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**NEW ZEALAND CENTRE FOR
POLITICAL RESEARCH**

THE YEAR BY NUMBERS - 2012

7

years since the NZCPR was established

50

NZCPR Weekly columns published

50

guest opinion pieces published

240

BreakingViews blog postings

+37600

signed our Declaration of Equality
in support of equal rights for all citizens

+28000

copies of NZCPR Weekly sent
each week.

+1000000

visitors to nzcpr.com

countless

media appearances and published
articles



NEW ZEALAND CENTRE FOR
POLITICAL RESEARCH

Informed
thinking

“

You cannot help the poor by destroying the rich.
*You cannot strengthen the weak by
weakening the strong.*

You cannot bring about prosperity
by discouraging thrift.

YOU CANNOT LIFT THE WAGE EARNER UP BY
PULLING THE WAGE PAYER DOWN.

*You cannot further the brotherhood of man by
inciting class hatred.*

YOU CANNOT BUILD CHARACTER AND COURAGE BY
TAKING AWAY MEN'S INITIATIVE AND INDEPENDENCE.

*You cannot help men permanently by doing for
them, what they could and should do for
themselves.*

- Abraham Lincoln

”

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FROM THE FOUNDING DIRECTOR..YOUR DONATION DOLLARS AT WORK IN 2012



It's been a busy 12 months for the New Zealand Centre for Political Research - our seventh year of operation. And 2013 looks set to be even more challenging!

Ideas influence people and the NZCPR plays a pivotal role in informing public opinion and influencing key decision-makers. We do this by providing independent research-based commentary and opinion from

experts in the field. We do not shy away from the tough issues, but speak out where ever we believe strong voices are necessary. Our firm belief is that informed citizens are at the heart of a well functioning democracy.

In this modern age where traditional media are on the decline and the internet as a source of information and a way of communication is on the rise, we provide in-depth analysis you can trust. We are not affiliated to any political party nor do we take any government funding.

Our goal is to communicate with as wide a cross section of society as possible in order to empower the public and encourage greater participation in the democratic process. To that end, our increasingly busy website and growing subscriber base are important indicators of our progress.

It is said that politics is the battle of ideas. In 2012 the NZCPR fought campaigns on a number of fronts, but with no major groups coming forward to challenge the Maori Party's plan to impose a Treaty-based constitution onto

New Zealand, the constitutional review has become a key focus of our work programme.

Constitutional Review

The review of New Zealand's constitutional arrangements was part of the coalition agreement between the Maori Party and the National Party in 2008 and 2011. The Maori Party is spending \$4 million trying to convince New Zealanders that we need a new constitution based on the Treaty of Waitangi as supreme law. With the government's constitutional review process already captured by those who seek to entrench iwi in a position of unassailable racial, legal, cultural and economic superiority over all other New Zealanders - through a biased Advisory Panel and rigged review process - we are leading the fight back.

We have launched an Independent Constitutional Review website at www.ConstitutionalReview.org as a focus for our campaign to oppose a bicultural constitution and the Maori Party's attempted power grab. We have announced an Independent Constitutional Review Panel of experts to challenge the Maori Party's review. David Round, a law lecturer from Canterbury University, is the Panel Chairman. Other members include, Associate Professor Elizabeth Rata of Auckland University, Professor Martin Devlin of Massey University, Professor James Allan of Queensland University, NZCPR Research Associate Mike Butler, and NZCPR Founder and Director Dr Muriel Newman. In addition, we are now fundraising for a major public awareness campaign to be run throughout 2013.

Save Our Constitution

The reality is that New Zealand does not need a new

FROM THE FOUNDING DIRECTOR...continued

constitution. Our written constitution is one of the most successful in the world. It consists of a collection of statutes, conventions, and common law rights that set out the basic rules by which our country is governed. It is extremely flexible - changing the constitution involves simply changing the specific law. For example, to abolish the race-based Maori seats, three main clauses in the Electoral Act would need to be repealed; to abolish the Waitangi Tribunal, the 1975 Treaty of Waitangi Act would need to be repealed.

Our present constitutional arrangements make New Zealand one of the strongest parliamentary democracies in the world, since the ultimate law-making power is held by elected Members of Parliament who can be sacked if they lose the confidence of voters. Under any new “written” constitution, that ultimate law-making power would be transferred from our elected representatives to unelected judges - who cannot be sacked. By re-drafting our constitutional arrangements into a single document, lawyers and judges would be put in charge of law-making in New Zealand and if our elected Members of Parliament tried to change this arrangement, their attempts would be struck out as being “unconstitutional”.

Declaration of Equality

At the heart of the constitutional debate is the issue of rights. The Maori Party and other supporters of biculturalism want to enshrine special rights based on race, while most New Zealanders want equal rights with all race-based preferment eliminated. To that end, the NZCPR has launched an on-line *Declaration of Equality* to abolish race based laws, race based seats, and the Waitangi Tribunal.

The Declaration of Equality states:

We, New Zealanders, having founded our society in the equality of comradeship, and living here at home in the land we have made, utterly oppose any laws which establish or promote racial distinction or division.

