THE BUZZ

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Public Policy Club
The University of Auckland

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EDITORS' NOTE

In the build-up to the 2023 election, the University of Auckland's campuses were buzzing with lively and constructive discussion about the key policy challenges that face Aotearoa New Zealand.

This year's Public Policy Club executive team worked to expand the political engagement of the student body by hosting policy workshops, panels, as well as our much-anticipated Baby Back Benches and Auckland Central Electorate Debates. These events not only spurred critical dialogue around the election policies put forward by the political parties, but they also allowed students to voice their perspectives and speak about the policy issues that mattered most to them directly with politicians.

As part of the club's mahi of promoting civic engagement and making public policy accessible to students, we are incredibly proud to present the Public Policy Club's second edition of the club's annual bulletin, *The Buzz*.

The articles in this bulletin represent the collective work of our Written Content team. Our team comes from a variety of academic disciplines, as reflected in our diverse article topics — which explore policy ranging in areas from climate, education, to gun control. We primarily focus on writing about topical policy issues and policies of interest to the student body, aiming to present these topics and proposed solutions in an accessible and informative manner to our wide student audience.

As the co-leads of the Written Content team and the editors of *The Buzz*, it has been a joy to collaborate with our writers to produce this collection of insightful and well-researched work. We hope that our writers' incredible mahi will inform and stimulate healthy debate about the policy issues of salience to Aotearoa New Zealand's future.

Note: These articles are not reflective of the views of *The Buzz* editors, or the Public Policy Club.

Ngā mihi,
Co-Leads Nancy Guo and Paul McDonald.

MEET THE TEAM

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“TEACHING THE BASICS BRILLIANTLY” - WHAT IS IN NATIONAL’S NEW EDUCATION POLICY?

BY SOPHIE STEEL

With a promise to increase New Zealand’s literacy rates and classroom attendance whilst also scrapping teacher registration fees, the National Party’s new education policy has raised eyebrows nationwide.

The New Curriculum

In a day of iPad kids and merged classrooms, the National Party have argued that the core fundamentals of education are getting lost. This factor drives the key part of their policy: a mandatory dedication of an hour to reading, an hour for writing and an hour for mathematics every day.

This comes at a time where recent pilot NCEA testing demonstrated that two-thirds of high school students could not meet the standards set by the OECD; only 34 percent of students could pass the basic writing test. The problem also exists in primary schools where only 35 percent of Year 8 students achieved the required level for writing.

Through this implementation would come a complete rewrite of the curriculum, particularly for Years 3-8. This rewrite would determine exactly what will be taught each year, almost down to the day. It has been promised that a resource bank would be available in this instance, with teachers being able to share lessons plan with one another throughout the country. It is hoped that this policy would be in action by the 2024 school year, with all the teaching resources and testing in action by 2025. National Party leader Christopher Luxon argues that the aim of this education policy is not about "turning the whole thing upside down, it's about making sure we build on what's there."

This rejig of the system would cause a drastic change in how kids are tested at school. Henceforth, National proposes that the education system takes an old-school approach of testing kids twice a year to ensure they meet the curriculum standards. Luxon argues that this is the most beneficial way to determine a student's progress, by lining up their individual performance to "a really well defined curriculum."

Although arguments have stated that this reintroduction of national standardised tests will be more damaging to the education system than beneficial, National's education spokesperson Erica Standford begs to disagree.

"One of the things we saw in National Standards was this tendency to teach to the test, but under the tool that we want to use that won't be possible."

In an attempt to perhaps gloss over the fact that teachers may have to insert more work into their classrooms, prominently through an increase in marking, National has also proposed that this policy will involve removing teacher registration fees. This will cost the government around $10 million NZD.

Will This Policy Actually Work?

There has been a range of opinions on the topic of the updated education policy proposed by National, with arguments both for and against.

Understandably, there have been a range of criticisms for the proposed policy. Current Minister for Education, Jan Tinetti, expressed disappointment in the announcement. Tinetti stated, "the curriculum shouldn't be a political football and changed every three years."

As for the reintroduction of national standards, Tinetti describes it as reviving a "zombie of the past."

Tinetti has also established that there is a lack of basis for the funding of the entire rejig. Luxon has not further discussed where or how they are going to fund the curriculum changes but have outlined that the cost of removing teacher registration fees will be around $10 million NZD.

"This rejig of the system would cause a drastic change in how kids are tested at school. Henceforth, National proposes that the education system takes an old-school approach of testing kids twice a year to ensure they meet the curriculum standards. Luxon argues that this is the most beneficial way to determine a student's progress, by lining up their individual performance to a really well-defined curriculum."

Although not outwardly rejecting the policy, President of NZEI, Mark Potter, explained that the constant changes in the education system are not beneficial for the students, or their results.

“We have had dropping learning results and one of the things that has been causing that is the constant rejig of education.”

In New Zealand, you cannot access data that elaborates on learning disability statistics, however, it is estimated that over 80,000 Kiwi kids have learning disorders such as dyslexia. NZEI Te Riu Roa highlights that this factor has been left off the education policy table.

“We have had dropping learning results and one of the things that has been causing that is the constant rejig of education.”

