINS

P

Received 10 May 2013

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel : Discussion: The perpetuation of Treaty claims:

For the Panel's deliberation, I will repeat, in full, a Letter to the Editor, to the N.Z. Herald, by Peter Clapshaw, Parnell. The date was April 14, 2012.

TREATY CLAIMS (The highlights are mine.)

The revelation that Treaty claims 'settled' since 1994 have cost **\$1.22 billion** raises important questions.

When is a claim finally "settled", with no possibility of a further bite at the cherry.? How many still remain to be considered.?

What **evidence** is there of any trickle-down benefit to the average Maori from the **multimillion-dollar settlements**.? Regrettably, it is not reflected in education, health and socio-economic status, where Maori are significantly over-represented at the lower levels.

It is alarming that **Ngahu Tahu** and **Tainui**, which have each received **\$170 million**, have claims to **16% and 17%**, respectively, of the value of all settlements over a total of **\$1 Billion**. We have been **ill-served** by **overly liberal politicians** in charge of the settlement process.

Perpetuation of Treaty claims cannot be afforded economically and socially it is a **disaster** by maintaining a system of **racial separatism** that should have no place in New Zealand.

Peter Clapshaw, Parnell

(a) Attachment:

A Letter I wrote to the Prime Minister, dated 15/4/2012, seeking a reply **which was:** (Dated 4 May 2012,..) Dear Mr. Hipkins, "On behalf of the Prime Minister, Rt. Hon John Key, thank you for your letter dated 15 April 2012 concerning the Treaty of Waitangi. Thankyou for taking the time to write to the Prime Minister and share your views. L. Diehl EXECUTIVE ASSISTANT (Correspondence Unit)

That is it. And, that, with a few exceptions is the usual reply New Zealanders get from their **elected representatives**. IT IS NOT GOOD ENOUGH, it is not what Democracy is meant to be.

One or two points:

(and without repeating my other Submission items.)

- * I try to point out that Maoridom prior to and after 1840 **were better treated under the British**, than any other European country such as the French/Dutch, etc.
- * I point out that the ancestors of today's part-Maoridom were **savage warriors**, and benefited by the Treaty.
- * I quote **Winston Peters**, "close down the Waitangi Tribunal".

John Hipkins

TO; Rt.Hon. John Key.
COPIED. For Information/Comment.

Auckland

##

All National Caucus Ministers. 15/4/2012.
North Shore M P's: C.Calder/M.Barry/A.Williams.
Christopher Finlayson. Simon Bridges J.L.Ross.
Peter Clapshaw, Parnell.
Editorials. N.Z. Herald. The N.Z. Listener.

N.Z. NEEDS REFORM TO COUNTER A DRIFT TO "SEPARATISM" HERE.

Below, with Peter's permission I'm passing on his excellent Letter published in the "Herald" 14/4/2012.

After rereading **John Robinson's Book THE CORRUPTION OF NEW ZEALAND DEMOCRACY A TREATY OVERVIEW**, I am satisfied that the National Government is failing miserably, in supporting 'Separatist Claims', following the Treaty of Waitangi's flawed handling of grievances, and I would make these points:-

* Inter-tribal wars prior to 1840 killed between 60,000 and 80,000 iwi, plus torture, slavery and cannibalism - **never spoken of by todays part-Maori.**

* The Maori at that time, after 1840, were better treated under the British; that would not have been the case under another power from Europe, the French, Dutch, etc.

* The killings stopped after 1840, yet **today's part-Maori descendents**, whose ancestors were savage warriors, benefit by the Settlement's processes.

* **Michael Bassett**, in the David Lange Government, now admits that the self-serving Treaty of Waitangi Tribunal should **never have been formed.**

* Events here with **Ngati Whatua**, dictate that National voters in 2011, have reached their limits of patience with C.Finlayson. (The reason I have copied our three North Shore MP's.)

* **Mr. Doug Graham** erred in his decision re "Relativity Clauses" giving further riches to greedy tribal claims.

This National Government supports HYPOCRISY:

(The act or practice of simulating or feigning to be one is not.) To explain:-

National, in Opposition, preached "ONE RULE FOR ALL" and "EQUAL CITIZENSHIP".

