

THE BUZZ

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PREPARED BY
The Public Policy Club

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EDITORS NOTE

Kia ora!

Welcome to the first edition of Public Policy Club's 'The Buzz'!

The Public Policy Club here at The University of Auckland does a wide range of activities such as Policy Kōrero, high school engagement, networking and written content to name very few. The goal behind our club is ambitious. Anything and everything to do with Public Policy (and informally to do with politics), is attended to by us. Our desire with The Buzz is to make the often confusing and intimidating world of Public Policy increasingly accessible to our student body.

The articles in this bulletin itself is the work of our Written Content Team. We currently have two co-leaders and ten delegates. Our team comes from a variety of disciplines, as reflected in our diverse article topics — ranging from transport, education, healthcare, and beyond. We write about recent and/or important policies and aim to present issues and solutions in a non-partisan, accessible format. We post these articles through our blog on the PPC website: publicpolicyclub.com.

Our dream is to expand this bulletin to include more content in the future, such as infographics, political artwork, opinion pieces and even some hot takes.

If you might be interested in contributing to this project please reach out to us to submit anything your ideas. You can even apply to join our team!
Just email ppccontentteam@gmail.com.

Please note, these articles do not necessarily reflect the views of Public Policy Club or their writers and will reflect the information available at the time in which they were written.

Thank you for taking the time to read this bulletin. We hope you enjoy it!

Ngā mihi,
Co-leaders Amy and Benedict.

MEET THE TEAM

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“NEW ZEALAND’S MOONSHOT”: THE ROAD TO PREDATOR FREE 2050

Written by Ethan McCormick

In 2016 the John Key government announced that New Zealand would eradicate all rats, possums, and mustelids by 2050. It’s a goal of mind-boggling scale that was dubbed “New Zealand’s moon shot” by the late Sir Paul Callaghan. Since the announcement, the mission of Predator Free 2050 has received support from a range of stakeholders. However, success hinges on a major breakthrough in pest eradication within the next thirty years. With the 2050 deadline fast approaching, will New Zealand achieve a world first?

A Forgotten Past

Isolated for from the southern continents for 80 million years, New Zealand has developed a weird and wonderful array of biodiversity. Aside from a few small bats, our wildlife evolved in the absence of mammals. New Zealand was a land of birds, made famous by megafauna like the Moa and Haast’s Eagle. New Zealand was also the last country on earth to be settled by humans. The arrival of Māori saw many large species hunted to extinction. At the same time, Pacific Rats (Kiore) and Pacific Dogs (Kure) killed off several species. Yet by the time of Captain James Cook’s arrival in 1769, New Zealand was still one of the last pristine environments on earth.

Botanist Joseph Banks described the birdsong as “the most melodious wild music I have ever heard, almost imitating small bells but with the most tuneable silver sound imaginable.”

Cute and Fluffy Killing Machines

New Zealand has three major predators – rats, possums, and mustelids – together known as ‘the big three.’ The first major predators to arrive in New Zealand were the ship rat and Norway rat. Both species were stowaways aboard the ships of European explorers. Both species are similar by appearance but have a few important distinguishing features. Dubbed the most successful species second only to humans, ship rats have colonised nearly every corner of the globe. Aided by their climbing ability, ship rats will devour the eggs and chicks of nesting birds. They are even known to consume small mother birds on the nest. Norway rats are larger by comparison and are limited to prey they can find on the ground. The key problem with rats is their rate of reproduction. Theoretically, a pair of norway rats could produce 1250 descendants in a single year under ideal conditions. It is this rapid reproduction that allowed rats to decimate birdlife shortly after their arrival.

While the introduction of rats was accidental, the arrival of possums and mustelids was a planned process. In 1837 the common brushtail possum was introduced from Australia to kickstart a fur trade. Instead, possums browsed on vegetation and decimated forest canopies across the country. Like rats, possums also eat eggs, chicks, and birds.

Mustelids are a family of carnivorous animals that in New Zealand comprise ferrets, stoats, and weasels. Shipped to New Zealand to control rabbits (another introduced pest), it was only after extensive debate in Parliament that mustelid introductions were approved in 1881. Of the trio, stoats are the biggest killers, accounting for the decline of iconic New Zealand birds like the Kiwi, Takahe, and Kakapo. Before introduced predators, Kakapo were so common that it was said you could shake a tree, and several would fall to the ground. Currently, only 202 individuals remain. Furthermore, 41% of New Zealand's endemic bird species are extinct. Of those remaining, 73% are threatened. That's not to mention the many amphibians, reptiles, and bats that have gone extinct alongside their feathered counterparts.

Saving Paradise

The turning point came in 1963 with the ship rat invasion of Big South Cape Island. Located 1.5m southwest of Stewart Island, Big South Cape harboured the last populations of Stewart Island snipe, Stead's bush wren, and greater short-tailed bat. Scientists

watched as all three species went extinct before their eyes.

Since then, much has changed. New Zealand is now home to numerous predator-free islands and fenced mainland sanctuaries. Sanctuaries like Wellington's Zealandia have witnessed astounding success. Birds like Kaka and Karearea have ventured beyond the fence line and can now be seen in surrounding suburbs. Predator Free 2050 hopes to do the same, but on a far grander scale. The project consists of three core organisations: Predator Free NZ, Predator Free 2050 Ltd, and The Department of Conservation (DOC). Predator Free NZ enables New Zealanders to get involved with the project on a grassroots level. Predator Free 2050 Ltd is the business arm that provides funding for key projects and scientific research. DOC acts as the project's backbone and is responsible for protecting threatened species on public land. Alongside these three organisations are numerous other stakeholders which all play important roles. These include Forest & Bird, Save The Kiwi, MPI, Farmers, Iwi, and Regional Councils.

Predator Free 2050 also has unanimous political support. Since its establishment in 2016 by the National Government, the project has experienced funding boosts under Labour. At present, all five political parties in Parliament support the project.