“What teachers and children need is an increase in funding and staffing to support higher learners with higher needs.”

Despite this, National is hopeful that this reset of the curriculum will allow New Zealand to be in the top 10 of OECD countries for education, with over 80 percent of students achieving at the appropriate level for literacy and numeracy by the time they reach high school.

SEE ORIGINAL ARTICLE FOR THE FULL REFERENCES.

DAWN RAIDS 2.0: THE NEED FOR OVERSTAYER AMNESTY SCHEMES

BY AAMY ROSHAN

After our tumultuous history with the Dawn Raids era, overstayer amnesty has remained a sensitive topic. The Dawn Raids are what Dr Anae calls "the most blatantly racist attack on Pacific peoples by the New Zealand government in New Zealand's history."

It was a period in the 1970s that saw Pacific overstayers as the target of deportation over illegal overstaying, as police were given the right to stop people and ask for proof of legal status. Police powers were extended by the government so far as to allow them to enter the homes of individuals, without the necessary warrants.

In 2021, then prime minister, Jacinda Ardern, formally apologised for that dark period in New Zealand history, stating, "the Dawn Raids period cast a shadow over our shared history. Upholding immigration laws is one thing, but the Dawn Raids went well beyond that."

Although an apology is a step in the right direction, many are urging government action to provide legal options for Pacific overstayers, as reports have surfaced pointing out that situations with undertones similar to the Dawn Raids are still occurring under the radar.

Currently, there are approximately 14,000 overstayers in New Zealand, all at risk of deportation, as no defined pathway exists for residency. In 2000, New Zealand implemented a one-off scheme that allowed well-settled overstayers, defined as those in the country for five or more continuous years, or with strong family links within the country, to apply for residency.

The need for such a scheme has now been brought back to life in the community, with a current petition accumulating approximately 11,119 signatures, urging the government to implement a new amnesty scheme for overstayers on compassion grounds.

Such sentiments are shared by many groups, including Pacific communities and the Green Party, who have both been petitioning for an amnesty scheme to be put in place for years.

The calls for such a scheme have been escalated in the past few weeks, when a Pasifika overstayer was detained after a 5am police raid on his property. This was not a one-off event. There have approximately been around 18 or 19 such reports of after-hours investigations, occurring between July 2022 and April 2023.

There are many reasons to support such a program. Firstly, these overstayers are vulnerable and often afraid to seek medical services and financial aid, due to the possible legal repercussions. After the current cyclone floods, this has become especially troublesome as there are potentially hundreds of affected overstayers in the cyclone-impacted areas.

However, they are not able to access the same aid as citizens, due to the risk of deportation that they face. Furthermore, sending the overstayers back to their origin countries could also put them in vulnerable situations. Take, for example, Tongan overstayers, whose homes had been destroyed by the volcanic eruptions.

This community plays a significant role in our country's culture and society, and this would also provide stability for those with familial ties in New Zealand, such as those with New Zealand-born children.

One of the major arguments against such schemes is the extra burden that may be placed on our economy. However, it should be noted that these people are already in the country and would not result in a significant influx that would burden our economy. Furthermore, they play a significant role in the economy by working some of our most laborious jobs.

Similarly to the Dawn Raids era, these migrants are vulnerable to exploitation and by providing legal status to these workers, we would be able to avoid the same mistakes by ensuring that these workers are given the right protections. Moreover, as Aotearoa Tongan Response Group deputy chair, Pakilau Manase Lua, put it: "They can't qualify for benefits, so they are not taking from us, but they do pay tax every time they pay for petrol, or buy a pack of cigarettes."

"The calls for such a scheme have been escalated in the past few weeks, when a Pasifika overstayer was detained after a 5am police raid on his property. This was not a one-off event. There have approximately been around 18 or 19 such reports of after-hours investigations, occurring between July 2022 and April 2023."

The reason this issue is so salient specifically to Pacific communities is because these individuals have been in the country for years, and many of them have New Zealand-born spouses and children. A community that has worked and contributed to our society so significantly should not have to live in fear of one day being forced to leave. As Green Party member, Ricardo Menéndez March, stated: “Migrants deserve to be treated with dignity and respect by our immigration system. But for many in our community, our immigration system has left them behind. They’ve fallen through the cracks, left vulnerable to exploitation, and denied the safety and security of a visa.”

“As Green Party member, Ricardo Menéndez March, stated: ‘Migrants deserve to be treated with dignity and respect by our immigration system. But for many in our community, our immigration system has left them behind. They’ve fallen through the cracks, left vulnerable to exploitation, and denied the safety and security of a visa.’”

It is time for our country to finally acknowledge migrants’ rights to the same protection as New Zealand residents, which they have worked hard to earn, and to finally create a permanent pathway for those at risk.

SEE ORIGINAL ARTICLE FOR THE FULL REFERENCES.

THE NEW ZEALAND EMISSIONS TRADING SCHEME: A STORIED HISTORY

BY KAISHENG WU

Among economists, carbon pricing mechanisms have often been touted as a singularly effective policy response to climate change. As such, the New Zealand Emissions Trading Scheme (NZ ETS) has been prioritised as the country's key tool in meeting climate targets.