Now, they pander to the **Maori Party**, ONLY to win support in Parliament, from a "Coalition Partner"

Finally, Mr. Key,...what constitutes 'Being Maori'? Problems of **ETHNICITY** have been artfully dodged by this National Government, - a point I've asked **Simon Bridges** to address.

Winston Peter's sometime back said that the Treaty of Waitangi Tribunal needs to **close down** and replace with a **Commission of Enquiry**.

From the Prime Minister's Office, I would like a common-sense reply, not the usual ack. Events here in Devonport to Mr Finlayson re **NGATI WHATUA**, will confirm he will not get his way. There is a better democratic way to make New Zealand a place to live. We need urgent Caucus discussion,... to avoid the present drift to **separatism**. Peter Clapshaw's Letter is 'spot on' It is time to act.

John Hipkins.

Treaty claims

The revelation that Treaty claims "settled" since 1994 have cost \$1.22 billion raises important questions.

When is a claim finally "settled", with no possibility of a further bite at the cherry? How many still remain to be considered?

What evidence is there of any trickle-down benefit to the average Maori from the multimillion-dollar settlements? Regrettably, it is not reflected in education, health and socio-economic status, where Maori are significantly over-represented at the lower levels.

It is alarming that Ngai Tahu and Tainui, which have each received \$170 million, have claims to 16 per cent and 17 per cent, respectively, of the value of all settlements over a total of \$1 billion. We have been ill-served by overly liberal politicians in charge of the settlement process.

Perpetuation of Treaty claims cannot be afforded economically, and socially it is a disaster by maintaining

a system of racial separatism that should have no place in New Zealand.

Peter Clapshaw, Parnell.

Constitutional Advisory Panel
C/o Ministry of Justice
Wellington
(Submission # 11)

Auckland
May 1, 2013.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion subject: Do Maori carry a warrior gene. ?

(a) **Attachment:** From the N.Z. Herald, (5 March 2007) by
Jon Stokes: "**Scientist defends 'warrior' gene.**"

In forwarding the **Submissions** to the Panel, here, I must pause, to record that **I am not being too censorious** over all matters pertaining to part-Maoridom problems that the Panel will be faced with. I am not, however, I am a firm believer in **'honesty and openness at all times.'**

For the Panel's records, the main issues in this Article were:-

* **Dr. Rod Lea, a genetic epidemiologist claimed that Maori carry a warrior gene; that makes them more prone to violent and aggressive behaviour.**

* **Dr. Lea told an international conference in Brisbane that there was an over-representation of the monoamine oxidase gene (dubbed the 'warrior' gene) in Maori men.**

* **Worth quoting, the last paragraph,....Dr. Lea said that it is well recognised that historically Maori were fearless warriors, and indeed, reverence for the 'warrior' tradition remains a key part of Maori culture today. He added, New Zealanders take obvious pride in, especially in the sporting context. A difficult item for the Panel. ?**

(b) **Attachment:**

I add this as an example, and discussion point,... N.Z. Herald, April 19 2013, **CALL FOR NEW WAYS TO REFORM FELONS:** The 2002 KILLING OF PIZZA MAN MICHAEL CHOY,... by six, (and correct me if I am wrong) **part-Maori killers** was a heinous **unimaginable crime** by one female and **five males**. Was there a connection with my attachment above. What was the motive? Could it have been **hate, based on the fact that the victim was Asian.**?

The full names of these six felons,..criminals,delinquents,are:

MARIA WHATARANGI RAWIRI
PHILLIP KAUKASI
JOSEPH KAUKASI
RIKI RAPIRA
ALEXANDER TOKORUA PEIHOPA
BAILEY JUNIOR KURARIKI

All have now been released, despite two of them were convicted of murder (Rawiri/Peihopa) - the balance - manslaughter, - **reignites criticism of the justice system.**

Will this Panel discuss this call for harsher sentencing. ?

J. Hipkins

Constitutional Advisory Panel
C/o Ministry of Justice.
WELLINGTON.

AUCKLAND
May 1st, 2013.

(Submission # 12)

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel; Discussion Subject: Haka hoohaa and powhiri slur.

(a) In the November 7 1999 group of Letters to the Editor of, Sunday-Star Times, after the All Blacks lost to the French Team, you would have read this letter of mine, - they titled it:

HAKA HOOHAA

"They lost. Big deal, it's only a game. Thinking New Zealander's will admire the French team and the way they turned their backs on the **haka**.