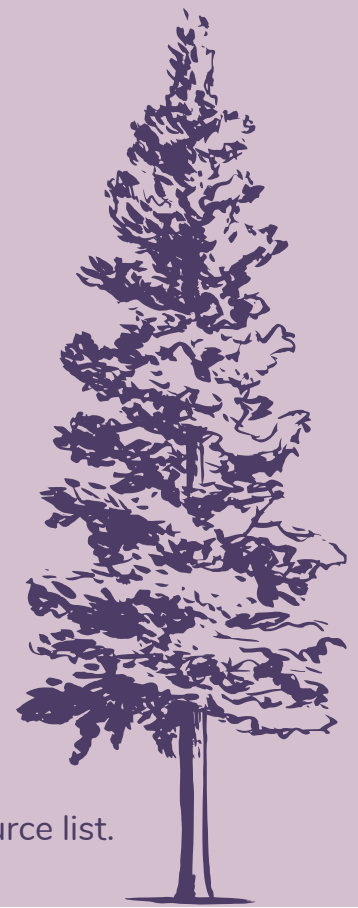
Emerging Technologies

It is openly admitted that a major breakthrough will be needed for New Zealand to become Predator Free by 2050. Two important possible candidates for this breakthrough are gene drives and a new management technique dubbed ‘remove and protect.’ Gene drives are a type of genetic modification that increase the chances an organism will inherit a specific gene. The result is that all offspring in a population will eventually inherit a single desired trait. In theory, gene drives could be used to select the gender of any of the three target predators. For example, a gene that codes for only male offspring might be introduced to a population of rats. Eventually this gene would spread through the population until all rats were male and the population could no longer reproduce. In practice though, gene drives are not yet a feasible option. There are fears that a gene drive could be exported overseas and threaten rat populations in their natural ecosystems. However, as the science progresses, it is possible that gene drives will become a safer and more effective option to achieve Predator Free 2050. A second promising option is an innovative management strategy called ‘remove and protect.’ Research institute Zero Invasive Predators (ZIP) developed the technique in 2020. ZIP has so far eradicated all possums, rats, and stoats from a 12,000-hectare block of Southland’s remote Perth River Valley. Astonishingly, reinvasion has been

prevented all without the use of fences. Remove and protect first eradicates predators using aerial poison drops. To prevent reinvasion, features of the natural landscape are used as barriers – for example a mountain or fast flowing river. A combination of traps and AI cameras are then used to defend areas that are prone to reinvasion. With the Perth River Valley now predator free, the remove and protect approach is now being rolled out to 100,000 hectares of South Westland.

Hope at the End of the Tunnel

Predator Free is an audacious goal. It aims to achieve the impossible by shutting the lid on an ecological pandora’s box. However, with promising technology and a bit of Kiwi ingenuity, New Zealand may just be well on the way to achieving its moonshot.



Please see original article for a full source list.



MULTIPLE SIDES TO EVERY STORY: REVAMPING THE NEW ZEALAND HISTORY CURRICULUM

Written by Simran Sonawalla

After three years in the making, Hon Chris Hipkins announces the release of Aotearoa New Zealand history curriculum, which will be compulsory in every school throughout years 1 to 10. The programme — officially known as Aotearoa New Zealand's histories/Te Takanga o Te Wā — is part of the social sciences learning area of The New Zealand Curriculum, which will be taught in all schools and Kura from 2023.

Announcing the new curriculum, Hon Chris Hipkins says that 'All young people will understand key aspects of Aotearoa New Zealand's histories and how they have influenced and shaped the nation.' Input from academics, teachers, historians, the New Zealand Council for Educational Research and the Royal Society Te Apārangi were all included in a broader overhaul of the national curriculum.

A Glance at the New History Curriculum

Aotearoa New Zealand's histories/Te Takanga o Te Wā is centred around three elements — Understand, Know and Do — all weaved together within this new curriculum. These three elements aim to provide an understanding of the events that have

shaped the local and national contexts and encourage critical thought about how the past has shaped the present. Themes include the arrival of Māori, colonisation, Te Tiriti o Waitangi, He Whakaputanga (Declaration of Independence), and understanding New Zealand's role in the Pacific and how immigration has shaped Aotearoa New Zealand's cultural identity. Furthermore, this new curriculum allows communities and schools to focus on their local contexts to understand how the historical contexts of the places students inhabit are shaped by people, events and exchanges important to their area.

Change Welcomed and Criticised

Launching the Aotearoa New Zealand's histories/Te Takanga o Te Wā has caused a lot of excitement within schools but mixed reactions amongst members of the Parliament. Many educators critiqued the existing history and social sciences curriculum as Eurocentric and insufficient with a limited focus on Aotearoa New Zealand's pre-European histories. Thus, the new curriculum was met with excitement and passion for engaging with Aotearoa New Zealand histories when piloted in some schools

In 2021. Upon launching the curriculum earlier this year, Prime Minister Jacinda Ardern says that this curriculum gives New Zealanders a 'better understanding of another, through learning more about Māori, about the migrant history of Pasifika, and our Asian communities.' Furthermore, Associate Education Minister Kelvin Davis supports the Prime Minister saying, 'the curriculum opened opportunities for children to learn about their own backyard, which many generations of Kiwis had been denied.' However, on the other side of the political spectrum, the decision to implement this curriculum did prove somewhat controversial. National Party Spokesperson for Education Paul Goldsmith raises concerns about the politicisation of the curriculum. He argues that the focus on 'exploring the same themes for 10 years is a recipe for boredom and disengagement. Māori history, colonisation and the effects of power in our country, year in year out, will elicit only groans by years 6 or 7 unless the teacher is a miracle worker.' In support of this, ACT Party's education spokesperson Chris Baillie says 'the curriculum divides history into villains and victims, contains significant gaps, and pushes a narrow set of highly political stories from our past.'

What's Next?

Implementing Aotearoa New Zealand history curriculum from 2023 is part of a more extensive overhaul of the New

Zealand Curriculum. These changes will be phased until 2025 to allow schools and Kura to implement this new curriculum. The changes are in response to criticism of the current curriculum from many experts and educators who point out the incongruencies between what the New Zealand curriculum expected of children and what children could achieve. Changing the curriculum aims to see students succeed in an inclusive environment. Furthermore, it aims to teach concepts that are relevant nationally and globally.