Climate Change Minister, James Shaw, recently stated in April of this year that "a well-designed system for pricing emissions is a central part of our government's climate change policy framework." Just a month later, Lawyers for Climate Action NZ sought to take the minister to court over the cabinet's decision to "water down" the NZ ETS.

Conversely, the NZ ETS and other carbon pricing attempts have consistently faced pushback from the agricultural sector.

In light of controversy surrounding NZ ETS, how does the government try to balance economic well-being, equity and climate goals using the ETS?

The Logic of ETS

The emission of greenhouse gases (GHG) incurs a cost to society and to the environment. Yet the cost incurred by the public is not borne by emitters of GHGs. Without any policy interventions, emitters have no economic incentive to rein in their emissions profiles.

By placing a value on emissions, either through a carbon tax or through an emissions trading scheme, governments are able to incorporate the social cost of emissions into the investment decisions of polluters

–thereby limiting emissions volumes, as well as incentivising innovation for less carbon intensive activities.

How it Works

ETS Units and Revenue

The ETS requires emitters to "surrender" one "New Zealand Unit" (NZU) per tonne of carbon dioxide or equivalent (CO2e) to the New Zealand government. Participants are obligated to acquire NZUs by receiving units for free (free allocation), buying units from other participants, or purchasing them at government auctions, or earning units by emissions removal – such as through planting trees, or buying them from external offset mechanisms or through international trade.

NZUs are currently priced around $52/CO2e. For reference, the production of a litre of milk in New Zealand causes an emission of 1kg of CO2e. If agriculture were to be fully incorporated into NZ ETS, the carbon price of a litre of milk would be about half a cent.

In order to reduce emissions, the ETS cap and supply of NZUs is designed to decrease over time – with unit supply being decided five years in advance. There is predicted to be significant demand-supply gaps in the coming years. If the gap causes prices to become too high, additional reserved NZUs are supplied to the market – and the New Zealand government is obligated to offset the additional emissions.

Revenue from NZU auctions are nominally funnelled into public investment in climate change initiatives – for example in 2021, the government used $4.5 billion of NZ ETS revenue to fund the Climate Emergency Response fund (CERF) and the Sovereign Green Bond programme. The CERF funds initiatives such as clean vehicle schemes and native afforestation schemes.

Sectoral Coverage

The following sectors are affected by NZ ETS: forestry, stationary energy (electricity/heat), transport, industrial processes, synthetic GHGs and waste. These sectors are obligated to both report emissions and surrender ETS emission units to the government annually by the end of June. The agricultural sector currently only has obligations to report emissions.

"By placing a value on emissions, either through a carbon tax or through an emissions trading scheme, governments are able to incorporate the social cost of emissions into the investment decisions of polluters—thereby limiting emissions volumes, as well as incentivising innovation for less carbon intensive activities."

The government also identifies at-risk producers, who are allocated free NZUs. Free allocation is given to producers who have a high dependence on emissions (a high ratio of CO2e to revenue is deemed to be more than 1600t CO2e/million NZD), or to producers exposed to international trade – presumably with the view of preserving competitiveness. Free allocation has been planned to gradually reduce over time from 90 percent free allocation of NZU (2005), to at-risk producers to zero percent by 2050.

Who Does the "Surrendering"?

The NZ ETS is designed to spread the cost of emission units across the entire supply chain, however only certain parties are obligated to "surrender" NZUs at the end of the return period (30 June). These parties, or points of obligation, are selected with the view of keeping compliance and administration costs as low as possible, for example for the waste sector, the point of obligation are landfill operators.

The Exception to the Rule – A Brief History

In response to the Kyoto Protocol, New Zealand's fifth Labour Government passed the Climate Change Response Act 2002, (CCRA) providing legal framework for climate action in New Zealand. Prior to NZ ETS, there were multiple failed attempts to legislate carbon pricing mechanisms, for example, in 2003 the government attempted to impose a methane tax on farms – but they were met with significant public opposition in the form of "Fart Tax" protests (misleadingly labelled, as methane emissions from livestock occur mostly through burping).

Eventually, via amendment to the CCRA, the NZ ETS was implemented in 2008. Sectors were progressively incorporated into the scheme – by 2013, only the agricultural sector was exempt from the NZ ETS. In June of 2020, the government amended the CCRA to require methane and nitrous oxide emissions to face a carbon price by 2025.

Finally, in October of 2022, in partnership between farmers, industry groups, iwi, the MPI and Environment ministries (He Waka Eke Noa), an alternative scheme to price agricultural emissions was agreed upon. The carbon price was significantly lower than NZ ETS prices, at $3.93/t CO2e. The response from sector groups, such as Federated Farmers, has been dismissive: suggesting the scheme would "rip the guts out of small town New Zealand, putting trees where farms used to be".

"Eventually, via amendment to the CCRA, the NZ ETS was implemented in 2008. Sectors were progressively incorporated into the scheme – by 2013, only the agricultural sector was exempt from the NZ ETS."