Why should'nt they.? **The haka is warlike.** It's history - so forget tradition and let's hope the NZRFU will stop placating a **minority group** and admit the haka should go. Permanently. John Hipkins

For years, the arguments have been for and against the haka on the Sport's field; or in 'welcoming' overseas guests from the likes of President Bill Clinton and a range of others. **Personally, I cringe.** It is not a **welcome**, for heavens sake it is, or was a **war cry**.

Arrive in the south Pacific, ... Papeete/Tonga/Samoa/Rarotonga
Fiji and we are **greeted** with smiles/singing/ and laughter. Not so the **Haka, it is just the opposite.**

The public's concensus, is that the **haka is overdone**, not only on the sports-field, but at funerals, ... opening of new civic buildings, ... at rallys for (Helen Clark's) **"wreckers & haters"** (chanting) 'honour the Treaty' - I hope I have made my point.

(2) **The recent visit of Danish MP Marie Krarup:**

In the short space I have these three letters to the Sunday-Star-Times of April 14, 2013, sum up perfectly my views and that of the **silent majority**.

Also note my 2nd Submission regards the AUCKLAND COUNCIL **FIRST** Meeting 2010.

The panel will have to accept, that minority groups should not get their way.

THE REACTION of the visiting Danish politician to the powhiri-welcome was, in my opinion, not intended to be insulting but rather an expression of discomfort at a welcome that was customary and acceptable 1000 years ago but a debatable format in the year 2013.
A welcome should be inviting and an expression of care for and appreciation of the visitor. Being

Powhiri slur

I **SUPPORT** the views of Danish MP Marie Krarup ('Grotesque' slur for powhiri stirs shame for Danes, *Star-Times*, April 7). It is refreshing to have someone unafraid to speak their mind instead of bowing to the politically correct rubbish that inhibits most people. Like many of my friends I'm tired of this barbaric posturing whenever anyone of note arrives in this country. Like Krarup I, too, would prefer a handshake to someone rubbing their nose on mine, rolling their eyes and leaping about in some strange ritual.
John Collie, Rotorua

I **THINK** your article was unduly harsh towards Marie Krarup. Isn't it the custom of the European and almost every other culture to treat visitors and guests in ways that make them feel welcome and safe.

Whatever claims are made about the haka it is presented by men demonstrating anger and aggression.

If some people want to do it in their own time and space then that's their business I suppose, but I regret that it has become something that our own governments seem to think is appropriate as a welcome to official occasions.
Bill Daly, Glen Eden

welcomed by a spear-waving fellow dressed in a grass-skirt does neither and gives the impression that New Zealand has not greatly progressed over time.

I am not putting down the Maori-related customs but making primitive parts of it representative in official ceremonies does not help promoting the positive and potential aspects of today's Maoridom and New Zealand's society. In our democracy, however, there should be room for an opinion without it being followed by accusations of racism.
His Admiraal, Ohoka

AUCKLAND.
May 2, 2013.

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

For many reasons, I am struggling as to how present **many** thoughts in a common-sense way to address, what I see as a possible **degree of inconsistency** - regards this **List of iwi guidelines**, ...not for **ethnic group reasons**, (for the 5 March, 2013 Census,...)but for the fact that the guidelines only refer to one section of our population, - **part-Maoridom**.

And that includes todays, part-
Maori.

And that is my point,
Here we have a total of 100 iwi,
from different regions of New
Zealand. With inter-marriage
many of today's part-Maori
provide several tribal iwi
groups, that are in their families
combined (male/female) past.
Many do not know their iwi, which
has been confirmed in other census

The words "TRIBE", "TRIBAL", TRIBESMAN", "TRIBESWOMAN", ARE IN MY
view, (2013) -obsolete/antiquated/archaic. Yet, why do part-
Maori cling to "tribal roots." ? Can the Panel resolve the
over-use of the word tribe in today's rural/urban areas.

This list is a guide only. All iwl names are counted even if they are not listed below.