Closing Remarks

While Aotearoa New Zealand's histories/Te Takanga o Te Wā has been met with great excitement, it has also been met with much criticism. While many may enjoy learning about their own histories, it is important to consider what counts as history? What should that history be? And who gets to decide what is and is not history?



ATTORNEY-GENERAL, DAVID PARKER, REJECTS ROTORUA DISTRICT COUNCIL REPRESENTATIVE ARRANGEMENTS BILL

Written by By Emilie Paris Baldauf

The Rotorua District Council Representative Arrangements Bill was drafted by the Rotorua Lakes Council and brought to Parliament by Rotorua-based Labour MP Tamati Coffey. It would grant 21,700 Māori roll voters three seats in the electorate, the same number of seats given to the 55,600 General roll voters. The Bill's purpose is to change the electoral rules for the district to provide the "Council's ideal representation arrangement" for the Rotorua District. This arrangement would allow the Māori roll and General roll to have an equal influence in electing councillors. Due to the Local Electoral Act, the number of seats in a Māori ward is currently restricted based on the population ratios for the District.

In his latest report, Attorney General David Parker deemed the Bill "discriminatory against non-Māori." A matter highlighted in the report is the disproportionately higher number of Māori ward council members than for the General ward relative to their population distribution. Parker notes that "as the disadvantaged group is those on the General roll, changing representation arrangements away from proportional representation, therefore, creates a disadvantage for

non-Māori as they cannot in the future elect to change roles."

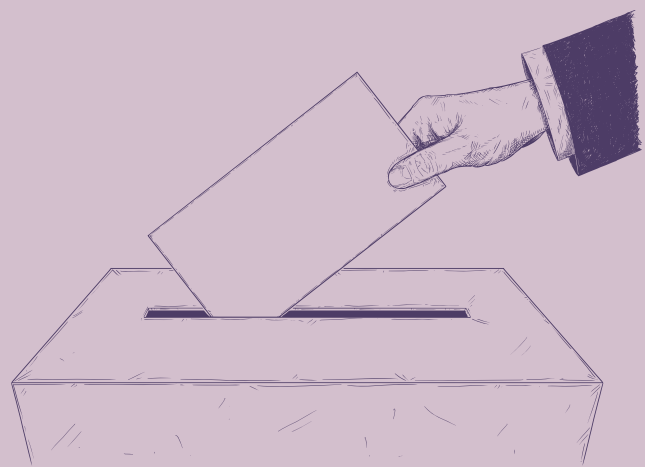
As per the Attorney General's report, below are the arrangements planned for in the Bill:

- one general ward with three seats;
- one Māori ward with three seats;
- four seats elected at large;
- one mayor elected at large;
- a Rotorua Lakes Community Board; and
- a Rotorua Rural Community Board.

In distinguishing between Māori and Non-Māori, the Bill would develop electoral segregation. This is because those of Māori descent can choose if they would like to be enrolled in the General electorate roll or the Māori roll. However, people of non-Māori descent can only be registered on the General roll. Those enrolled in the Māori roll can only vote for the Māori seats, whereas those on the General roll can only vote for the General seats. In his report, Parker concluded: "The Bill appears to limit the right to be free from discrimination affirmed in s19 of the Bill of Rights Act: Everyone has the right to freedom from discrimination on the grounds of

discrimination in the Human Rights“ Act 1993”) and cannot be justified." Currently, the Rotorua Lakes Council has decided to “pause” the implementation of the Bill. However, this may not mean the end of the Bill. According to the Rotorua mayor, Steve Chadwick, “this will allow council officers to work with legal advisors, parliamentary and government advisors, on strengthening the policy work of the local bill” before its implementation. This begs the question, should people be divided based on their ethnicities?

Please see original article for a full source list.





EVERYTHING YOU NEED TO KNOW ABOUT AUCKLAND LIGHT RAIL

Written by Samuel Hill

After several years of talks about light rail coming to Auckland, the Government confirmed earlier this year that work will proceed on a partially-tunnelled light rail line extending from the CBD to Auckland Airport. The project has been the subject of much debate and it is worth exploring the history and goals of the project to see how the current proposal has taken shape.

The Beginnings of Light Rail in Auckland

When people think about rail, the first thing that comes to mind is probably heavy rail – high speed trains on devoted rights-of-way (train tracks). Light rail systems sit somewhere between heavy rail and trams. They can run along streets like trams but feature train-like vehicles that allow for higher speeds and capacities. Light rail was initially proposed for Auckland in 2015 by Auckland Transport (AT) as a replacement for buses along key arterial routes across central Auckland, such as Dominion Road and Manukau Road. This was because bus volumes were projected to exceed the capacity of these routes in the near future, worsening the quality of these services. Light rail was seen as a better alternative to buses on these routes due to having at least twice the

capacity. It was noted at the time that many of these routes were previously serviced by Auckland's tram network that ran until the mid-1950s.

The scope of light rail in Auckland then expanded in 2016, when Auckland Transport determined that it was preferable to connect Auckland's CBD to the airport via light rail, rather than heavy rail. Key to this decision was a benefit to cost ratio (BCR) showing that a light rail line was roughly three times better than a heavy rail line. By 2017, Transport Minister Simon Bridges had signalled approval for light rail to Auckland Airport after Waka Kotahi NZ Transport Agency (NZTA) agreed with AT's analysis, but warned that it could take up to thirty years. Meanwhile, newly appointed Labour leader Jacinda Ardern announced an election policy to build light rail to Mt Roskill within four years, and light rail to the airport and to West Auckland within a decade. The CBD to Airport line would connect roughly ten percent of Auckland's population and was expected to encourage high density development along the corridor.

Light Rail Gets Derailed

Following the formation of a Labour-led coalition in 2017, NZTA took over the project from Auckland Transport.