There shall be one law for all:

**We refuse to accept any reference to the Treaty of Waitangi or its principles in any constitutional document.*

**We require that such references be removed from all existing legislation.*

**We require that race-based Parliamentary seats be abolished.*

**We require that race-based representation on local bodies be abolished.*

**We require that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished.*

And we pledge ourselves to oppose and resist all those of whatever rank or degree who, whether by force or the devious processes of the law, attempt to impose the fetters of racial inequality on the free citizens of New Zealand.

Our aim is to create a movement for change by encouraging everyone concerned about the threat to democracy from a bicultural constitution to visit the www.ConstitutionalReview.org website and sign the

FROM THE FOUNDING DIRECTOR...continued

Declaration. The target is 100,000 signatures by September of next year when the Declaration will be delivered to Government Ministers to coincide with the report back from the Maori Party's constitutional Advisory Panel. At present 37,600 people have signed our Declaration of Equality.

Opposing a Treaty-based constitution and promoting the Declaration of Equality will remain major priorities for the NZCPR during 2013.

Direct Democracy - Citizens Veto

An inevitable consequence of MMP is post-election back-room deal making, whereby a government pursues its own political self interest against the wishes of the voters who put them into office. In particular, the lack of public safeguards to curb the excessive legislative power of minor coalition parties is a serious deficiency of our MMP voting system. This regularly leads to accusations that the 'tail is wagging the dog'.

The NZCPR supports the adoption of a citizens' right of veto over new legislation - as a public safeguard against radical legislation and the abuse of power under MMP. That recommendation was made in our submission to the Electoral Commission during their 2012 review of MMP.

A Citizens Veto would use a similar mechanism to that found in the 2001 Local Electoral Act, which enables electors to demand a binding poll over any proposal to establish Maori wards - if they gain the support of 5 percent of enrolled voters. A Citizens Veto would enable voters to demand a poll on newly passed legislation if the call for a veto was supported by 5 percent of voters within a 3 month period. If the poll was successful, a binding

referendum on the new legislation - to approve it or repeal it - would then be held. It is likely that the very existence of a Citizens Veto, as a public safeguard mechanism, would ensure that it would rarely be used, as ruling coalitions would become much more closely attuned to the views of voters and the need to consider the public good.

The NZCPR is an active advocate of direct democracy to restore political power back to the people through binding referenda and the power of veto. We are pleased to see that some of the minor political parties support direct democracy.

Local Government Reform

Local government is in urgent need of reform. We have pushed for the removal of the power of general competence from councils to refocus them onto their core role and reduce the cost burden on ratepayers. We also believe that local body representation should be colour-blind and we are firmly opposed to race-based seats and race-based committees on councils.

Our 2013 campaign will focus heavily on the need to protect private property rights against attack from the excessive influence of the environmental movement. The whole district and regional planning process needs to be fundamentally reformed and streamlined, with greater use made of public referenda for key local government decision-making.

Government spending and regulation

The benefits to our economy of limited government - a low flat tax, reduced government spending, and less regulation - cannot be overstated. It is the only way to

FROM THE FOUNDING DIRECTOR...continued

generate the jobs, growth and higher living standards that the country so desperately needs. As more and more countries lower their company tax rate, New Zealand is no longer tax competitive. Lowering our company tax to 15 percent - as Canada has done - would give New Zealand businesses a real boost as well as acting as a magnet to Australian businesses to set up here, bringing jobs and Kiwis back home. It would also act as a catalyst to reduce all New Zealand taxes, finally putting us on the fast-track to prosperity. The NZCPR will continue to push for a low flat tax in our research and writing.

Repeal the ETS

New Zealanders were told the Emissions Trading Scheme was introduced to enable the country to fulfil its binding Kyoto Protocol obligations. With Kyoto expiring at the end of December, there will no longer be any binding international commitments to meet and the ETS should be repealed. It makes no sense for households to be penalised by an ETS designed for the heavily industrialised economies of Europe, rather than a sparsely populated rural nation like New Zealand where food producing cows and sheep are the major emitters! We will continue our campaign to repeal the ETS during 2013.

Treaty Transparency

The NZCPR has long been concerned at the lack of public awareness surrounding the whole Treaty of Waitangi settlement process. The Treaty Transparency Project led by NZCPR Research Associate Mike Butler rectifies this by exposing the recurring nature of "full and final" settlements, the reinterpretations of history, and the litany of overly-generous co-management deals and delayed settlements, that have committed taxpayers to

top-up measures for the next 172 years! The latest Treaty Transparency Report can be accessed from the NZCPR.com website and is updated on a regular basis.

Welfare reform

Throughout 2012 we continued to campaign for comprehensive welfare reform, to end the disastrous growth of intergenerational welfare dependency that has spawned the underclass and a plethora of dreadful social problems. It is pleasing to see that many of the reforms we have suggested are now being implemented in the new welfare legislative programme being introduced by National. We will continue to monitor progress during 2013.

Citizens Initiated Referendum

In spite of our best efforts to gather enough support to force a Citizen Initiated Referendum to restore Crown ownership of the foreshore and seabed, we narrowly missed the target. However, we are maintaining a watching brief on claims for the coast that are being registered by tribal corporations.