The Future of ETS? Recent Scepticism Toward Carbon Pricing

Though perhaps misapplied, concerns about forestry replacing farmlands are not entirely unfounded. In 2022, spikes in the price of NZ ETS lead to concerns of the displacement of pastures with so-called "carbon farms" – afforestation with the view of generating NZ ETS credits. At NZU prices of $80, carbon farms generate revenue of upwards of $1000 per acre annually, compared to around $160/acre for livestock ranches. This created concerns about "green deserts" – the comparative lack of job generation associated with forestry (1 job/2,500 acres vs 13 jobs/2,500 acres for livestock farming).

More broadly, prevailing carbon pricing economics scholarship by William Nordhaus has come under criticism for underestimating climate change damages, as well as for discount rates that are too high (discounting the harm borne by future generations). Combined with increased urgency surrounding the accelerating and less predictable impacts of climate change, a shift in public policy has occurred in favour of technological incentives and subsidies – as reflected in the $392 billion in climate subsidies seen in the passage of the Biden Administration's Inflation Reduction Act.

As such, carbon pricing mechanisms remain an important tool in addressing climate change – but at the very least it can be said that schemes such as the NZ ETS are no longer the panacea for climate change response that they once were – both in terms of their importance in reducing emissions and in terms of their sustainability impacts generally.

SEE ORIGINAL ARTICLE FOR THE FULL REFERENCES.

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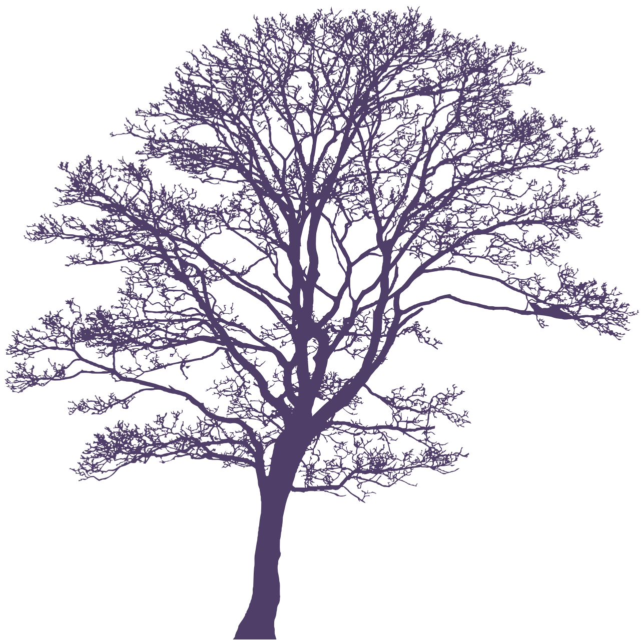

UNDERSTANDING ACT'S PROPOSED GUN POLICY

BY ISABELLA RANUM

ACT has recently made headlines after releasing its proposal for a new gun policy if they come into government and what consequences this will have.

The ACT party believes that the Arms Legislation Act 2020 and Arms Amendment Act 2019 have "done nothing to keep people safe and prevent another tragedy" (referring to the 2019 Christchurch Mosque shootings). ACT believes these pieces of legislation treat New Zealanders who use guns legally (as tools, sport, sourcing food etc), unfairly.

What Does ACT's New Gun Policy Propose?

The main aspects of ACT's gun policy proposal are: repealing parts of the Arms Legislation Act 2020, introducing a replacement bill for the Arms Act 1983 (and subsequent amendments) and introducing a new policy to the Criminal Proceeds (recovery) Act. These changes aim to make it easier for police to affect gangs detrimentally.

The Criminal Proceeds (recovery) Act determines the process for the restraint and confiscation of property derived from criminal activity. ACT proposes that if the police, while conducting a lawful property search, find three elements satisfied, the Crown can apply for a court order to seize the assets of that operation. These elements are; an illegal operation, unlawful possession of a firearm and a person gang affiliated (as defined by the National Gang List). ACT's policy would quash the requirement on the Crown to establish a connection between purchasing of those assets and illicit financial ones, prior to seizure.

Consequently, this policy change would modify the meaning of significant criminal activity under the Act. Likewise, the new policy would also increase the scope of the Act's purpose (primarily to establish a regime for the forfeiture of property) and interpretation. ACT justifies this new policy under the belief that unlawful firearms protect gang operations and are directly linked to illicit financial gain. Therefore, this proposed legislation change aims to be financially detrimental to gangs.

However, the most contentious aspect of ACT's proposed gun policy is repealing the gun registry, which is effective June 24th, 2023. This has one exception – a registry will remain for pistols.

What is the Gun Registry?

The gun registry comes into force on June 24th 2023, due to the Arms Amendment Regulations 2023. Firearm license holders will have up to five years to record all firearms and relevant arm items in their possession into the new online register – MyFirearms Portal. This portal will be available on the Te Tari Purkeke – Firearms Safety Authority website and will have no registration fee. There are some exceptions to this five-year timeframe – notably, when a license holder purchases a firearm, they will have to register it and all other arms items in their possession within 30 days.

The government believes this gun registry will allow police to track stolen arms more quickly, improving community safety. Furthermore, this registry will allow easier identification of small community groups possessing illegal firearms.

Why Does ACT Want to Repeal the Gun Registry?

Nicole McKee, ACT's firearms spokeswoman, released a press release on May 12th 2023, highlighting why ACT opposes the gun registry.

