

## **Protecting our democracy from crony capitalism**

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### **Introduction**

I give greetings to the mana whenua, Ngāi Tahu and Waitaha. We acknowledge your guardianship of this place and your ancestors buried in this land.

I acknowledge Rod Donald, also buried here, a short distance from Christchurch at Little River.

Tēnā koutou.

I acknowledge Te Tiriti o Waitangi, the founding document of our nation.

I greet the whenua - Aoraki and the Southern Alps, the magnificent Canterbury plains. And the awa - Waimakariri, Rakaia, Rangitata, Hurunui – great braided rivers connecting the mountains to the sea.

Tēnā koutou.

Last time I spoke to you at a Green Party AGM in Christchurch there was an undamaged cathedral standing at the heart of this city. We talked about the water wars you fought so fiercely, defending the last of our wilderness.

I know the years since then have been very tough. Your fight has been for lives, for homes, for schools and to be treated with human decency by insurance companies and government departments. But the heart of Canterbury beats on. And I stand up with you seeking fair treatment in your hour of need.

Tēnā koutou, tēnā koutou, tēnā koutou katoa.

### **Something is rotten in the state of New Zealand politics**

Fair treatment. To be equal before the law. To fight our fights on an even playing field. This is democracy. And today I want to talk to you about our democracy.

Kiwis don't agree on everything. We argue around the dinner table, at the pub, in the media, in the courts and in parliament.

Some of us love it and some don't but we all agree that everyone should get their day in court; we all agree that people should be equal before the law; we all agree that the courts and the government should be blind to the size of our wallets; we all agree that there should be an even playing field on which the contest of ideas takes place.

But do we all agree?

I'm starting to think that not everyone does think we are all equal before the law.

I'm starting to think that something is rotten in the state of New Zealand politics.

Something is rotting in the Beehive.

Our democracy is being eaten away by a Government that persistently undermines our basic democratic rights and institutions to give special treatment to its special friends.

### **Democracy in Canterbury**

But I hardly need to tell this to the people of Canterbury.

Because in Canterbury the National Party abolished your democracy. National abolished your democracy in order to force through more environmentally destructive irrigation projects.

That is the disturbing bald truth of the matter.

Your elected representatives on the Regional Council were removed by the National Party because those elected representatives were beginning to draw a line in the sand on environmentally destructive irrigation; irrigation promoted by the National Party's friends and donors.

And who wrote the report justifying the destruction of democracy in Canterbury? It was the former National Party Minister and one time director of a dairy corporation, Wyatt Creech.

The legislation that took democracy away from Canterbury was forced through late at night under urgency. Aside from abolishing elections it also gave the government the right to determine by decree what the Resource Management law actually was at any time regardless of what was written in the books. This is called a Henry the Eighth clause – rule by decree.

This law was described by Canterbury University law professor Philip Joseph as 'constitutionally repugnant', as containing 'elements of subterfuge and as a 'constitutional affront'.

Under National's crony capitalism, National's friends get the profits from intensive corporate dairying and the people of Canterbury literally get cow faeces in their water. And if you don't like it then tough, because National removed your right of appeal to the Environment Court as well.

This is how crony capitalism works. This is why the divisive National Party destroyed democracy in Canterbury.

We have studied the source of the contamination of the water on the Canterbury Plains and can now confirm it can be traced back to the ninth floor of the Beehive.

Something is rotten in the state of New Zealand politics.

## **Carers law**

And if this all sounds strangely familiar that's because just last month Otago University law professor Andrew Geddis described yet another piece of law from this National Party Government as a constitutional outrage. That was the law that took away from the family carers of disabled people the right to challenge the lawfulness of government policies in the courts.

That's right, after the Budget, Parliament was put into urgency to rush through a piece of legislation specifically designed to stop these family carers from going to court to test whether the Government was acting lawfully.

Just think about that for a second.

Parliament didn't go into urgency to pass legislation to deal with the huge debt burden the country's facing under National's economic plan, no.

But we did use the full force of the government and the parliament to remove the rights of family carers of disabled people to have their day in court.

So who are these people who so threaten the friendly Mr Key that he forces through special laws to stop them going to the courts.

Let me tell you a little about Cliff Robinson.

Cliff Robinson is 75 years old and has two adult children living at home with him. They are both intellectually disabled and both require care to see them through their everyday lives. Cliff has devoted most of his adult life to raising his two children who are today in their early forties and still reliant on their father.