Legislation watch

An important role of the NZCPR is to act as a public watchdog by keeping a close eye on the government's legislative programme in order to bring matters of concern to the attention of NZCPR subscribers. We will continue this important role during 2013.



Dr Muriel Newman
FOUNDING DIRECTOR

OUR PEOPLE

Dr Muriel Newman BSc, Dr Mathematics Education (Rutgers)

NZCPR Founder and Director

Muriel Newman established the the New Zealand Centre for Political Research as a public policy think tank in 2005 after nine years as a Member of Parliament. Her background is in business - as the Assistant General Manager of Michael Hill Jeweller - and education. She is a former Chamber of Commerce President and currently serves as a director of a childrens' trust.

Frank Newman BMS, M.Prop.Stud (dist)

NZCPR Associate Director

Frank Newman has a special interest in local government having served for two terms on the Whangarei District Council. Frank is an accountant, columnist and author of various books.

David Round LLB (Hons) (Canterbury)

NZCPR Research Associate

David Round teaches law at the University of Canterbury. He is the author of *"Truth or Treaty? Commonsense Questions about the Treaty of Waitangi"*.

Dr Ron Smith BSc (Hons) (Southampton), MA, DPhil (Waikato)

NZCPR Research Associate

Ron Smith is Co-Director of International Relations and Security Studies at Waikato University. He has a particular interest in nuclear policy and, more generally, in energy and security issues. Tertiary

qualifications in both Chemistry and Philosophy also underpin an interest in the interface between science and society.

Mike Butler BA in English Literature

NZCPR Research Associate

Mike Butler is a property investor and manager. He is author of *"The First Colonist - The life and times of Samuel Deighton 1821-1900"*, a former contract writer for the New World Encyclopedia, and chief sub-editor of the Hawke's Bay Herald-Tribune between 1986 and 1999.

Katrina Jensen BA, BSc (Hons), Dip HR Mngt

NZCPR Administrator

Katrina Jensen has a background in Human Resources and Administration, most recently working for a Wellington-based IT company. She is currently at home with two young children, and works part-time for the NZCPR.

The NZCPR archives contain over 1000 articles produced by the NZCPR and its guests. These form a valuable source of information drawn upon by researchers, report writers and decision makers.

OUR SUPPORTERS

Our supporters are people like you. We receive no government funding and have no affiliations to any political party.

The NZCPR relies 100% on the support of individual donations and the generosity of those who see the need for an independent research-based voice on matters affecting the prosperity and well-being of the community and the rights of individuals.

In addition, the excellent grassroots contributions of subscribers through the NZCPR Debating Chamber and weekly polls ensures that their values and views on key political and social issues are available to influence policy makers.

We could not continue without the support of those who appreciate the value of the material we produce.



“

The greatest challenge facing mankind is the challenge of distinguishing reality from fantasy, truth from propaganda.

Perceiving the truth has always been a challenge to mankind, but in the information age it takes on a special urgency and importance.

WE MUST DAILY DECIDE WHETHER THE THREATS WE FACE ARE REAL, whether the solutions we are offered will do any good, whether the problems we're told exist are in fact real problems, or non-problems. ”

- Dr Michael Crichton (2003)

NZCPR WEEKLY

NZCPR Weekly is New Zealand's largest online newsletter, delivered free to over 28,000 readers, 50 weeks of the year.

The articles are read by key decision makers and widely published in the media. Each column is supported by a guest commentary from some of the world's leading authorities in their fields. Our guest contributors in 2012 are listed on the pages that follow.

By delivering well researched material the NZCPR plays an important role in influencing better social and political decision making.

One of the most commented on articles was our OPEN LETTER TO THE PRIME MINISTER (24 September 2012).

NZCPR Weekly

New Zealand's largest online newsletter

OPEN LETTER TO THE PM

NZCPR Weekly
24 September 2012

Dear Prime Minister,

New Zealand has reached a defining moment in race relations.

On one hand, the aggressive demands of iwi for ownership rights to water, wind, and other natural elements that are public good resources, are not only without foundation, but are now preventing you from governing according to your electoral mandate.

And on the other hand, the promoters of Maori sovereignty which includes members of the Maori Party - are pushing ahead with their plan to replace New Zealand's constitution with one based on the Treaty of Waitangi as supreme law. As you will be aware, this move would give un-elected Judges superior powers over our elected Members of Parliament.

The approach they are using is cunning. A review of our constitutional arrangements was demanded by the Maori Party as a condition of their confidence and supply agreement with your Party even though a recent Parliamentary Select Committee investigation had found there was no constitutional 'crisis' in New Zealand needing to be addressed. They then hand-picked the members of the review panel, in order to control the review process and ensure the final recommendations to be submitted to your Government in September of next year will include a new 'written' Treaty-based constitution.

They will then insist that the proposal to replace our present arrangements with a written constitution that

CONTINUED

OPEN LETTER TO THE PM...continued

enshrines the Treaty of Waitangi, be passed by Parliament, rather than being put to the public for their approval through a binding referendum - even though a binding referendum is the preferred process used by governments for implementing major constitutional change. With the Maori Party holding 'king-maker' power within our MMP Parliament, they are confident that politicians will act in their own best interests and support the passage of their Treaty-based constitution into law even if the public are overwhelmingly opposed and the consequences for the future of New Zealand dire.