She stated that the registry will not change the number of illegal guns in the community, claiming responsible firearms owners will be forced to comply while gang members "carry on their merry way and ignore it." The spokeswoman noted that the current digital registration system also has errors, but did not disclose what these are. McKee also claimed that upon a registry leak, it would become a steal-to-order list for gangs. Consequently, ACT asks the government to repeal the registry. ACT has stated they will repeal full registration of firearms, parts, and ammunition if they come into government.

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Opposition to ACT's Proposed Gun Policy

On May 15th 2023, Police Association president, Chris Cahill, appeared on TVNZ's Breakfast to voice opposition to ACTs proposed gun policy. He stated the registry is "an incredibly important move" and explained that he could currently buy multiple firearms and on-sell them discretely, leaving himself unaccountable. Cahill stated he was incredibly disappointed with ACT's view and refuted the party's claim that criminals would ignore the registry, stating it would prevent licensed firearm owners from providing arms to criminals. He noted that ACT will retain a registry for pistols and restricted weapons, stating, "if you believe it will work for those, why won't it work for all weapo clai

Gun Control NZ also slammed ACT with co-founder, Philippa Yasbek, asserting that David Seymour "inhabits the gun lobby's fact-free echo chamber." The organisation's other co-founder, Nik Green, reiterated the gun registry will aid police in mitigating crimes and preventing strawman purchases. Strawman purchases are when a person (acting as the real buying) purchases a gun for another person.

ACT Party's Response

In response to Cahill's comments, ACT deputy leader, Brooke van Velden, repeated on Breakfast that the gun registry won't stop crime, and New Zealand must go "after the gangs and illegal firearm activity."

What Have Other Parties Said About ACT's View and the Gun Registry?

The National Party has previously been unclear on whether they support the gun registry. However, Mark Mitchell, National's police spokesman, informed the Herald that the party did support the registry. He noted that if National was in government, they would assess if the investment (an estimated $208m) was worthwhile, whether it adequately protected arms owner's privacy, and if it effectively limits illegal guns in the community. The spokesman would not comment on ACT's proposed gun policy, or how the issue would be dealt with if the two parties formed a government post-election. Contrarily, Green Party MP, Chlöe Swarbrick, voiced support for the registry.

Conclusion

ACT's proposed arms policy is highly contentious. The consequences of the gun registry are unknown, and it is unclear if it will affect illegal arms purchases and crime rates. If the register has little effect on illegal arms crimes, the possibility of repeal and introduction of extreme measures, like those proposed under ACT's gun policy, may be likely.

SEE ORIGINAL ARTICLE FOR THE FULL REFERENCES.

CO-GOVERNANCE: FRIEND OR FOE?

BY EDEN LI

The recent focus on strengthening co-governance within Crown policy has been received with confusion, and even outrage in some quarters. But what does co-governance actually entail? Will this contentious form of policy work in practice? One of the biggest questions in public policy has become whether government entities should encompass novel co-governance models, or stick with the status quo. From the swirling response to Three Waters, to the tensions boiling over Te Urewera, co-governance has undoubtedly become one of the most polarising policy issues facing Aotearoa today. However, it is also simultaneously one of most misunderstood terms within the policy lexicon.

Co-governance: What Is It?

Co-governance is a policy mechanism that places the Crown and Māori Iwi in the "same room" when it comes to management of governmental entities and state-owned enterprises. The implementation of a "same room" mentality is about giving shared power and responsibility. This is what differs co-governance from co-management, which allows for cooperation between the Crown and Iwi within a governmental entity, but the ultimate decision power lies with the former. Co-Governance on the other hand, grants this power to both. This attempts to live up to the principles of the Treaty of Waitangi, namely Article Three which is concerned with Māori rights and privileges. But whether co-governance has granted these rights and privileges, is up for debate.

Pan River Cooperation – It Can Be Done Right

Though co-governance has made a reappearance on headlines recently, it is not a new concept. The 1986 State-Owned Enterprises Act paved the way for co-governance, seeing initial successes in the following decades.

However, the crowning successes of co-governance was found in the 2012 changes made to the Waikato River Authority. Under the 2012 Te Waihora Co-Governance Agreement, local iwi members from Waikato-Tainui, Tuwharetoa, Raukawa, Maniapoto and Te Arawa Confederation, were included at a decision-making level on the Waikato River Authority. This allowed repairs to be made to the strained relationship between the Crown and Iwi, as this gave local iwi the deciding power to solve the most significant problem that faced the River, algal bloom. The blooms had been noted by the Crown prior to 2012, but it lacked the teeth to take true preventative steps.

However, as co-governance involves working with local stakeholders, in this case the local iwi who had seen their abilities to use the waterway diminish over generations, action was taken promptly. For the wider population, the decisions taken by the post-2012 Authority also had immeasurable impacts. The reduction of algal blooms reduced the potential development of a major public health risk.

Although historical land confiscations still plague the relationship between the Crown and local Iwi, co-governance has provided a meaningful stepping stone for future cooperation by working on areas of mutual importance together. Whilst co-governance decisions, as in the case of the Waikato River Authority, have been mutually beneficial for the Crown, Iwi and the general population, good implementation between all parties played a major role in upholding the Waikato Authority's integrity. In the current frenzy surrounding the pitfalls of co-governance, one case stands out as an example of what occurs when implementation falls short.

