



## Do Justice!!

**“Do Justice, Love Kindness and Walk Humbly With Your God” Micah 6:8**

### A Newsletter on Social Justice Issues

Welcome to the June 2016 edition of Do Justice. This newsletter, prepared by Auckland Diocesan Social Justice Group, looks at various Social Justice Issues.

#### **Trans Pacific Partnership Agreement (TPPA)**

It has been interesting to look at the process the Government is using to enable New Zealand to ratify the TPPA. The fact that New Zealand does not have a written constitution gives the government wide flexibility in how they handle what is probably the most important agreement the country has signing up to for many years. The implications of this agreement go far beyond single country trade agreements that have been common in recent years. To call the TPPA a “Trade” agreement stretches the definition of trade beyond reasonable limits.

The process for ratifying International agreements or Treaties is detailed in the Cabinet Manual page 72 and says:

#### **International treaties and Cabinet**

*5.73 Any proposal to sign an international treaty or agreement or to take binding treaty action must be submitted, with the text of the treaty, to Cabinet for approval. Binding treaty actions include ratification, accession, acceptance, definitive signature, approval, withdrawal, or denunciation of an international treaty or agreement.*

*5.74 Where a treaty or agreement is to be presented to the House of Representatives before binding treaty action is taken, a national interest analysis must also be prepared and submitted to Cabinet. Details of the approval process relating to international treaties and agreements are set out in paragraphs 7.112 – 7.122, and in the CabGuid<sup>1</sup>*

What authority does the Cabinet Manual actually have? The foreword of the current manual says:

*New Zealand’s system of Cabinet government is one of the great strengths of our political system. Cabinet provides the forum in which Ministers collectively consider, debate, and decide on the key issues facing the nation.*

*Cabinet is not a creature of legislation - its procedures are not governed by statute. The Cabinet Manual guides Cabinet’s procedure. The Cabinet Manual is an authoritative guide to central government decision making for Ministers, their offices, and those working within government. It is also a primary source of information on New Zealand’s constitutional arrangements, as seen through the lens of the executive branch of government. Successive governments have endorsed the Cabinet Manual as a sound, transparent, and proven basis on which to operate.*

*The Cabinet Manual does not effect change but, rather, records incremental changes in the administrative and constitutional arrangements of executive government. This edition reflects, for*

*example, the continued development of the conventions flowing from the establishment of the MMP electoral system, and changes in the relationships within the state sector introduced by the Crown Entities Act 2004.*

*Cabinet has approved the content of the Cabinet Manual. I urge all those working in government to use the new Cabinet Manual and follow the guidance it contains.*

*Helen Clark Prime Minister*

Hence it is clear that it is Cabinet that has the final say in the ratification process for any International Agreement. The only role for the House of Representatives is to enact any legislative changes that the Agreement may require. It does not seem that Parliament actually gets an opportunity to debate or vote on the overall agreement and its impact on the New Zealand public.

The TPPA makes some very major commitments on New Zealand that once the agreement is ratified we will be committed to in perpetuity. Effectively the TPPA will become part of our constitution. Should the TPPA be ratified by the Cabinet and the various changes to legislation passed by the House then effectively foreign multi-national corporations will have a potential “veto” on any proposed laws or regulations that the New Zealand Government or Parliament may want to make that could have a negative impact on the profitability of the corporation.

The process is already underway, the agreement together with the “National Interest Analysis” has been looked at by the Select Committee on Foreign Affairs, Defence and Trade: after public submissions that appear to have been completely ignored by the government majority on the committee, reported back to the House. Any debate in the House on the broad principle of the TPPA and its impact on New Zealand has not been permitted nor voted on. Instead the Government has introduced an omnibus bill to make all the changes to some 20+ laws required by the TPPA before ratification. Although this bill will go through the normal parliamentary process, submissions and debate will be limited to the actual clauses in the bill. There will be no opportunity for submissions or debate in the house on the broader aspects of the Agreement.

The concerns of the Social justice Group about this process and the way in which the agreement was negotiated was summarised at the end of our submission to the Select Committee:

*We wish to express our concern about the processes used to negotiate the Agreement and the way it is ratified. The tight secrecy surrounding the negotiations of an agreement of this significance has been highly undemocratic. What information that*

<sup>1</sup> <https://cabinetmanual.cabinetoffice.govt.nz/files/manual.pdf>

was "leaked" about the negotiations apparently came from other parties to the negotiations keeping their people informed. The way in which companies and other bodies both were advised of details of the negotiations and had input to the negotiating process whilst the general public was completely locked out is totally unacceptable in a democracy.