Prime Minister, since you have delegated the leadership of the constitutional review to your Deputy Prime Minister, Bill English, and the Minister of Maori Affairs, Pita Sharples, you are now reliant on others to keep you informed about these crucial matters. That is why, on behalf of those New Zealanders who are extremely concerned about this major threat to Parliamentary sovereignty and race relations, I am writing to you to draw your attention to the fact that the constitutional review process has already been captured by those who seek to entrench iwi in a position of unassailable racial, legal, cultural and economic superiority over all other New Zealanders.

Because the review has now been tainted by those with a predetermined agenda, we ask you Prime Minister, to call off the review before it causes any lasting damage to our democracy. In order to ensure this sort of opportunistic attack on the sovereignty of Parliament does not happen in the future, we further ask you to stand up for New Zealand by abolishing special treatment based on race and restoring equal rights for all citizens.

Prime Minister, as you know, New Zealand's constitutional arrangements are based on those of the

UK. They can be found in many of our Acts of Parliament, in the principles of common law, and in the long-standing conventions that we use. The sovereignty of our Parliament is inherited from the common law of England. As it stands, Parliament has the power to abolish racial privilege and restore the equality of citizens for the common good.

It is the sovereignty of Parliament that the extremists - who are now in control of the constitutional review process - are seeking to change. They plan to convince the country that we *need* a new 'written' constitution that *recognises* the Treaty of Waitangi as our 'founding document'. If they succeed in introducing a written constitution into New Zealand with the 'principles of the Treaty' as a higher law, then Parliament will *no longer* be supreme. That means, if



OPEN LETTER TO THE PM...continued

any future Parliament was to attempt to restore true racial equality in New Zealand, their laws would be struck down by judges on the basis that they were in breach of 'Treaty principles' that guaranteed special status for those of Maori descent.

In other words, Prime Minister, if you allow a Treaty based constitution to go through on your watch the consequences for the country in terms of a deepening racial divide and increasing bitterness - will be irreversible. For all of its faults, as a democratically elected body, Parliament is our final check against tyranny. It is your duty as the Prime Minister of New Zealand, to protect and uphold Parliamentary sovereignty at all costs. That's why we are appealing to you to call off the constitutional review before any real damage is done.

The seeds of this plan to re-write our constitution were sown in 2008, when you signed the confidence and supply agreement with the Maori Party: "Both parties agree to the establishment (including its composition and terms of reference)... of a group to consider constitutional issues including Maori representation. The Maori Party will be consulted on membership and the choice of Chairperson, and will be represented on the group". You reaffirmed the arrangement in your 2011 confidence and supply agreement: "to progress the review of New Zealand's constitutional arrangements and the advisory panel established to lead public discussion on relevant issues. The advisory panel is to deliver its recommendations to the Government in September 2013."

Emeritus Professor Martin Devlin of Massey University, who has a background in research in business, management, entrepreneurship, and governance has been investigating the establishment and operation of the Constitutional Advisory Panel. You can read his full report on NZCPR.com. He has

concluded that the panel is biased, that the review process is flawed, and that the outcome is pre-determined: "In fact, the 'strategy' is not a strategy at all, but a carefully-crafted, pre-determined action plan with clear goals, prescribed processes and expected outcomes. This is not high-level stuff, it is an agenda for ensuring an intended outcome is realised, in this case, the enshrinement of the Treaty as supreme law."

The constitutional review is being controlled by members of the Constitutional Advisory Panel, who are political appointees, not representatives of the wider population. Professor Devlin has analysed the ethnic makeup of New Zealand's population from the 2006 census and compared it to that of panel members (shown in brackets). He found that, "New Zealand's population comprised NZ European and 'New Zealanders' 78.7 percent (Panel: 41.6 percent), Maori 14.6 percent (Panel: 41.6 percent), Asian 9.2 percent (Panel: 8.3 percent) and Pasifika 6.9 percent (Panel: 8.3%). The figures indicate that European New Zealanders are seriously under-represented on this panel and Maori over-represented. Why? The responsible ministers dodged this question by claiming that 'the Panel is representative of wider New Zealand society and is able to relate to a wide range of New Zealanders'!"

Prime Minister, the bias of the panel is deliberate. It has undermined the integrity of the whole constitutional review process. With a biased panel of political appointees with their own fixed agenda leading the review, the public can have no confidence that the review is anything more than a political jack up.

The Advisory Panel's published strategy for engaging with the public is not genuine either. A genuine consultation process would involve well advertised open public meetings held up and down the country, at convenient times to enable

OPEN LETTER TO THE PM...continued

people from all walks of life and of all races to attend and freely discuss the issues outlined in the review's terms of reference. A proper review process would ensure that no meetings are held in secret and that all minutes of all meetings are recorded in full by the Panel and published as a matter of public record. With a massive \$4 million of taxpayers' money allocated to this exercise, the least the public could expect is full accountability for the expenditure of this funding.