"The implementation of a 'same room' mentality is about giving shared power and responsibility. This is what differs co-governance from co-management, which allows for cooperation between the Crown and Iwi within a governmental entity, but the ultimate decision power lies with the former. Co-governance on the other hand, grants this power to both. This attempts to live up to the principles of the Treaty of Waitangi, namely Article Three which is concerned with Māori rights and privileges. Whether co-governance has granted these rights and privileges, is up for debate."

Te Urewera – a Lesson on Limits

The Te Urewera Act 2014 was a landmark case in the field of co-governance, as it would see Te Urewera cease to be a national park and be formally given its own governance authority. However, the proposals set by the Act had several points knocking against it. To start, the Tuhoe Iwi of which Te Urewera's jurisdiction would find itself under, did not sign the Treaty of Waitangi. The ensuing can of worms this opened up has raised the question of how the Crown would approach other tribes that did not sign the Treaty, yet wanted co-governance. The creation of the Act disturbed the uneasy equilibrium found between the Crown and Iwi, increasing tensions. This was exacerbated by the relatively prolonged timeframe the Act took to be passed due to ongoing negotiations. This was partially due to the non-signatory status of the Tuhoe, which frustrated iwi members. There is still no clear method for dealing with said delays, such as a clear, rolling implementation. Therefore, this will likely remain a headache for other tribes pursuing a similar outlook well into the future.

The key principles of the new Act are: Te Urewera ceases to be a national park and is vested in itself as its own legal entity; and Te Urewera will own itself in perpetuity with the Board to speak as its voice to provide governance and management in accordance with the principles of the Act.

Additionally, the co-governance decisions undertaken by DOC and Tuhoe Iwi to de-establish Te Urewera as a National Park have been the subject of great amounts of friction between users of Te Urewera and Tuhoe Iwi. The joint implementation had, most significantly, failed to adequately address questions surrounding the rule of law, and how Tuhoe will guarantee that any member of the public will be allowed to continue to access the area.

Moreover, public discontent would also come with the planned destruction of approximately 19 DOC huts without a sufficient period of public consultation. Amongst the loudest critics of the demolition, The Hui reporter, John Boynton, also raised how the demolitions would wipe away the huts' significance to the "culture and heritage" of New Zealanders.

This is not to mention the significant safety role the huts also played as contingency shelters for hikers trapped under unfavourable conditions. The public outcry would eventually result in a 2022 High Court Order to stop all hut demolitions until a favourable solution could be found. The result of this order has been the fall of Crown-Tuhoe Iwi relations to levels not seen in recent years. Te Urewera presents to the Crown, Tuhoe Iwi, and the public the importance of proper consultation, not just between the Crown and Iwi, but also with the public too.

It also shows how the conflicts between Iwi taonga and public taonga must be clarified to prevent future conciliatory gestures, such as the 2014 Act from having the opposite effect.

A Tough Road Ahead?

Whilst co-governance has fallen into rut over Te Urewera, the Crown has continued to push for further co-governance in areas such as public water management. The debate over the proposed Three Waters Reform, though not entirely limited to the co-governance question, has highlighted the tri-pronged “us versus them” tug-of-war between the Crown, Iwi and the public that has increasingly been played out. Unfortunately, this has manifested in the slow decay of social cohesion that, whilst admittedly was not watertight initially, has now significantly begun to show its cracks.

Most concerningly, investigations by experts in early 2022 have shown massive upticks in anti-Māori sentiments, much of which was attributed to the increasing prominence of co-governance within public policy. The response from the government was swift, with former Race Relations Commissioner, Meng Foon, commenting that this uptick in Māori hostility must be accompanied by “helping our community understand what co-governance is.”

Whilst this is a start, much work also has to be conducted over increasing public consultation, one of the major stress points, as demonstrated by the fallout over Te Urewera.

Properly integrated co-governance has true potential to provide positive synergies between Crown, Iwi, and public interest. The task that both current and future co-governance projects now face, would be to ensure that proper consultation always occurs. The failure to do so runs the risk of transforming co-governance into the social powder keg that Aotearoa would rather avoid.

SEE ORIGINAL ARTICLE FOR THE FULL REFERENCES.

LAW AND ORDER: POLICY VS REALITY

BY YVETTE BRENNAN

“Tough on crime“ rhetoric is commonly used among journalists, politicians and Facebook posts. With the increasing media coverage on ram-raids and guns, law and order has resurfaced as a controversial dinner table topic. But what does being tough-on-crime actually mean?

The phrase itself can be translated quite simply; longer sentences and harsher punishments will rid the streets of crime and restore safety to the public. Well – that is the idea. The reality is not so simple. The core purpose of the criminal justice system is to prevent offending/reoffending, yet a meta-analysis of 116 studies suggests imprisonment has no deterrence effect at all. These studies also analyse the connection between imprisonment and reoffending.

Imposing longer sentences, on the grounds that our current sentencing does not reflect the “seriousness” of crimes being committed, acts as retribution and can lead to over-punishment. Retribution focuses solely on punishing the individual for the wrongful act they committed, rather than preventing future harm for the benefit of the community. Although some might argue that retribution is justice, the commonly agreed purpose of the criminal justice system is accountability, general deterrence and increasingly, rehabilitation.