Te Tai Tokerau / Tāmaki-makaurau (Northland/Auckland) Region	(1)	Taranaki Region	(6)
Te Aupōri		Te Aitanga (Taranaki)	
Ngāi Kahu		Ngāi Maru (Taranaki)	
Te Kōwiri		Ngāi Mungana (Taranaki)	
Ngāi Kuri		Ngā Raua	
Ngāpuhi		Ngā Ruahine	
Ngāpuhi ki Whaingaroa-Ngāi Kahu ki Whaingaroa		Pakakohi	
Te Rauawa		Ngāi Ruani	
Te Roroa		Ngāi Tama (Taranaki)	
Ngāi Takoto		Tengāhōe	
Te Uri-o-Hau		Taranaki	<u>Total 10</u>
Ngāi Wai		Te Tai Rāwhiti (East Coast) Region	(7)
Ngāi Whāiaua	<u>Total 12</u>	Te Aitanga-a-Māhaki	
Hauraki (Coromandel) Region	(2)	Ngāi Porou	
Ngāi Hako		Ngāi Rangitāke	
Ngāi Hei		Ngāi Tāmānuihi	<u>Total 4</u>
Ngāi Maru (Hauraki)		Te Matau-a-Māui/Wairarapa (Hawke's Bay/Wairarapa) Region	(8)
Ngāi Paea		Ngāi Kahungunu ki Hōretanga	
Patukirikiri		Ngāi Kahungunu ki Tāmakiui-a-Rua	
Ngāi Porou ki Haratōunga ki Mātaora		Ngāi Kahungunu ki Tamateā	
Ngāi Pōkenga ki Waiau		Ngāi Kahungunu ki Te Wairoa	
Ngāi Rāhiti Tūmūlumu		Ngāi Kahungunu ki Wairarapa	
Ngāi Tai (Hauraki)		Ngāi Kahungunu ki Te Whanganui-a-Crotu	
Ngāi Tāmōra		Rangitūia (Te Mātou-a-Māui/Hawke's Bay/Wairarapa)	
Ngāi Tara Tokanui	<u>Total 12</u>	Rongomātāwhine (Te Māhia)	
Ngāi Whānauanga		Ngāi Pāhauwera	
Waikato-o-Te Rohe Pōtea (Waikato/King Country) Region	(3)	Ngāi Rākalpaaka	<u>Total 11</u>
Ngāi Haua (Waikato)		Whanganui/Rangitikei Region	(9)
Ngāi Maniapoto		Ngāi Apa (Rangitikei)	
Ngāi Raukawa (Waikato)		Te Ahi Hāunui-a-Pāpārangi	
Ngāi Raukawa (Waikato)		Ngāi Haua (Tāmānuihi)	
Waikato	<u>Total 4</u>	Ngāi Hauiti	<u>Total 4</u>
Te Arawa/Te Aupō (Rotorua/Taupō) Region	(4)	Manawātō/Horowhenua/Te Whanganui-a-Tara	(10)
Ngāi Pīkiao (Te Arawa)		(Manawātō/Horowhenua/Wellington) Region	
Ngāi Rangiororo (Te Aupō)		Te Aitanga (Te Whanganui-a-Tara/Wellington)	
Ngāi Rangihiri (Te Arawa)		Te Aitanga ki Whakarangōia	
Ngāi Rangiwēwhi (Te Arawa)		Muaōpoko	
Ngāi Tahu-Ngāi Whāoa (Te Arawa)		Rangihine (Manawātō)	
Tapuika (Te Arawa)		Ngāi Kuwhata	
Tarāwhai (Te Arawa)		Ngāi Raukawa (Horowhenua/Te Whanganui-a-Tara/Wellington)	
Thouarangi (Te Arawa)		Ngāi Toarangiāra (Te Whanganui-a-Tara/Wellington)	
Ngāi Tūwharetoa (Te Arawa)		Ngāi Tama ki Te Upoko-o-Te Ika	
Uenuku-Kōpoko (Te Arawa)		(Te Whanganui-a-Tara/Wellington)	<u>Total 10</u>
Waiāha (Te Arawa)		Te Waiapuamū/Wharekauri (South Island/Chatham Islands) Region	
Ngāi Whakaua (Te Arawa)	<u>Total 12</u>	Ngāi Apa'ki Te Rō To	(11)
Tauranga Moana/Mātaua (Bay of Plenty) Region	(5)	Te Aitanga (Te Waiapuamū/South Island)	
Ngāi Awa		Ngāi Kōata	
Ngāi Manawa		Ngāi Kūia	
Ngāi Pōkenga		Kāi Māmo	
Ngāierangi		Mōreki	
Ngāi Rangihiri		Ngāi Mungana (Wharekauri/Chatham Islands)	
Ngāi Tai (Tauranga Moana/Mātaua)		Rangitūia (Te Waiapuamū/South Island)	
Tōhōe		Ngāi Rūrua	
Whakātohea		Ngāi Tahu/Kāi Tahu	
Te Whānau-a-Apanui		Ngāi Tama (Te Waiapuamū/South Island)	
Ngāi Whare	<u>Total 10</u>	Ngāi Toarangiāra (Te Waiapuamū/South Island)	
		Waiāha (Te Waiapuamū/South Island)	
<u>The total for all 11 regions is 100 "iwi"</u>		<u>Total 11</u>	