If Cliff wasn't their father he would've been paid to look after them, but successive governments have said that you won't get paid if you are family.

So Cliff and a group of other carers went to court to fight this discrimination. And won. Court after court found that the Government was acting unlawfully in discriminating against Cliff and the other carers.

It was reason to feel proud to live in a nation governed by rule of law enforced by the courts.

So the friend-to-all Mr John Key decided he'd had enough of Cliff Robinson and the nuisance courts and the Bill of Rights, and the National Party passed legislation under urgency that takes away Cliff Robinson's constitutional right to have his day in court.

Just like that, Mr Key got the little room down the end of the hall that he keeps for making laws to take away the right of Cliff Robinson to go to the courts to seek a ruling as to whether the government was acting lawfully.

It took National less than a day to pass a law that took away Cliff Robinson's right to his day in court

Something is rotten in the state of New Zealand politics.

Without fail, Cliff Robinson will still get up every morning to look after his children - he will do it out of love and respect.

I know New Zealanders are moved by this love. We're moved by it because we know what it is to love and be loved. It rests on our shared humanity, and it is our greatest hope.

The National Party wants Cliff's fight for justice to end the night they passed their draconian law. National are hoping that they can take away Cliff's power, take away his voice and his right to his day in court.

But on behalf of the Greens I promise you that John Key hasn't intimidated us. The people of New Zealand have seen off bullies before and we'll see them off again.

New Zealand will take back the power and Cliff and other carers will have their rights restored.

### **Crony capitalism - SkyCity**

But in truth it's about more than Cliff, because this is not the first time this happened.

John Key believes that he should not be answerable to the courts. He believes he should be allowed to do whatever he damn well pleases.

And if you think this is just about victimising vulnerable families think again.

Let me tell you the story of SkyCity.

Earlier last month, John Key's Government signed a deal to give SkyCity thirty-five years of untouchable freedom to expand their gambling profits in exchange for a convention centre.

To get this contract SkyCity won a tender process, as is common for large government contracts. At our suggestion, the Auditor-General investigated this tender process and found that, and I quote, "it was not even-handed and it was not transparent".

Here's what the Auditor-General found: National sought expressions of interest to build a convention centre. Five expressions were received. Officials rated the five proposals and SkyCity was rated last. Gerry Brownlee and officials then met with SkyCity throughout a year to help them amend their bid and National introduced a new criterion to judge the bids. The Auditor-General found that the Government did not tell the other bidders about the additional criterion. And then lo and behold the bids were reassessed and SkyCity won the contract.

This is crony capitalism in action. It's not what you know, it's who has dinner with the PM.

In a deeply Orwellian moment, when John Key was confronted by this Auditor-General report he said that it vindicated the Government. When I asked the Auditor-General at select committee if her report vindicated the Government, she politely but firmly disagreed.

It is no wonder that one of the other bidders asked for a refund for their spending on their bid given that the National Party had already made their decision before they began the tendering process. The other bidders no doubt have not spoken out because they don't want to offend National for fear that they will miss out on future government contracts.

That is how crony capitalism works in the smiling John Key Government in New Zealand in 2013.

But just for good measure Key added a further anti-democratic twist to the deal.

He bound future Governments for 35 years with contractual clauses that, should any future government do anything to affect the deal to the detriment of SkyCity, such as controls on problem gambling, those governments will pay SkyCity unquantified damages. This would be the equivalent of Robert Muldoon in 1978 guaranteeing the profits of tobacco companies for 35 years – we would still have smoking in the workplace.

So not only is John Key trying to block the courts from reviewing the legality of his policies he is trying to stop future governments from ever changing his policy.

Well we've got news for SkyCity: unlike other political parties we didn't take your campaign donations and we didn't go to your corporate box at the rugby; your tools of crony capitalism don't work with us because we work for the people of New Zealand and if the people of New Zealand tell us to turn off the tap on your blood money, then we bloody well will.

The story of SkyCity happened also with Warner Brothers and it is happening again with the public private partnerships National is proposing to build new motorways and charter schools. This is the world of crony capitalism where taxpayer funded money and benefits are showered on those who have the ear of the minister.

In each and every case, New Zealanders are being bound by deals that have prohibitively expensive escape clauses.