Several parties advocate strongly for a tough-on-crime response, proposing several policies that highlight the disconnect between purpose and effect. The National and Act Party both propose to re-enact the “three strikes” law.

Under this law, if a person is convicted with a third serious violent offence, then they must be sentenced the maximum penalty for that offence without parole. The law is often described as a failed experiment because of the disproportionately unjust outcomes, particularly on Pasifika and Māori, whom accounted for more than fifty percent of the strikes.

Again, the evidence in Aotearoa and other jurisdictions, where the law was trialled strongly, suggest against a deterrent effect. The three-strikes policy is a prime example of where tougher sentences do not create safer outcomes for the community.

In addition to three strikes, the National Party propose to create Young Offender Military Academies, where 15-17 year olds who are deemed as serious offenders, can be sent for up to 12 months. The purpose is to remove "young repeat offenders" from the "negative environment that is driving their offending." The effect, however, would see them returned to the same environment post-academy.

The harsh punishment, sugar-coated as rehabilitation, would assume up to 12 months away from ordinary school, isolation from existing support systems, and the opportunity to fraternise with other youth offenders. It is not difficult to envision the several potholes in this policy; there is no evidence to support its success, and the exact discipline to be used is unspecified.

The Labour Party proposes a new criminal offence targeting ram-raiding, with a maximum imprisonment term not exceeding 10 years. This offence would not change the penalty for adult offenders (burglary and robbery have the same term), rather it would allow 12 and 13 year-olds to be dealt with under the youth justice system. Ordinarily, children are only dealt with under the system if they are suspected of committing murder, manslaughter, a serious offence (maximum imprisonment term of at least 14 years), or repeat serious offending.

This puts burglary or robbery, where a vehicle has been used, on the same level of accountability as the offences listed above. Children are products of their environment, and being put through the system is unlikely to change the factors that led to the offending. National's proposal to create a Young Serious Offender category (10-17 years old) also reflects this disconnection between cause and effect. This policy focuses primarily on stronger sentences and consequences for youth, rather than prevention.

So, what does being tough-on-crime, to prevent future crime, actually look like? There is no denying that crime is a problem and existing policies need reform. The solution is complex and multifaceted. It will require genuine public participation, consultation, research and trials. It is crucial that the government implements policies that effectively assess and address the root causes of offending, while also investing in access to rehabilitation. It is time we move away from being "tough on crime" to being smart on crime.

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RETROSPECTIVE: 40 YEARS SINCE AIRLINE DEREGULATION

BY EDEN LI

The privatisation of the domestic airline scene has undoubtedly been financially lucrative for New Zealand's two biggest players. In late August 2023, Air New Zealand announced a net profit of $213M. Although finances are yet to be released for Jetstar's domestic New Zealand operations, indications suggest that 2023 has also been a lucrative year for the Qantas subsidiary. Shareholders have mostly been elated by the stellar performances of both carriers so far this year, with Air New Zealand shareholders receiving plentiful dividends as an added bonus.

However, the travelling public is less pleased. Both carriers have been accused of maintaining a pseudo-duopoly domestically, where price-gouging and passengers being nickel and dimed for onboard services, has become the new standard.

Whilst it may be easy to blame the airlines, it would be unfair to place the blame squarely on them. The government has just as much to answer for.

Neoliberal Ideals

The current state of domestic aviation can be drawn back to the wave of neoliberalism that swept successive Australian and New Zealand governments between 1983 to 1990. Neoliberal policy was intended to be a counter to the stagflation of the late 1970s. It was intended to bring massive economic growth through loosening governmental regulations of markets. Instead, governments would only be required to regulate from an industry-level, rather than at a company level previously.

The free market was king, and companies could compete with primarily corporate interests at heart. Everything else would be secondary.

Neoliberalism Meets Aviation

Whilst New Zealand would be an early adopter of neoliberal ideals, it would not be the first. In 1978, President Carter signed the Airline Deregulation Act into law. Congress wanted to pass the Act to increase competition in what was seen as a stagnant market. Fares would no longer be set by the government and companies could decide where they wanted to fly. The government would only be responsible for monitoring flight safety.

Initially, the Act was successful. By 1980, airfares had dropped to a fraction of what they were in 1977 . Additionally, deregulation also resulted in an explosion of new carriers emerging on the market, giving consumers lower airfare prices and increased choices for travel. Seeing the successes of deregulation in the US, New Zealand would follow suit in 1983 under a similar system. The move would cause a fair number of new carriers to enter the domestic market, although the effects were not as pronounced as those in the US. By 1989, the government would divest itself from Air New Zealand itself, fully privatising the company.

Side-Effects

Though governments were keen to point out the successes of deregulation, these were short-lived.