Things became complicated in May 2018 when the Government received an unsolicited proposal from NZ Infra to design, build, and operate the light rail project. NZ Infra is an international consortium led by the New Zealand Superannuation Fund in partnership with CDPQ Infra, a subsidiary of the Canadian pension fund that was already developing Montreal's light rail network. The arrangement proposed was effectively a Public Private Partnership (PPP), meaning that the Government would be involved in the design of the project but most of the risk and financing would fall on NZ Infra. PPP's have previously been used for the Pūhoi to Warkworth motorway, as well as the much-delayed Transmission Gully motorway. The proposal from NZ Infra led to Cabinet asking the Ministry of Transport to evaluate the NZTA proposal against the NZ Infra proposal and determine which delivery partner would be best. This was commonly referred to as a twin-track process. By the time the twin-track process kicked off, there were rumours that NZ Infra were considering a new light rail design that involved tunnelling under Queen St, signalling a departure from the street-level light rail originally proposed by Auckland Transport. These rumours were confirmed when Transport Minister Phil Twyford stated that street-level light rail was no longer being looked at. Instead, NZTA and NZ Infra were creating

competing light metro plans. Light metro would be grade-separated, meaning it would run either in tunnels or above streets, rather than on streets. Twyford emphasised 'speed, frequency and carrying capacity' as important aspects of the system and cited the benefit of faster journey times between Queen St and Auckland Airport. The Ministry of Transport recommended that NZ Infra was the preferred delivery partner and Cabinet met to discuss the recommendations. Ultimately, the process was halted in June of 2020 after Cabinet failed to reach an agreement. It was heavily suggested that Labour's coalition partner NZ First were the main obstacle due to concerns over cost and the involvement of overseas investors. At this point, the light rail project was in an uncertain position. What started off as a solution to bus congestion along arterial roads had morphed into a significantly more expensive project, with a focus on getting people from the city centre to the airport as fast as possible. The process had also caused upset for many affected industries. Chief executive of the Association of Consulting Engineers, Paul Evans, even warned that it may stop firms from bidding for Government projects in the future. Still, light rail remained in plans for Auckland's transport network. As such, the Ministry of Transport and the Treasury were tasked with reporting back on the best way for the project to be delivered by



the public sector after the 2020 general election.

Light Rail Gets Back on Track

Following the re-election of a Labour Government, Mt Roskill MP Michael Wood became the new Transport Minister. In March 2021, he announced the creation of an Establishment Unit that would draw expertise from a range of agencies such as Auckland Transport, Auckland Council, and Kāinga Ora. Wood acknowledged the problems with the previous twin-track process and wanted there to be a 'strong focus on engagement' with stakeholders and communities moving forward. The Establishment Unit, known as Auckland Light Rail Group (ALRG), was given a time frame of six months to develop an indicative business case that would allow decisions to be made on things like mode of transport, route, and delivery partner.

As this new process was kicking off, it was clear that the objectives of the project had largely shifted back to what they originally were. While the previous Transport Minister had put emphasis on the speed of the journey to the airport, ALRG's website described the wide-reaching goals of the project such as reducing car dependency and bus congestion, reducing carbon emissions, and encouraging greater investment along the route. Last October, ALRG released a summary of the indicative

business case they had developed. This confirmed the need for light rail in Auckland and presented three options for Cabinet to consider, including a recommended option.

Light Rail, Tunnelled Light Rail, or Light Metro?

The cheapest option presented (\$9.0 Bn), simply referred to as Light Rail, would run at street level along tracks embedded into the road but separated from traffic. This would connect the CBD to Mt Roskill via Dominion Rd and is the most similar to the original plans for light rail along the corridor. According to ALRG, this is the slowest option and offers the least development along the route. However, it is significantly cheaper than the other two options, offers better accessibility through providing more stops and being at street level, and would become carbon neutral the fastest. The light rail option also had the backing of some urbanist advocate groups such as Women in Urbanism. At the other end of the scale is Light Metro, sitting at a price tag of \$16.3 Bn. Light metro is a rail-based mode and would be fully grade-separated, mostly travelling through tunnels. The proposed route is slightly different to light rail, most likely going under Sandringham Rd to access Kāinga Ora land near Wesley that will become housing. This is the fastest option due to its different vehicles, fewer stops, and grade separation – the other two options would feature sections on

streets. These factors would allow for an estimated journey time of 36 minutes from Wynyard Quarter to the airport. Light metro also has the best long-term capacity but would take until approximately 2054 to become carbon neutral, the longest of the three options.

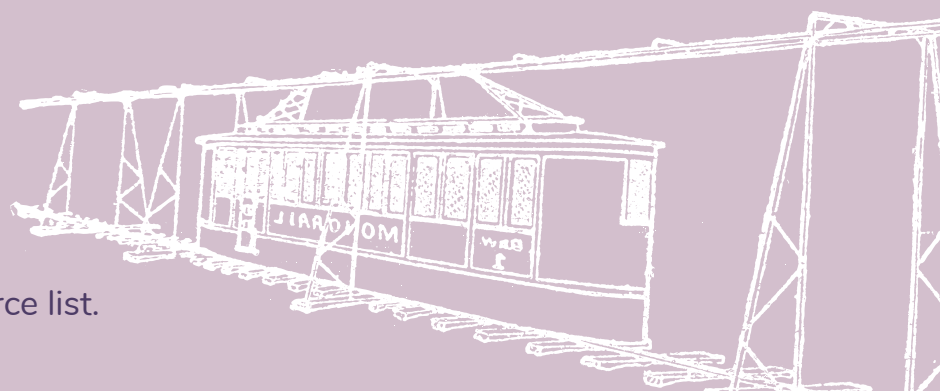
Then we arrive at the recommended option, Tunnelled Light Rail. This option can be seen as a hybrid of the other two options. It would involve tunnelling from Wynyard Quarter to Mt Roskill under Sandringham Rd, before emerging above the ground and running along the surface through Mangere Town Centre on the way to the airport. The hybrid nature of this option also means that it ranks in the middle in terms of speed, capacity, carbon emissions reduction, and cost (\$14.6 Bn). While all three options had similarly positive BCRs, tunnelled light rail was chosen for a number of given reasons. These included a similar urban uplift potential to light metro but at a lower cost, lower disruption during construction than light rail due to tunnelling, and better future connectivity to an assumed tunnel to the North Shore.