Instead, the panel has already signalled that it intends holding *segregated* - yes *segregated* - meetings that are *not* open to the public! Professor Devlin describes it in this way:

"Next, the goals of the engagement process. These include 'hearing the views of a wide range of New Zealanders' and separately, 'hearing the views of a wide range of Maori groups and citizens'. Are not Maori also New Zealanders? Does this separate goal suggest the panel is expecting or suggesting separate and different outcomes just for Maori? It is evident that there are two different processes at work here, confirmed later in the revelation that two separate budgets are set for engaging with the two separate communities, each of \$2 million. It could be concluded that Maori are set to be much better informed than the rest of the population as a consequence. It could also signal that the ground is being prepared for a special place for Maori and the Treaty in any ongoing constitutional arrangements, and that this exercise will produce some sort of evidence to justify the objective."

A set of questions has been developed by the Panel to 'guide' the discussion of constitutional issues. Again, Professor Devlin provides an analysis:
"The Treaty features prominently in these 'guiding' questions so once again, the panel cannot claim that the

process will be neutral and essentially self-evolving. For example, in several questions, reference is made to 'what opportunities does the Treaty offer our country'? Any balanced approach to surveying people on this issue needs to include the words 'or threats' in this question, surely? No mention at all of what problems the Treaty is already causing, such as limiting economic development, according special status and privileges to an ethnic minority, and practically negating traditional democratic processes such as the creation of non-elected Maori wards in local authorities. To ask such a leading question negates any claim the panel might make to neutrality or non-bias. This is fundamental survey methodology, which several panel members are aware of - but obviously choose to ignore."

In summary, Prime Minister, the constitutional review has been captured by political forces that are seeking to replace New Zealand's constitutional arrangements with a *new* written constitution based on the Treaty of Waitangi as supreme law. A biased constitutional advisory panel of political appointees has been appointed that is not representative of the public at large. The process they have developed uses secret meetings and a segregated approach that is designed to produce a pre-determined outcome.

The public can have no confidence in this process nor the panel, and we call on you, as Prime Minister of New Zealand to stand up for all citizens and our democracy by calling off the Maori Party's constitutional review before more of the \$4 million that you have assigned to this project is wasted.

Yours sincerely,
Dr Muriel Newman
New Zealand Centre for Political Research

GUEST CONTRIBUTORS 2012

The NZCPR is extremely grateful for the contribution to public affairs made by our Guest Commentators to our newsletters and Breaking Views blog. Their expert opinion greatly strengthens the effectiveness of the NZCPR.

Allan, James - Garrick Professor of Law at the University of Queensland.

Alexander, Marc - Former MP, author, and chef.

August, Rick - Social policy analyst at the Canadian Frontier Centre for Public Policy.

Baron, Steve - Author, columnist and founder of Better Democracy NZ.

Ball, Tim - Environmental consultant and former climatology professor at the University of Winnipeg.

Barr, Hugh - Risk analyst, recreation advocate, and co-founder of the Coastal Coalition.

Bowden, Roger - Former Professor of Economics and Finance at Victoria University.

Brash, Don - Former Governor of the Reserve Bank, former leader of the National and ACT parties.

Brill, Barry - Former Cabinet Minister and current chairman of the Climate Science Coalition.

Butler, Mike - NZCPR Researcher, property investor, author, and journalist.

Chapple, Reuben - Auckland property manager, researcher and writer.

Coote, Michael - Freelance writer and financial journalist.

Cowan, Simon - Research Fellow at the Centre for Independent Studies.

Crampton, Eric - Senior Lecturer in Economics and Finance at the University of Canterbury.

Dalrymple, Theodore - Anthony Daniels is a former prison doctor and psychiatrist, now writer.

Devlin, Martin - QSM, Professor Emeritus from Massey University, with a background in business and the Army.

Donnelly, Kevin - Director of the Australian Education Standards Institute.

Durkin, Martin - UK film director and documentary producer.

Eckhoff, Gerry - Former MP, Kellogg Scholar, high country farmer, now Otago Regional Councillor.

Edwards, Bryce - Politics lecturer at Otago University.

Epstein, Richard - Senior Fellow at the Hoover Institute, Professor of Law at the New York University Law School and a senior lecturer at the University of Chicago.

Franks, Stephen - Former MP, now principal of a Wellington-based Commercial & Public Law practice.

Fresne, Karl du - Freelance journalist, columnist, and a former editor of The Dominion.

Goudie, Sandra - Former MP and District Councillor, now founder of the Coromandel Landowners United.

GUEST CONTRIBUTORS... continued

Hampton, Denis - Researcher with a long-standing interest in Treaty of Waitangi issues.

Hartwich, Oliver Marc - Former Research Fellow at the Centre for Independent Studies, now Executive Director of The New Zealand Initiative.

Herscovitch, Benjamin - Policy Analyst at the Centre for Independent Studies.

Hooton, Matthew - Public affairs consultant and columnist for the NBR.

Howell, Bronwyn - General Manager NZ Institute for the Study of Competition and Regulation.