Constitutional Advisory Panel.
C/o Ministry of Justice, Wellington. AUCKLAND

(Submission # 14.)

May 3, 2013.

Discussion Subject:
What has the Waitangi Tribunal achieved.?

We are, in New Zealand especially fortunate that the Press, generally have very high standards in the calibre of expertness that is provided by contributors to the "Letters to the Editor"

Here is one from Malcolm Bailey, Albany dated August 5 2012, to the "Sunday Star Times. (Their: 'WINNING WORDS')

The frustration,... many of us share,... is that Government's (of either Party) generally choose to ignore public opinion. That this, Constitutional Advisory Board, has been set up is encouraging. Only time will tell; The Letter:

WE ARE RACIALLY DIVIDED:

Mr. Bailey is right, and if it is of any help, here's my view to the Panel:-

* I would ponder, is the Prime Minister and his caucus aware of the public view that race relations are **worsening**. and why.?

* I repeat, a **Nation cannot prosper** the way New Zealand is divided. This country is sadly split, **Part-Maori/the rest of us**.

* What is frustrating now about **National**, I repeat; that in the 2002 and 2005 Elections, they preached, - a policy of **"ONE RULE FOR ALL"**.

* In an earlier Submission I quoted **Bill English**, **"WE ARE ALL NEW ZEALANDERS"**

* I believe that Mr Key, has wrongly gambled that having **Sharples/Turia/Flavell** (Who only see their views from the Marae) - as 'partners' will see National in opposition next year, facing a Coalition.

* Yet, Mr. Key took on the Prime Minister's role, promising to "make a difference." If **Mr. Key**, wants to improve Race Relations in New Zealand, - for all of us,...he needs to listen. This means, investigating, and perhaps closing down the unpopular **Treaty of Waitangi Tribunal**.

* He could, as promised by Mr. English, - **dismantle part-Maori race-based Departments** for Health/Education and Law etc.

* **National**, needs to educate the nation as to why urgent reforms are necessary. They need to bring out in the open problems of **ethnicity**, that **'feeling Maori' is unacceptable**.

* **In short**, - he should stop pandering to part Maori activists and part Maori academics

WINNING WORDS

Where's the benefit?

The Waitangi Tribunal has been in existence for more than a generation.

Has it achieved what it was set up for? What was it set up for?

Most New Zealanders probably think the tribunal was set up to improve the lot of present-day Maori. Well over \$1 billion has been paid out, but not to share among individual Maori, but to various iwi whose leaders received the money and either invested or spent it. Have ordinary Maori benefited?

More than half the inmates in our prisons are Maori. What has gone wrong?

The benefit of hindsight tells us that when the tribunal was set up the \$1b budget should have been paid to a Government minister charged with improving the lot of all Maori.

The money should have been spent on improving Maori health and education and tackling the large number of prison inmates by better education and training. The important thing was not to give the money to iwi leaders to spend or invest on sports organisations, fishing or other ventures. The money should have been spent on helping individual Maori.
Malcolm Bailey, Albany

Constitutional Advisory Panel.
C/o Ministry of Justice.
Wellington.

Auckland
May 4, 2013.

(Submission # 15) Discussion Subject: Cultural Competency idea.

Sometimes we believe in miracles. The Panel may remember that in 2011, the Maori Party convinced **Anne Tolley**, the then Minister of Education, to introduce a **Cultural Competency Programme**, which ~~was actually a euphemism for special consideration for one~~ **ethnic minority.**

That was the phrase,... plus other quotes to follow,... written by **Michael Laws** in the Sunday-Star Times, 12/6/2011. I wrote to the Minister, (copied P. Sharples/J.Key/W.English/C.Finlayson) **to discuss this outrageous idea with Caucus.**

The outcome was, the Minister was replaced, and the concept was tossed out by the Government. I raise this issue, for the Panel to discuss, how this **compulsion** would have generated considerable resentment from teachers already burdened with an overloaded curriculum.