The Treasury took a different stance however, noting in their review of the indicative business case that they did not consider the reasons listed to sufficiently support the choice of tunnelled light rail over surface running light rail.

The Government's Preferred Route and the Future of the Project

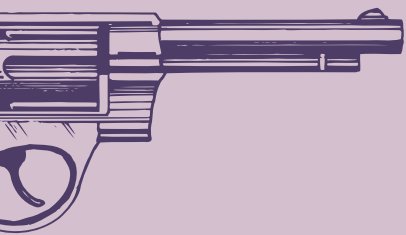
As previously stated, Cabinet did in fact agree with the recommendation of ALRG over the preferred type of light rail, announcing their decision to pursue tunnelled light rail in January. Some of the benefits of the 24km line listed in the press release include the creation of 97,000 jobs and 66,000 extra homes by 2051. This announcement was met with some scepticism on both sides of the debate. Both the National and ACT Party were highly critical of the cost of the project, with ACT Party transport spokesperson Simon Court calling it 'a disaster.' The Green Party supported the project, but still preferred a street-level option due to its greater accessibility and potential to reallocate road space away from cars. Urbanist transport blog Greater Auckland, who have covered Auckland Light Rail in extensive detail, also expressed their disappointment over the chosen option after previously describing tunnelled light rail as the 'worst of both worlds.' The final choice on the delivery entity for the project is yet to be made, but ALRG has suggested either a new purpose-designed Schedule 4A company, or Waka Kotahi. From here, it is expected that the detailed business case and consenting will take three to four years, after which construction will take six to eight years.

So, Aucklanders will have to wait until at least the start of next decade for light rail to come to their city. Even then there remains uncertainty over the project's future, with the National Party promising to scrap light rail in Auckland should they win the 2023 election. Will there be any twists in the tail of this project? What will the final route be and where will the stations be located? For now, there remain plenty of unanswered questions. However, given the price and scale of Auckland Light Rail, what we can be sure of is that it will remain a topic of public discourse for years to come.



Please see original article for a full source list.

FIREARM PROTECTION ORDERS: A SILVER BULLET FOR NEW ZEALAND'S GUN VIOLENCE?



Written by Maddison Lewis

Gun violence has become a prominent issue in the public eye. In 2020, New Zealand saw a record-breaking level of gun violence, and Auckland saw a 49 percent increase in firearms-related injuries over a year and a half at the end of 2021.

Against this background, the Justice Select Committee is currently taking submissions on a new bill that would introduce Firearms Protection Orders (FPOs) into the criminal justice system. The bill, known as the Firearms Prohibition Orders Legislation Bill, would allow courts to issue an FPO to adult offenders convicted of specified offences if such an order is 'reasonable, necessary, and appropriate.' An FPO is set for a period of ten years and prohibits the relevant person from 'accessing, possessing, or using any firearm.' It also includes other conditions such as not being in the presence of those who have firearms 'not in secure storage.' To break the conditions of an FPO or to supply firearms to a person who is currently under an FPO would constitute an imprisonable offence. Speaking at the first reading of the bill, Minister for Police Poto Williams said the bill 'provides an important new way for New Zealand to keep firearms out of the hands of criminals, and to

keep our communities safe.' MP Ginny Anderson supported the Minister of Police saying, the bill 'aims to reduce firearm offending and victimisation.' However, although the bill enjoys cross-party support in Parliament, the bill is not without criticism. Green party MP Golriz Ghahraman, speaking at the first reading of the bill, criticised the punitive aspect of FPOs which can result in imprisonment when breached. She argued prison isn't a solution for keeping our communities safe' and emphasised the need for more investment in rehabilitation and other treatment programs. FPO's, which could lead to imprisonment if breached, are particularly concerning in light of comments published in a public consultation document by the New Zealand police. The document says that 'Māori are likely to be over-represented in the cohort of people who could qualify for, and become subject to, Firearms Prohibition Orders.' Is it possible then that Māori could also become over-represented in those convicted of offences related to breaches of FPOs? If true, this could further exacerbate the overrepresentation of Tangata Whenua in the criminal justice system. On the other side of the political

spectrum, MP Mark Mitchell has criticised the bill as lacking 'teeth.' In particular, he has advocated for the bill to include provisions that would allow for a 'warrantless search capability.' Such a warrantless search capability has been seen in Australia, where certain states have implemented a similar FPO framework. In the state of Victoria, the Firearms Act 1996 gives the power to the police to perform warrantless searches if it would be 'reasonably required to determine' whether someone under an FPO has 'acquired, or is carrying or using a firearm or firearm related item.' Such warrantless searches can include search of property and the person. Concerns were raised that the Victoria legislation gave powers to police that were open to abuse or that could be used 'arbitrarily'. This concern was raised in a report by the Ombudsman in New South Wales, which also has FPO legislation. The report noted that in 15% of search cases considered by the report, police interpreted 'reasonably required' as meaning 'the fact that a person was the subject of an FPO was itself a sufficient basis to search.' In the context of New Zealand, legislators will have to consider if the right to privacy is reasonably protected. A lack of reasonable restraints on such power could see Tangata Whenua disproportionately suffer invasive searches.

In short, the introduction of FPO's is not a one-dimensional issue. Although the bill has support from both sides of the political spectrum, the nuances of the bill need to be carefully examined in order to ensure that FPO's, if established in New Zealand, are fair, effective and non-discriminatory. FPOs also need to be seen in the broader context of our criminal justice system and how new offences resulting in imprisonment would affect the wider population. Public submissions on the bill remain open until the 29th March.





SEARCH AND SURVEILLANCE; THE PRICE OF SAFETY?

Written by Jingshu Xu

The Search and Surveillance bill will be up for review this year as part of the government's response to the Royal Commission of Inquiry's recommendations about the Christchurch masjidain terrorist attack on March 15, 2019. The bill was originally created in 2012 and allows law enforcement to carry out a warrantless search of a person or property if they suspect a licensed gun owner is in danger of harming themselves or others, allowing the police to move quickly and initiate searches without oversight of the courts. The government has proposed amendments to the Terrorism Suppression Act 2002 and the Search and Surveillance Act 2012, which would renew the terrorism laws in response to the attacks[v], the bill was fast-tracked in response to the Auckland supermarket terrorist attack on September 2021. Justice Minister Kris Faafoi said the Government is committed to following the recommendations of the Royal Commission. The review process will take place across 2022 and involve working with Māori groups, ethnic, faith-based, youth, rainbow and other interested communities. Although police surveillance has increased in NZ, is the public safer?