Judd, Gary - Queen's Counsel, former Chairman of ASB and Ports of Auckland, and former member APEC Business Advisory Council.

Leyland, Bryan - Consulting engineer, chairman of the economics panel of the NZ Climate Science Coalition.

Mackenzie, Fiona - Auckland-based marketing consultant.

McDermott, Phil - Consultant in urban, economic and community development.

McShane, Owen - Former Director of the Centre for Resource Management Studies and Chair of the Policy Panel of the NZ Climate Science Coalition. Sadly Owen passed away in March 2012.

Mitchell, Lindsay - Commentator on welfare issues.

Moon, Bruce - Retired computer pioneer and author.

Moore, Mike - Former NZ Prime Minister and Director-General of the WTO, now NZ Ambassador in Washington.

Moss, Joanna - Social policy analyst and Family Court McKenzie Friend.

Newman, Alex - American freelance writer and media consultant.

Newman, Frank - Author, columnist and accountant.

Perigo, Lindsay - Media presenter, author, and founder of the Free Radical and Sense of Life Objectivists.

Rata, Elizabeth - Associate Professor of Education at Auckland University.

Ridley, Matt - Former editor of the Economist, journalist and author.

Round, David - Law lecturer at the University of Canterbury, author, and columnist.

Saunders, Peter - Senior Fellow at the Centre for Independent Studies.

Smith, Ron - Co-Director of International Relations and Security Studies at the University of Waikato.

WWW.BREAKINGVIEWS.CO.NZ

Our blog site BreakingViews.co.nz has gone from strength to strength. During 2012 our team of 15 regular bloggers produced thought-provoking commentary on the issues of the day.

Five of the most popular blog postings from our authors were:

1. Mike Butler: How to abolish the Waitangi Tribunal, August 12, 2012.

"Waitangi Tribunal reports are not balanced, impartial inquiries. They are carefully constructed persuasive arguments in which history is woven around the tribunal's flawed interpretation of the treaty, so-called treaty principles, and seven broadly defined grievances to justify the payment of compensation. They commit the ultimate faux pas of judging the past by the standards of the present."

2. Fiona Mackenzie: Who are these Maori? September 19, 2012.

"With recent claims of Maori ownership of water, wind and the digital spectrum - combined with the concerning prospect of a new, race-based constitution being developed for our country - I am left pondering: Who are these 'Maori'? Who are these people who want to separate themselves from other New Zealanders while thinking they are entitled to take more than their fair portion of the public pie?"

3. Frank Newman: RMA and land prices, August 25, 2012.

"In the last six year a well-intentioned individual with a scruffy piece of coastal land has spent \$1.4m going through the consent process (significantly more than the land cost). Last week consent was declined by the Environment Court. He is now exhausted emotionally and financially. To make matters worse, costs are likely to be awarded against him. In this example the landowner not only earned nothing while their capital was tied up for six years, he has paid rates, and \$1.4m in consent fees. These costs would have needed to be recovered in the section price."

4. Karl du Fresne: Shafted by their own council, November 30, 2012.

"The Kapiti Coast District Council has identified 40 'sacred' Maori sites on which owners will not be allowed to subdivide, alter existing buildings, or disturb the land. The most obvious objection is that it's a flagrant violation of property rights - in other words, the right to determine what to do with one's own assets and possessions. But even more alarming is the casual acceptance by the council that certain people who define themselves as Maori should have the power to determine what other people do with their land - in other words, the conferring of special privilege on the basis of race. This is the logical and inevitable outcome of a pernicious policy of biculturalism under which people's rights and privileges are determined by the extent to which they can claim, however tenuously, Maori ancestry."

5. Ron Smith: Sustainability and the role of the university, July 24, 2012.

"It appears that, along with Unitech, the University of Waikato has formally committed itself to the United Nations Higher Education Sustainability Initiative, which was part of the much-reported June, Rio+20, process. This is to be regretted. The decision appears to have been taken without much consultation, or any reflection on what the implications might be for teaching and learning and for the role of the university in society. It is more than a mere vacuous declaration of virtue. It is yet another assault on the whole notion of the university as a centre for critical thought, and as a source of contestable advice on public issues."

To read these and other blog postings go to www.breakingviews.co.nz. Use key word search to locate the article, author, or topic of choice.

Breaking Views
Opinion
informed

2012 #1 GUEST ARTICLE

David Round: Declaration of Equality

August 19, 2012

New Zealand was conceived in innocence. Her foundation on these green islands was a work in optimism and faith, in the hope that men and women might live here decently and fairly and strive together in communities of good citizenship.

Our forebears sought with plain labour and virtues of heart and hand to establish a new country built on the old world's hard-gathered wisdom, but freed of that world's oppressions and imperfections and hierarchies.

Committed to the equality of our common humanity, we hoped here to create in our very lives and state a modest yet noble monument to fairness and human happiness. We sincerely believed we could be God's own country.

Since the Treaty of Waitangi was signed and Maori became the Queen's subjects, equal with Britons under the law and entitled to all the rights and privileges of subjects, we have striven to be one people. Our inheritance from our ancestors enriched the new way of life which together we have slowly nurtured here. We have taken root. We are New Zealanders.