The part-Maori members of the Panel will be surprised to read that **Dr.Pita Sharples**, felt justified with this plan, because he had "visited a school, and they did'ny even know their local iwi. " (Law's added, - "One can understand how that must vitally affect the grades of struggling Maori students.")

The others points that Michael Laws made to his readership:-

* Belief of the 'Taniwha:

"What happens when the cultural beliefs of the few begin to affect the many. ? "

General:

- * "We have become excessively sensitive to the expectations of the minor treaty partner, because we have a rat-nibbled relic that imposes itself upon our present, and seeks to control our future. "

"The Treaty acts as an impediment to true national unity, and is a ghetto blanket for Maori."

- * " But,... it has become something else in the past decade. It demands, that we respect what we should not. That we suspend rational judgement, because some Maori suspend theirs.

- * " There is a new demand upon the teaching profession that they accord the MAORI LANGUAGE AND CULTURE a primacy that is accorded none other."

There were other points I made in my letter to the Minister:

- (a) In comparing Maoridom's GRIEVANCE INDUSTRY "CLAIMS":-

(A clumsy comparison, I know,...) I wrote: "My Father was gassed by the Germans in World War One.... My uncle, aged 33 was killed by the Germans in Libya 1941.For New Zealanders there is no grievance industry for these historic events."

I wish the panel well.

John Hipkins.

Constitutional Advisory Panel
C/o Ministry of Justice Wellington.

Auckland
May 5, 2013.

(Submission # 16.)

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion Subject: **The Maori Land Act, - 1993:**

Nine years ago, this self-explanatory
Letter from myself, was published in
the N.Z. Listener (8 May, 2004.)

It was in response to an article from
Mark Revington,... note in the first
paragraph I wrote:--" he ignores two
important factors, but given time will
lead to the Treaty of Waitangi being
scrapped and, longer term a NEW
CONSTITUTION replacing the Treaty of
Waitangi (spoken of as the 'founding'
document) "

The first point - mixed ethnicity.
The second overlooked item, - that
the History of N.Z. did not start
in 1840

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In promulgating this 2004 letter, I am
asking the Panel to readdress how a
person can relate as being 'Maori'.

I wrote that these/those problems can
be traced to the Maori Land Act 1993
and the Treaty of Waitangi Act 1975,
repeat 1975,... 38 years ago.

The argumants I used then, regards
bloody, territorial wars, will not be
repeated here,... and I have raised
these sad facts of our history, in
other submissions.

In the remaining space, for the Panel
I am referring to another Michael Laws
contribution, Sunday-Star-Times, 25th
of October, 2009, titled:-

"Maori 'racism' creates culture of
failure we should not accept." Points:

* In referring to John Balance, he
wrote that he was a compassionate
Premier, and a paternalistic native
affairs minister, but for some reasons
he is seen by some Maori as a provincial
pariah, an unscrupulous land grabber
who ensured indigenous misery.
Laws wrote, "It is a perception wholly at variance with the facts."

* Michael Laws, asks readers, ...where does the 'hate' come from.?

He says the answer "is the local kura kaupapa, their New Zealand
and 'history' is hopelessly skewed and often wrong."

John Hipkins

Constitutional Advisory Panel.
C/o Ministry of Justice
Wellington.

Auckland
May 6, 2013.

(Submission # 17)

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion subject: What is spent on te reo funding?

In this Submission (#17) - I want the Panel to focus on how much of all New Zealander's Tax-take is directed to part-Maori organisations,... with the view-point that Government should look at merging many of these Government Departments. That makes sense for the fragile/debt-ridden economy.

**(a) te Wiki o Reo Maori
MAORI LANGUAGE WEEK.**

This cutting from the N.Z. Herald is dated 26/7/2010. Here, it is reported by Yvonne Tahana, - that only 7% speak the Maori language confidently.

I do not have the latest statistics, since 2010, of how much the Government spends on this project,... but the non-Maori citizens have been vocal in their anger: many suggesting that this (then) estimated \$250 Million, could have come out of the generous Waitangi Settlement Funds to Maori.