Public Privacy

Politicians, lawyers and gun owners are among the groups of people who oppose the current powers of Search and Surveillance. Privacy Commissioner John Edwards says the government's proposed counter terrorism law is a risk to the public and lowers the threshold for warrantless searches, giving police officers too much power and not enough oversight. Terrorism "Control orders" were created in 2019 out of fear of Islamic terrorists returning to NZ. The proposed changes would create new criminal offenses for planning and combat training of terrorist acts and allow the police to conduct warrantless searches.

Edwards has stated that although he supports the bill in spite of its flaws, he is opposed to "control orders" because it chances the definition of terrorist activity from inducing "terror" to "fear" in a population which lowers the standard of proof for terrorism, leading to a disproportionate and unjustified use of force against people who would not be otherwise considered dangerous, for example someone who expresses their desire to build a bomb on a forum but does not have the skills or materials to do so will be considered a serious

terrorist threat, potentially facing the maximum penalty of 7 years imprisonment. Aliya Danzeisen from the Islamic Women's Council national co-ordinator is also opposed and stated that she fears new laws would disproportionately target Muslims. "We have lived the life of counter-terrorism laws for 20 years. We have been the focus of those laws for the last two decades."

Gun-owners feeling targeted

Since 2019, 1369 firearms have been confiscated and 1161 arrests have been made, 36 were prohibited military style semi-automatic guns, but it is unclear how many of those guns belong to criminals and how many were returned to lawful gun owners.

Gun owners fear they are being unfairly targeted by police. There have been several instances of police confiscating guns and conducting warrantless searches on people with no criminal record. In one instance, on New Year's Eve 2021, police conducted a warrantless search on the home of Christchurch Pastor Carl Bromley, confiscating his rifle and 500 rounds of ammunition. Bromley had expressed pro-gun and anti-government views the police cited concerns about his mental health. Bromley said he had made no threats with his gun and felt the police had been overly forceful and violated his privacy. Christchurch barrister and Senior firearms lawyer Grant Fletcher

says the use of warrantless firearms searches are "rampant" and these laws might make people more distrustful towards the police and hinder crime prevention, such as making people less likely to seek help for mental health issues if they fear they will be treated like criminals.

The future of surveillance

The Law Commission and the Ministry of Justice reviewed the Search and Surveillance Bill on the 30th of January 2018, and have issued their 67 recommendations. The report states that while search and surveillance powers are an "essential tool" for investigating and prosecuting crime, people have a right to privacy and the state's intrusion should be minimal[xv], their main goal is to strike a balance between effective law enforcement and protecting human rights. Law Commissioner Donna Buckingham says the act does not need a "major overhaul," but should be adapted to new technologies and "clarified" to respect the privacy of citizens. This includes new regulations for conducting undercover operations and limiting the ability to conduct warrantless searches on electronic devices like cell phones. Buckingham states the amount of data generated by people and organizations have rapidly increased, most of which is stored online and police need access to data and new technologies to investigate crimes. With the bill currently up for review, NZ needs to consider if safety should come at the cost of privacy.



THE BLACK GOLD: A LOOK INTO NEW ZEALAND'S FUEL RESILIENCE AMONG SHIFTING GLOBAL WINDS

Written by Raphaël Rauner

As the Russo-Ukrainian conflict intensifies, the global geopolitical narrative is shifting. It impacts every actor on the world stage- from small to large. It also raises questions about New Zealand's place in the world and our dependence on international partners. This article is not about foreign policy. It's about New Zealand's fuel resilience and future without an oil refinery.

This fuel resilience issue arose in August 2021 when Refining NZ decided to close the Marsden Point Oil Refinery for cost reasons. The ensuing months saw the Cabinet's refusal to intervene and keep the refinery operating. The result were questions about our fuel resilience and energy security- since this policy deepens our dependency on partners in the Middle East and Australasia for refined fuels.

A Glance at Our Current Fuel Infrastructure

Even as we shift toward green alternatives, the Black Gold runs everything- from transportation to the clothes on our backs. For the past 61 years, this substance has been discharged by large oil tankers at Marsden Point, a nook on Whangārei Harbour. There, crude oil becomes refined fuel: petrol, kerosene, and

diesel. The refinery also supplements bitumen and farming fertilisers.

The refined product makes its way to the local gas station through pipelines and other transit methods. A vital pitstop is the reserves at Wiri Terminal, South Auckland- an essential infrastructure for New Zealand's fuel supply. These reserves contain around 64 million barrels- or one year's worth of fuel at current consumption rates. However, some question whether this is enough?

That question continues to define the tug-of-war between the Government and energy security experts. On the one hand, the Ministry of Business, Innovation, and Employment argued in a Cabinet paper titled Fuel Resilience without a Domestic Refinery that a 'no fuel' scenario is implausible and that a domestic refinery would not make a difference. Their reasoning is New Zealand's existing dependence on crude oil imports- 30% of which is refined before arrival.

On the other side, energy security experts argue that global winds are shifting- underscored with the current conflict in Ukraine- and its impacts on the international fuel markets. Some say that international instability may disrupt our supply chain and force us to seek new partnerships. They also

argue that the refinery is “one of the country’s most important tools for supply shortages” - A claim that Refining NZ denies by noting that New Zealand currently does not produce crude oil.