It is our view that the changes proposed in the TPPA will have a significant impact on our country and that the only just ratification process is through a binding referendum.<sup>2</sup>

It is interesting to compare the process that we have in New Zealand for ratifying such agreements and the process in some other countries. For example, in the United States the full agreement has to go the US Congress for ratification. Under the terms of the Fast Track Provisions for Foreign Treaties and Agreements Congress can only approve the agreement in full or reject it. In theory, Congress cannot make changes to the agreement. However if members of Congress do want changes they can require the President to go back to the other countries to agree any changes that Congress demands. The only power that our House of Representatives is to refuse to pass the bill changing existing laws. Perhaps it is time to fully review our Constitutional process that allows a small group of people – the Cabinet – to effectively change our constitution.

### The Auckland Housing Crisis

At long last the debate over housing in Auckland is now getting to the heart of the problem. For many weeks and months the focus in the media has been on the rapid increase in the prices that good, liveable houses are getting in the Auckland market - an average close to \$1 million!! And how difficult it is for first home buyers to get into the market.

Now we are hearing about those without even a rental house because they cannot afford \$500 a week rent, and must live in a friend's garage or the back of a car. And our Prime Minister has the answer – go to WINZ they will help you immediately. O eh!! However if there are not enough houses in Auckland to house all the population how can WINZ really help – well apparently WINZ can organise a motel for the homeless family and they ask them to repay the motel costs later! Is that really help?

The irony is that there actually are enough houses in Auckland to house everyone but there are thousands of houses left empty by their owners waiting for the price to increase so they can get a capital gain. One quick way to address this would be for the Council to set a special rate for empty houses at say 5 times the regular rate. The extra houses released to the rental market would then start to drive down rents and everyone would be happy. After all isn't this how the market works?

An additional issue that is beginning to be raised in some media is the whole question of pensioner housing. For decades Local Councils have provided pensioner housing for those in need. Auckland being no exception with 1412 pensioner units. The Government does not like this and is trying to get Councils to "privatise" their pensioner housing. In Auckland the Selwyn Foundation is the preferred partner to take over responsibility for pensioner flats for the needy. This is an interesting development as the Selwyn Foundation was originally established by the Auckland Anglican Diocese to provide accommodation for the elderly needy.

But this is only one example of the privatisation by stealth of the State House stock. The Social Justice Group recently wrote to one

of the potential purchasers of State Houses, The points made include:

- State houses are owned by the taxpayers of New Zealand and we believe it is unethical for this National led government to sell or transfer them to the private sector.
- Overseas research shows very good reasons why private organisations should not be involved in the ownership, transfer or management of state/publically owned houses, including the strong possibility that the private organisation will collapse from attempting roles for which it is neither designed nor equipped. These houses must not be moved from one low income group to another.
- It is the policy of the present government to pass to the private sector its responsibility for rental housing for people on low or fixed incomes.
- Significant numbers of state tenants feel they have not been able to participate in decision making about the future of their homes.
- These houses have been people's homes, some for generations, and such transfers or sales often lead to the destruction of the original community, including so called "mixed" houses models that often eventuate.

These are important points and apply as much to a State House in Glenn Innis as to a pensioner flat in Mount Albert. The "state" has a basic responsibility to ensure that all the people living in New Zealand are adequately housed, just transferring management from the Housing Corporation or the local council to a company or NGO does not solve the underlying issues – not enough appropriate, affordable, adequate and available housing.

And finally there is the question of quality, a house needs to be well insulated, dry and warm in winter for healthy living. Both major political parties have legislation before Parliament at the moment to require all private rental houses to meet basic standards of insulation, dryness and warmth and no doubt something will come out of parliament at some time. The fact that we do not already have such standards is bad enough, but the question must be asked about how the standards are going to be enforced and by whom?

### Upcoming events:

**The Justice Conference.** 28-29 October 2016 Salvation Army, 18 Allright Place, Mount Wellington, Auckland. The conference theme is:

**Live Justice Together.** Our vision is to serve the discovery of ideas, celebrate the beauty of justice, and foster a community of people who live justice together. **Now, more than ever, people of faith need to come together to wrestle with the injustice in our world. This is the time.** This is the place.

For more information go to:

<http://www.thejusticeconference.org.nz/about/venues>

### Peoples Assembly – Election Special 31st August 2016 St Matthews-in-the City 6:30pm

Your chance to engage with the candidates for Mayor and Council on

- The Living Wage
- Housing
- Transport
- Employment

Candidates will be asked to pledge to support or reject positions on each of these issues that have been developed at community meetings around the city.

<sup>2</sup> [http://www.parliament.nz/en-nz/pb/sc/documents/evidence/51SCFDT\\_EV1\\_00DBSCH\\_ITR\\_68247\\_1\\_A495752/auckland-anglican-diocese-social-justice-group](http://www.parliament.nz/en-nz/pb/sc/documents/evidence/51SCFDT_EV1_00DBSCH_ITR_68247_1_A495752/auckland-anglican-diocese-social-justice-group)