The reporting here is self explanatory.

**(b) AUCKLAND COUNCIL's
Maori Statutory Board is
UNELECTED, and the
subject of a separate
Submission.**

(c) Separate Government Departments for PART-MAORI people:

MAORI COMMUNITY SERVICES ...MINISTRY OF MAORI DEVELOPMENT
MAORI LAND COURT ...MAORI TELEVISION ...MAORI TRUST FLATS ...
MAORI WOMAN'S WELFARE LEAGUE ..TE PIRITI SPECIAL TREATMENT UNIT
WAITANGI TRIBUNAL OFFICE OF TREATY SETTLEMENTS .. PUAWAITAHI
SPECIAL SERVICES (Central Auckland) KOROWAI MANAAKI YOUTH JUST-
ICE North Residence, and WHAKATAAKAPOKAI CARE AND PROTECTION |
Residence. (Child Youth & Family) TE PUNI KOKIRI Takeover's
Panel. (All from the 'Phone Directory)

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(Submission # 18.)

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion points: Paul Moon's This Horrid Practice

"ORAL HISTORY FOR THE STRONG OF STOMACH."

IN THIS post-colonial age of penance for the deeds of past British governments we perhaps forget that the Treaty of Waitangi and subsequent settlement of New Zealand by Pakeha had one outcome that nobody has questioned since.

Maori stopped eating each other.

Lord Normanby, formulating his instructions for the first governor, William Hobson, ordered him to crush the "savage practises of human sacrifice and cannibalism". Hobson, clarifying the point, responded by asking whether he was authorised to "repress these diabolical acts by force".

The fact that kai tangata – cannibalism – had its place in Maori culture horrified the British as early as 1769, when James Cook found evidence. They were shocked.

The dissonance was, as Paul Moon puts it, the "most abrupt rupturing of humanity between the civilised and the barbarian".

Moon's new book *This Horrid Practice*, a study of Maori cannibalism in all its social and cultural meanings, is a brave look at a topic that, to date, has been largely off the historical menu. And that's not surprising. Cannibalism is so foreign to western society, so revolting in its concept, that it is difficult to even think about the idea.

Moon handles his subject with extraordinary care. He quotes Kimble Bent's nauseating description of Maori cannibalism in action along with a few general early accounts. But other than this, his text is abstract; he discusses the practice as a social and philosophical concept, slicing and dicing the idea from

every angle. It was practical, ritual, cultural, its origin buried in Maori creation mythology. Even kumara, Moc reveals, was a symbolic metaphor for human flesh.

This is history as concept; history as meaning. His text provokes, he spurs thought and emotion without wallowing in luridness. At times this approach can be unintentionally witty – one chapter describes the "anatomy" of Maori cannibalism. And of course the term "o. legacy", meaning spoken history, gains quite other dimension in context of Moon's topic.

For all that, his audience is not the casual reader; his argument remains staunchly academic. Care for a few "multigenerational epigenetic traits", anybody?

We may decry such boffin-headed

obfuscation. Yet how else can we really think about a subject that lies so far from our own cultural norms? That's particularly so when we think about Moon's conclusions. Cannibalism, he tells us, was "fundamentally a moral act" to pre-European Maori.

Moon disputes the traditional Pakeha idea that Maori cannibalism was a symbolic way in which mana could be consumed, among other things. According to Moon, settler observers, clothed in their own prejudices, misunderstood what Maori were doing. Maori, for their part, explained their practices in terms they hoped the missionaries might understand or accept.

The reality, Moon suggests, is that although clad in mythology and ritual, cannibalism was also, at times, a practical



THIS HORRID PRACTICE

By Paul Moon
Penguin, \$40
Reviewed by
Matthew Wright *

matter in pre-European days.

He also argues that by 1840, even as the treaty was being signed, the practice was in its "death throes". Europe was one agent for its extinction, although Moon is probably right to say that Maori culture was not so easily changed; the underlying symbolism emerged in other areas.

To me his conclusion raises an obvious question. Were Maori changing anyway? How much did the so-called "musket wars" of 1810-40 contribute to the shift?

Moon has also missed some historical points. He discusses the late-1860s revival of cannibalism by Titokowaru, but doesn't explore why. The Ngati Ruanui chief intended to terrorise the Pakeha community and draw power from a revival of Maori traditional values.