We would never be perfect, for perfection is not for this world. But for a while we grew into a little country to be proud of, a land of strong communities and honest government in the people's service. In the bonds of love we met. Opportunity, it seemed, existed for everyone; for all there were the means of

livelihood and from all was a commitment of energy and comradeship to our new nation. By growing bonds of sacrifice, love and marriage, labour and interest, Maori and European have indeed long been becoming one people.

That country did not exist only in our imaginations. If now it seems so remote and impossible, that is only a sad measure of how far we have fallen from our national ideal and our past achievements. Some of our misfortunes have not been of our own making. The world changes, and nations rise and fall. For all its grief, much of our past fell in one of our people's happier times. We grew to maturity in the shelter of an empire we had ourselves helped to create, and by which much good had come into the world. We are weaned now, and a harder world has new masters and new dangers.

In such challenging new times it is more important than ever that we stand together as one people, not as a divided land of warring tribes.

But recently, by slow degrees and almost without noticing it, we have started to become a different nation. Many things have changed, but most of all we have lost our innocence, and the virtues by which we made ourselves.

We have come to be divided by a new racial bitterness that will soon be incurable. A vocal racial minority continues to make increasingly extreme demands upon what remains of our national resources and possessions, and even the appeasement of those demands does not satisfy the

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appetites of those who see every act of generosity as a sign of weakness, and who then demand yet more.

To continue in these courses is very short-sighted, for that path leads inevitably and all too swiftly to an apartheid nation, national bankruptcy and civil strife. The law of nature has never decreed that terrible things will never happen in New Zealand. If they have not already, it is because we have been lucky and we have been good. We have been an innocent and a generous nation, always ready to right a wrong and undo an injustice. But being good does not require us to be gullible, to believe without question everything we are told of our own wrongs and racial debts and to grant without question every preposterous demand made on our generosity.

We are already mired in a strife unlike any other we have known, and one that could easily be fatal. Battle-lines are being drawn. We seem to take this new enmity of Maori and Pakeha as having been eternal and inevitable, but nevertheless as something that will never harm us.

As things deteriorate we nevertheless continue to delude ourselves that we are somehow exempt from the laws of history, and that somehow things will never really go wrong.

But hatreds grow with a life of their own, and the best of nations can come to tear themselves apart. Good intentions are no safeguard; indeed, they can pave the way to hell.

We are fast becoming two peoples,

increasingly suspicious of each other, the leaders of one people making never-ending demands of the other, and having those demands satisfied only to return for more.

Not so long ago we were regularly told that upon the settlement of the latest round of Treaty claims all acrimony would disappear, we would lay the past to rest and march forward in brotherhood again.

But that claim, that this most recent round of Treaty settlements (for there have been many earlier 'full and final' settlements) would be an end of racial acrimony, has turned out to be a lie.

Already we are told that there will be another round of claims in the next generation, and in the meantime there have been more things to demand as a 'Treaty right'.

Most recently, at the behest of the Maori Party - a party which by its very name announces its racist agenda - the government has appointed a panel to 'advise' it on possible changes to our constitution.

The document appointing the panel speaks of an already existing 'Treaty relationship' and the 'partnership model', and assumes the very thing the panel is set up to investigate. The terms of the Treaty of Waitangi declare the equality of all before the law and the status of Maori as the Queen's subjects like everyone else. But Maori, and not just Maori but even our very own government, now regularly refer not to the terms of the Treaty - what it actually said - but to the 'principles' of the Treaty.

Declaration of equality ... continued

These principles are recent political inventions, which, by their talk of 'partnership' between Maori and the Crown - a notion which is the very opposite of what the Treaty actually says - are already used every day to argue for Maori privilege and special status at the expense of all other citizens.

Thanks to the disgraceful political activism of judges who put their own politics before their judicial oaths, these 'principles' already have a shadowy legal status. We fear that the noisy agitation of a minority of malcontents may lead to these 'principles' being given a definite legal status in a new constitution, where they would thereafter be interpreted, and reinterpreted, and extended, indefinitely so as to render all non-Maori New Zealanders as second-class citizens in their own country. This must not happen.

We cannot return to the past, but we must change our present path, which is a deadly descent towards a poisoned apartheid state and civil strife.

For too long, and in vain, have we hoped that those to whom we have given authority would serve our and the state's best interests. But we find ourselves betrayed by the very people we have set over ourselves. We are sacrificed to the interests and ambitions of legislators increasingly contemptuous of the common good and their own promises. Individually, our elected representatives may be decent people. But as Members of Parliament and of political parties they become part of a machine which leads them to break their solemn promises. The

National Party, the centre of our present government, pledged itself to end racial separatism. It is now doing the very opposite. Does it understand what the word 'promise' means? Or 'honour', or 'integrity'? (To be fair to National, we must add that Labour does not even seem to know what it stands for, and the Greens' avowed policy is of Maori racial privilege. It could be more accurately called the Brown Party.)

Public officials who should serve the common good instead seek to reshape the people they are supposed to serve in their own racist politically-correct image. Certain eminent judges betray their oaths of office, ignore elementary justice and overturn longstanding law in the establishment of Maori privilege.