The lower fares that had been promised to the travelling public were oftentimes the result of price wars, between established and newly established carriers, that drove fares down unsustainably. This almost always resulted in newly established carriers being acquired, or being forced into bankruptcy. The remaining legacy carriers would inevitably hike up fares to an even higher price prior, in order to recuperate their losses. Aotearoa would see this play out with the inception of Ansett New Zealand in 1987. The carrier was set up as a competitor to Air New Zealand. However, by 2001, it had been forced into liquidation. Other smaller carriers shared a similar fate, leaving Air New Zealand as the sole choice for millions of New Zealanders once again. Air New Zealand itself would be forced to the brink of bankruptcy, having been heavily implicated in acquiring Ansett's former parent company in Australia at an eye watering loss to the government.

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The Scene Today

Today, the domestic scene is a virtual duopoly. For many New Zealanders, Air New Zealand or Jetstar are the only two options. Though smaller carriers exist, they mainly capture specific travel niches, such as flights to remote, low-yield destinations, which don't reflect the needs of a majority of New Zealanders. As a result, both Air New Zealand and Jetstar have been able to charge fairly exorbitant prices on trunk routes. Although New Zealand's domestic market is undoubtedly profitable, there is doubt that a third player would be able to carve out a meaningful foothold. Whilst the current situation is not preferable, Ansett New Zealand's demise, combined with Air New Zealand's track record of historical dominance, suggests that having even just two carriers operating simultaneously is something that suggests at least a minimally healthy level of competition.

New Zealand's level of domestic aviation competition places the country on par with its company across the ditch. Australia's primary domestic competitors are Qantas and the newly bankruptcy-emergent, Virgin Australia Group. Qantas has recently come under fire for alleged slot hoarding at airports and has forced the ACCC (Australian Competition and Consumer Commission) into monitoring the domestic aviation scene. Whatever the case, the grass does not look green on either side for the travellers in both nations.

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THE GREEN PARTY'S RENT CONTROL POLICY

BY AAMY ROSHAN

One of the greatest issues facing tertiary students is the ever increasing cost of living. Stats New Zealand found that a quarter of renters spent 40 percent of disposable income on housing. In 2022, Auckland rent prices had increased by 3 percent annually. To address this issue, the Green Party has introduced a new Renters' Rights Bill, which would establish rent controls. But if implemented, what would this entail?

What is Rent Control?

The current regulations on rental properties allows landlords to only increase rent prices once every 12 months. If renters feel that their rent is disproportionate to the area they live in, they can go to the Tenancy Tribunal to ask for a reduction to the "market rent." A rent control would act as another regulation that would cap the annual "market rent" to a maximum increase of 3 percent per year. If the inflation rate is lower than that figure, the cap would be adjusted to the new inflation rate, or 1 percent below the average wage increase, depending on whichever is lower.

Why Shouldn't We Have Rent Controls?

Craig Renney, policy director and economist for the Council of Trade Unions, states that rent controls are only a short term solution to a long term problem. Firstly, the implementation of a rent control could deter landlords from renting out their properties altogether. Secondly, the Greens' policy is not a standalone policy, but rather a part of the new Renters' Rights Bill, which contains a host of policies to ensure that rentals are "safe, warm and healthy to live in." However, this bill could potentially have the opposite of the intended effect. Rent controls could increase the burden of maintenance for landlords, as they may lose the ability to absorb costs that come with capping the cost of rent. As New Zealand economist, Brad Olsen, pointed out: "they'll do the absolute bare minimum because changes in the market can't be reflected in price." Consequently, this could lead to the quality of rental homes falling. However, these are only potential consequences, whether they hold up in practice is a different story altogether.

Why We Should Implement Rent Controls

One of the key supporters of rent controls is Renters United, a New Zealand-based group that advocates that rent controls are necessary because it prevents landlords from exploiting renters. They support their stance with the fact that 13 OECD countries have implemented some form of rent control, citing successful examples, such as Germany. In Germany, more than 50 percent of households rent and rent contracts are regulated by the German Civil Code. Similar to the Greens' proposed policy, Germany's policies ensure the quality of rentals and prevent prices from being increased by more than 10 percent above the local average rent. In 2022, German households on average spent 27.8 percent on rent, whereas in New Zealand, nearly 30 percent of renters spent 40 percent or more of their incomes on rent. The many existing examples of successful rent controls enacted by OECD countries not only make a strong case for its implementation, but they can serve as a model for New Zealand. Rent controls can also alleviate the many negative impacts of high rental prices on society. Te Kahui Tika Tangata, the Human Rights Commission, found that rising rent costs can force households to reduce their spending on essentials like food and energy, increasing the burden already faced by students and low income households. It can also force people away from their areas of work, as they may move to places with cheaper rent, leading to gentrification. Chief Human Rights Commissioner, Paul Hunt, asserted that "the government of the day has to ensure all New Zealanders can meet their basic living needs. The Cost of Living Payment doesn't go far enough to address unaffordable rents faced by many low-income renters."

Final Thoughts

Although rent control initiatives have not been promoted by other parties, aside from the Greens, the policy should not be completely dismissed. Rent controls can help to address and shift the focus to providing adequate renter protection. While a rent control alone may not be enough to address all the issues faced by New Zealand renters, it is still a step in the right direction. However, the viability of the policy depends on the success of its implementation, particularly within the broader context of Renters' Rights Bill and advancing its aims.

SEE ORIGINAL ARTICLE FOR THE FULL REFERENCES.

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