These issues aside, Moon's book is a remarkably dispassionate and thorough discussion of one of our strongest cultural taboos, one that stands at the sharp edge of the early settler age interaction between Maori and Pakeha. His text is dense, abstract and provocative. And those with a strong stomach may wish to devour the contents in a single sitting.

* Historian Matthew Wright's book about the New Zealand Wars, *Two Peoples, One Land*, is published by Reed (Raupo).

This Review was published in September 2008. I include it for discussion, as ... in the first para, ... I quote: "we forget that the TREATY OF WAITANGI, and subsequent settlement of New Zealand by Pakeha, had one outcome that nobody has questioned since, - Maori stopped eating each other."

Definition of GRIEVANCE,

"that which causes grief or uneasiness"

the Panel:- Do present part-Maori-iwi, have a grievance to any other part-maori- iwi- tribes, that warrants on-going Claim/Settlement process, ... tribe against tribe. ?

Constitutional Advisory Panel.
C/o Ministry of Justice Wellington.

AUCKLAND

May 6, 2013.

(Submission # 19)

NEW ZEALAND NEEDS A SINGLE STANDARD OF CITIZENSHIP FOR ALL:

To the Panel: Discussion Subject: Race-based representation:

Attachment: From the NZ Herald a contribution from Paul
**Goldsmith (14/2/2011) .."RACE BASED REPRESENTATION
IS A BACKWARD STEP."**

This National LIST MP asks important questions which I pass on to the Panel for discussion.
I agree with all the arguments that are now placed on the files for the Constitutional Advisory Panel.

What Mr. Goldsmith is writing about is the Government's introduction of **separate Maori seats, on AUCKLAND COUNCIL.**
It is undemocratic.

His major items for discussion are:

* For the Panel: "What can be more divisive than a approach that singles out one group in a city to give them a substantially more influential voice than everyone else. ? "

Questions:

- (1) Why is the new Mayor so determined to **elevate the importance of race. ?**
- (2) What is to be gained by breaking our democratic principles to give votes on Council committees to **unelected and unaccountable Maori appointees.**
- (3) This group will make decisions that require **the forcible taking of money from Ratepayers.**
- (4) He concludes: **New Zealand needs to think very seriously about where it is going with its special treatment for MAORI.....no good can come out of it.**

MAORI WISHLIST

\$295.2 million

total includes:

- \$72.37m Kaitiakitanga (guardianship of the sky, sea and land)
- \$11.84m Wahi tapu (sacred and significant Maori ancestral sites)
- \$31.75m Mauri (life force of ancestral lands and waters)
- \$116.14m Rangatiratanga (chiefly authority, authority over resources and affairs)
- \$7.78m Te Tiriti o Waitangi (Treaty rights and obligations)
- \$9.25m Oritetanga (right to participate within the community)
- \$42.8m Mana of Tamaki Makaurau (iwi and hapu co-governance arrangements)
- \$3.29m Matauranga Maori (Maori knowledge)

Bernard Orsman, NZ Herald, Dec. 1, 2011.

To the left, for the records and Panel information data you would have read in his contribution, **..Iwi board wants city to cough up \$295 Million.**

I am unaware if these figures are valid now, .. One councillor opposed the funding because he did not **believe in the Maori Board.** Bernard quoted Maori Board Chair **David Taupiri, WE ARE SEEKING 3% OF THE COUNCIL'S BUDGET FOR 10% OF THE POPULATION.** He added, **this:- The funding request was a 'foresight' of Parliament, to ensure Maori were recognised in the Super City.** The Mayor said, the Board was doing what it was mandated to do,

John Hipkins

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(10)

The submitter included the following published material which was removed for copyright reasons:

- **NZ Listener** – 11/4/13, *'Powhiri – Phooey'*, by Bill Ralston.
- ~~**NZ Listener** – unknown date, *'Waitangi Tribunal review'*, by John Hipkins.~~
- **NZ Herald** – 25/4/13, *'Harawira a rare sight in the house'*, by Claire Trevett.
- **NZ Herald** – 9/7/13, *'History repeats when it comes to claims'*, by Garth George.
- **NZ Herald** – 4/8/10, *'Hone sends a message from a dark past'*, by Brian Rudman.
- **NZ Herald** – 5/3/07, *'Scientist defends warrior gene'*, by Jon Stokes.