All these people have abandoned their duty, and we can have no respect for them nor faith in them. The present proposed constitutional review is not just another crime against the common good in this sorry catalogue. It is far worse; it would be the death-blow to our country. So far, everything that has been done can be undone. A 'constitution' is simply the rules by which something is constituted and organised.

We have a constitution now. At present, though, our constitution is not found in any one document which can be labelled 'The Constitution', but in principles of the common law and in long-standing customs and practices (much, although not all, originally inherited from England), and in many Acts of Parliament touching on the subject.

The fundamental principle of our constitution is (at present) the ancient one we inherited from the common law of England that Parliament is supreme. That principle is not found in any Act of Parliament, it

“

You cannot legislate the poor into freedom
by legislating the wealthy out of freedom.

What one person receives without working for,
another person must work for without receiving.

The **government** cannot give to **anybody** *anything*
that the **government** does not first *take from*
SOMEBODY ELSE.

When half of the **people** get the idea that they do not have
to work because the **Other** half is going to take care of them,
and when the *other half* gets the idea that it does no
good to work because **SOMEBODY ELSE** is going to get what
they **work** for, that my dear friend,
is about the *end of any nation.*

”

- Adrian Rogers

Declaration of equality... continued

is simply ancient law. It is also, of course, a principle consistent with democratic government.

As things stand at present, then, any Parliament could abolish racial privilege and restore the equality of citizens and government for the common good.

But if the Maori Party has its way -if we come to be saddled with an over-riding written constitution which controlled what Parliament may and may not do, and which declared that the 'principles of the Treaty' were a higher law which always prevailed - then Parliament would not be supreme in future.

If future Parliaments were to attempt to establish and restore true racial equality, then, its laws could be struck down by judges who considered that those laws breached a 'Treaty principle' of eternal special status for those of Maori descent. This is no idle fantasy. Our present Chief Justice - who, with her colleagues in the Court of Appeal, overturned long-established law about the foreshore and seabed in a blatant political decision in 2003, and so created the appalling argument over that matter which is not settled yet - that judge, who is sworn to administer justice according to law, has already, and more than once, stated publicly that she considers herself entitled right now to strike down Acts of Parliament if they happen to clash with her interpretation of 'Treaty principles'. If a new constitution were officially to give her the opportunity to do that we may be sure that she would take it.

The Maori Party's avowed aim in this constitutional review is to put the 'principles of the Treaty', as they and their judicial friends will understand them, into our constitution. Thereafter the special status and privilege of those of Maori descent will be guaranteed for ever.

It would be impossible to undo such an arrangement, for any attempt by Parliament or anyone else to do so would thereafter be 'unconstitutional'.

If the Treaty gets into our constitution, therefore - if there is any mention of it which an unscrupulous judge can use - then the majority of the people of New Zealand will become second-class citizens in their own country. This must not happen. If it does happen, then our increasingly unhappy, impoverished and divided country will be irrevocably stuffed.

There may well be room for debate on other aspects of our constitution. Members of Parliament no longer seem to consider themselves properly responsible to the people they serve, and we may want to think of ways in which that responsibility could be restored - by making citizens-initiated referenda binding, for example, or creating some mechanism whereby the voice of the people recalls unpopular legislation and requires Parliament to reconsider it. No-one would want to see judges subject to political influence, but some judges have obviously forgotten that their independence is part of a bargain, and that the price of their remaining free

Declaration of equality... continued

from outside interference is that they for their part stick to deciding legal disputes and do not indulge in political adventures themselves.

Incredibly, it is judges themselves who are failing to observe this separation of powers; and once judges - who are, after all, just unelected officials - start to behave as politicians, they must expect to be treated as such. To expect anything else would be pure hypocrisy on their part.

On such matters, and others, we can have legitimate debates. But it is utterly out of the question that our constitution should recognise and enforce racial distinction and condemn our country to racial division, with all that that entails, for ever. But if the Treaty gets into our constitution in any way, that is what will happen.

If you feel strongly about this - and we believe that you should, and that most New Zealanders do - then we ask you to sign this declaration of equality, and to get your family and friends to sign it also. We must stop the separatists entrenching their hold over our country. We must change New Zealand's course. It is now or never.

We, New Zealanders, having founded our society in the equality of comradeship, and living here at home in the land we have made, utterly oppose any laws which establish or promote racial distinction or division. There shall be one law for all. We have had enough of official and legal racism. We do not request the following items, we demand them:

- We refuse to accept any reference to the Treaty of Waitangi or its principles in any constitutional document.

- We require that such references be removed from all existing legislation.

- We require that race-based Parliamentary seats be abolished.

- We require that race-based representation on local bodies be abolished.

- We require that the Waitangi Tribunal, which has outlived any usefulness it may have had, be abolished. And we pledge ourselves to oppose and resist all those of whatever rank or degree who, whether by force or the devious processes of the law, attempt to impose the fetters of racial inequality on the free citizens of New Zealand.

You can sign the Declaration of Equality at www.ConstitutionalReview.org.

One people or
two races?
You choose.

Full and final...
until next time.

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Dr Muriel Newman
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