A Dependence on International Partners

Having assessed the domestic aspect of the fuel resilience issue, much of the concern lies on the international stage. Partners such as Russia, the Middle East, Singapore and South Korea build New Zealand’s intricate network of suppliers. New Zealand’s continued flow of the Black Gold is also supported by a series of carefully orchestrated institutions and bilateral agreements. The most renowned institution that safeguards New Zealand’s interests is the International Energy Alliance (IEA). The IEA gives fuel importing countries (like New Zealand) leverage over fuel prices and supply. The IEA has also provided guidance over energy policy matters to countries; however, its role has been significant in ensuring continued supply since the 1973 Arab Oil Crisis. In addition to strong IEA participation, the government has also entered bilateral agreements with the Netherlands, United Kingdom, Australia, and Japan to ensure supply in an emergency. However, fissures can emerge in our ties with these ‘allies’ as interests and relationships change. Changes in these relationships have arisen throughout

recent years as New Zealand has pursued foreign policy stances that do not cohere with some of those partners; the most notable example was New Zealand’s decision not to participate in AUKUS.

A Supply Vulnerable to Attack

If there’s one lesson to be learnt, it is that bilateral ties do not safeguard New Zealand’s fuel supply from global instability. Several events in recent history are a testament to New Zealand’s precarious energy supply as global ‘shocks’ often impact Kiwi consumers within hours. The war in Ukraine is one clear example as its implications are felt strongly by Kiwi consumers, who are now paying record prices at the pump. However, these ‘shocks’ can happen suddenly, as the 2019 Saudi Oil Field Attacks underlined the vulnerability of the global fuel supply. However, these attacks were short and sharp, as the Saudi Government restored total refining capacity within days. As these events show, the global geopolitical landscape’s unpredictability does raise questions about New Zealand’s fuel security, especially in the South China Sea and surrounding areas. These concerns align strongly with chokepoints in the global oil supply and the location of refineries that will now sustain New Zealand. One relevant area of concern is the Strait of Malacca (in Southeast Asia), which sees 61% of the world’s oil

supplies travel through the area before refining in Singapore. This area will now be more critical than before as our refined fuels will originate from Southeast Asian partners. It also means political changes in the region will have a strong bearing on how Kiwis will live their lives, significantly if choke points are compromised, and refining infrastructure is ever besieged. However, the Malacca Strait is only one choke point among many in world supply chains.

Final Remarks

While fuel resilience is a topic filled with complexity, the article discussed the precarity of Black Gold. The journey from the oil field to the pump is a long, complex, and difficult road. In these times, it is also heavily influenced by international politics and the relationships New Zealand fosters. However, we're not alone. Disruptions impact everyone similarly, and recent events are a testament to this. Do we need to consider the future without a refinery and our increasing dependence on refined fuels from our overseas partners? Are we safe from geopolitical shifts? Do we need to increase our reserves? Should we foster new bilateral ties?

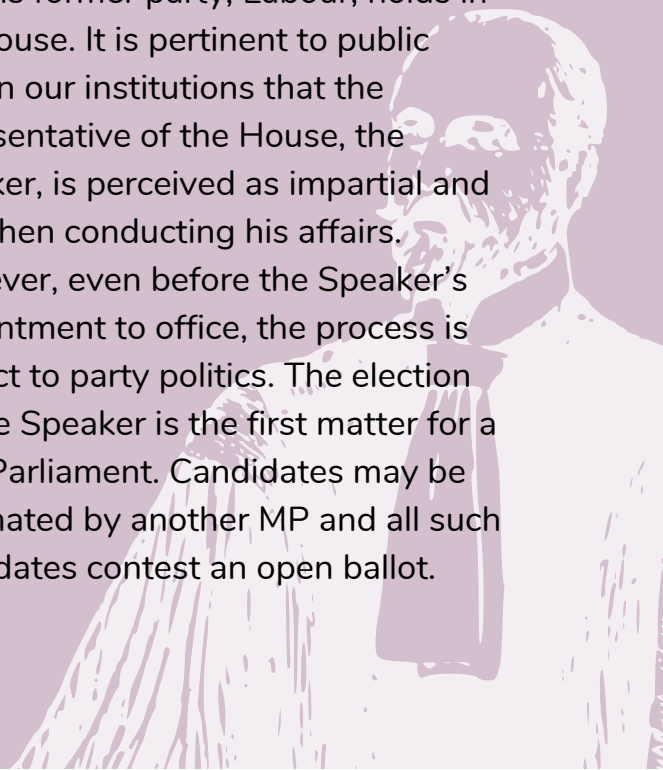
SPEAK FOR YOURSELF: BALLOTING THE HOUSE OF REPRESENTATIVES ON THEIR SPEAKER

Written by Nicholas Langrell-Read

The Speaker of the New Zealand House of Representatives (herein the House) holds an important constitutional office and performs crucial roles with regard to the functioning of the House. Two such roles are chairing meetings of and maintaining order in the House. Necessary for these roles is interpretation of the rules and traditions that govern the conduct of the House, thereby defending the rights and privileges of Members of Parliament (MPs). Despite being elected as an MP, according to the political will of the electorate, the Speaker must maintain nonpartisanship when chairing.

Nevertheless, some Speakers have not always upheld this duty of independence. Parliamentary reforms of the standing orders that authorise the Speaker have attempted to rebalance the powers of the Speaker against the House. However, such reform ultimately depends on the will of the House, which is commanded by the government of the day. Questions have revived of late about the integrity of our present Speaker, the Rt Hon. Trevor Mallard. After a slate of scandals during his tenure,

including alleging a former parliamentary staffer of being a rapist (from which ensued a defamation lawsuit costing taxpayers more than \$330,000); uproar from opposition MPs claiming they had been silenced in debates; and inflaming tensions with occupants of Parliament grounds, blasting obnoxious music during the night and turning on sprinklers; the Speaker has again come under fire for trespassing politicians (including former Deputy Prime Minister Winston Peters) from Parliament grounds as a result of their presence at the occupation. The opposition may move for no confidence in the Speaker yet any such to eject him from office is mere political theatre, given the majority that his former party, Labour, holds in the House. It is pertinent to public faith in our institutions that the representative of the House, the Speaker, is perceived as impartial and fair when conducting his affairs. However, even before the Speaker's appointment to office, the process is subject to party politics. The election for the Speaker is the first matter for a new Parliament. Candidates may be nominated by another MP and all such candidates contest an open ballot.



Thereafter, the Speaker-Elect is confirmed in office by the Governor General. In practice, usually the intended speaker is nominated by the government and accepted without contest. List MPs and government Ministers serve at the pleasure of the party leader and the Prime Minister, respectively, so anyone within the government, dissenting against its nomination risks retribution against their political careers. Fearing their superiors, these MPs are motivated to vote at the instruction of their party, rather than by their own conscience.

Arguments for Reform

Hence, political agents, commentators and jurists alike call for reform of the electoral system. One such proposal is a change from open to secret ballot. This process would ensure the votes recorded by MPs for the speaker are by the conscience of the voter because of their being undisclosed to their peers in Parliament. This practice has been adopted by many of the common law nations and has been approved recently by commentators Graeme Edgeler, Simon Bridges and the Rt Hon. Trevor Mallard, himself. These arguments predominantly address the constitutional order of the legislature (Parliament) as against the executive (government). In Westminster systems like ours, the executive is constituted by members of the legislature (our Prime Minister and her cabinet also serve as MPs).

Hence, our legislature is not so independent from the executive as it seems. The real function of the legislature is reduced to independent scrutiny of the activity of government (and their legislative agenda), through opposition. The government, seeking reelection in the next term, wants to maintain favourability with their constituents, so has incentive to avoid being held accountable. One way they can do this is to nominate a Speaker which will conduct the House in a partisan manner, banning aggressive opposition and limiting debate.

Arguments against Reform

Conversely, there remains reason to retain the practice of Government nomination. It is argued that the modern electoral system is largely underpinned by the party vote. A significant minority of seats in the House are appointed by party vote alone, and often the polling of electorate MPs is majorly determined by their party affiliation. It is claimed that while MPs are there by virtue of their merit, the political will is really represented by their parties in Parliament. Thus, the election of the speaker ought to be conducted along party lines according to the will of the party itself as manifested by its nomination. Moreover, while the appointment is in practice by the Government, the constitutional theory protects the independence of the Speaker from gross abuses of power and it reflects the representative

nature of the role according to the proper representation of the will of the people.

The independence of the Speaker is crucial—both in political reality and by perception of the public—to the constitutional order of our state.

Whether this is upheld has significant implications for the democracy at the cornerstone of our constitution. It may seem that the internal workings of the House have little effect on the political outcomes for the ordinary citizen. In some sense this is true: the government, holding the consent of the House, may effect whatever legislative agenda it pleases.

However this misses the practical checks and balances that the House performs in scrutinising and communicating opposition to the public.

In whom should such powers of the Speaker be vested? What should the extent of these powers be? How can we manifest the values of independence, fairness and transparency in our legislative assembly? And would a secret ballot help resolve these questions while balancing democratic interests? Without a truly independent Speaker to protect these functions, our democracy may suffer.



Please see original article for a full source list.



MĀORI HEALTH AUTHORITY: BUREAUCRACY?

Written by Shirin Ranjbar

The New Zealand government is due to abolish the twenty District Health Boards by July this year. The new health system will include a new Māori Health Authority. Instead of twenty different decision makers, the country will have a singular decision maker. The current system is characterised by fragmentation, where a decision that could be made once is made multiple times. The emergence of the proposed Māori Health Authority has come after years of outrage over the health system's breaches of Te Tiriti. Māori suffer from poor health outcomes under a variety of measures. For starters, it is well known that Māori and New Zealand Europeans have a seven-year life expectancy gap. Māori also have higher rates of cancer. These statistics speak for themselves. Māori have worse health outcomes, drawing political action in response. In 2019, the Waitangi Tribunal identified that the health system has breached Te Tiriti by failing to design a system that addresses Māori health inequities and has not guaranteed tino rangatiratanga (self-determination) for Māori. A Māori Health Authority means that Māori will be represented and placed at the forefront of decision making regarding Māori health.

Health system Restructure

The twenty District Health Boards are set to merge into Health NZ and will be responsible for the daily running of the health system. The Ministry of Health will have a refocused role as lead advisor to the Government on health matters. The new system will also have increased focus on investing in primary and community care. The Māori health leadership also means that funds will be directed towards Māori health issues. The Māori Health Authority will work in partnership with the Ministry of Health and Health NZ, developing strategy and policy which will drive better health outcomes for Māori, and commission Kaupapa Māori services that target Māori communities. It will also monitor the performance of the health system in addressing health inequities, and establish mātauranga Māori services.

Different Perspectives

These proposed changes have not been without critique. Ahead of the upcoming election year, both National leader Christopher Luxon and David Seymour have said they would dismantle the Māori Health Authority if they are voted into Parliament. They claim that the new authority is pure

'bureaucracy' on the basis they would monitor Māori health inequities as well as commission services. Although they acknowledge that involving Indigenous communities in decision making improves health outcomes, they believe this could be done without a treaty-based response. Even the Māori Expert Advisory Group (MEAG) had a variety of views in granting the agency commissioning powers. Four of the six members were sceptical in granting the new authority commissioning powers.

On the other side, the Māori Health Authority's commissioning powers are regarded as necessary to address intergenerational wrongdoings on Māori communities. Sharon Shea, the chair of the MEAG strongly supports the authority's commissioning powers, saying "We need to do something differently. We don't need a policy that talks about prioritising Māori and then we don't have structures and systems and leaders in place to actually enable us to effect that change."

Rhys Jones, a senior lecturer in Māori Health, views the commissioning powers as necessary to address racism, but feels uncertain regarding the project's ability to change health outcomes. In a statement made to Science Media Centre, he said "The NZ health & disability system is racist to the core and complicit in reproducing health inequities. Establishing a new Crown agency,

reducing the number of DHBs, and creating a Māori health authority with limited powers is not going to change that".

Looking Forward

New Zealand will see historical new changes happening in the health system in July. The health system will increase its funds directed towards Māori health issues, more than ever. There is dispute over how Māori health issues ought to be addressed, and there will no doubt be ongoing debate about the commissioning powers of the Māori Health Authority. With opposition parties ACT and National both labelling a treaty response as unnecessary, it is unclear what the future holds for the New Zealand health system. Will the upcoming election see the breaking point of the Māori Health Authority? Whether the Māori Health Authority will successfully reduce health inequities and keep its commissioning powers will be known with time.





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