This is not a smart way to run a government or an economy.

It sends the signal to businesses everywhere that the real money to be made in this economy is through lobbying government for sweet deals, not by the much more uncertain route of investing in research and development, employing new talent, and exporting high value added products all over the world.

Productive business thrives when the rules are clear and everyone is treated the same.

This divisive National Government is rewarding those with good lobbyists and connections while smart green manufacturers are left to hang.

Is it any wonder that New Zealand now spends ten billion dollars a year more than it earns in the world and covers the difference by borrowing? Where is the incentive to take a risk and generate real wealth when the serious money is in cushy crony deals?

Something is rotten in the state of New Zealand politics.

### **Crony capitalism - Bathurst coal mining**

But crony capitalism isn't just about government tendering, it's also about government decisions to give our natural resources to mining companies.

As a nation, we are endowed with natural assets that are the envy of the earth. Aotearoa New Zealand has some of the most wild, beautiful places left in the world. It's why we are proud to live here. It's who we are.

So when overseas owned Bathurst mining said they wanted to dig up the conservation estate on the Denniston Plateau many New Zealanders were upset.

The Denniston Plateau isn't just any old piece of the conservation estate. It's sandstone plateau ecosystem is home to bonsai gardens of rata, tussock, and pigmy pine; home to great spotted kiwi, carnivorous giant snails, and green geckos.

The only other place remotely like it in the world was the Stockton Plateau—a place destroyed forever from decades of opencast mining.

The Department of Conservation and the Conservation Minister were considering Bathurst's application to dig up the Plateau for coal. They were supposed to make an independent decision based on conservation rationale.

While this 'independent' decision making process was underway, the Prime Minister decided to open Bathurst Resources' new corporate head office located conveniently not far from the backdoor of the Beehive. The PM spoke openly in support of this particular company making it abundantly clear to anyone who chose to hear that he expected the application to be approved.

In considering the application, DoC recorded their view that the mine would cause irreversible and irreplaceable damage to these unique ecosystems. Yet somehow the Minister of Conservation approved the application. Given Nick Smith's recent disgrace as ACC Minister he was hardly in any position to decline the PM's favourite mining company.

And the deal to destroy Denniston forever was sealed one day before new laws came into effect that would have required full public consultation of the decision.

What a difference a day makes when National is in power.

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### **Stopping free speech at sea**

Of course, as far as the environment is concerned, it doesn't end there.

John Key has now banned protest at sea.

To ensure nothing stands in the way of the oil profits of other big foreign multinationals, the Government has passed new laws under urgency to ensure those who stand up to defend our oceans and beaches from a devastating oil spill will go to jail or face a heavy fine.

He did this after Steven Joyce met with Shell Oil and Shell complained about protesters.

Overnight, National took away our constitutional right to freedom of speech.

Will this be a defining moment of what it means to be a New Zealander? No, but I can think of some other defining moments that Key would try to outlaw.

Can you imagine the difference it would have made to our history had there not been a single boat out on the harbour the day the nuclear powered USS Texas, USS Truxtun, or USS Long Beach 'steamed' into our harbours?

Thousands of ordinary New Zealanders, in boats of all shapes and sizes, took to the sea to protest the American challenge to our hope to live in a country free of nuclear weapons. They were not criminals. They were us. And when we stand for something, we inspire the world.

Would we be anti-nuclear today without the inspired actions of those protestors?

Is it any wonder that a Prime Minister who can't remember whether he was for or against apartheid doesn't understand how peaceful protest helped to create our identity and he wants to ban it.

Peter Williams QC has described National's law changes as "anti-New Zealander".

Sir Geoffrey Palmer, the World Wildlife Fund, the Royal Forest & Bird Society, Dame Anne Salmond, Rikirangi Gage of Te Whanau-a-Apanui, the Council of Trade Unions, peace flotilla founder George Armstrong, and Amnesty International have all spoken out against National's move to strip New Zealanders of their rights to free speech.

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## **MMP**

And then we come to MMP. Rod Donald was passionate about MMP. A fairer voting system was his gift to New Zealand.

We were gratified that the people of New Zealand voted to keep MMP at the 2011 referendum with some minor amendments to make it even fairer.

The independent umpire, the Electoral Commission, was given the job of coming up with those amendments in consultation with the public.

They proposed getting rid of coat tailing, the one seat exemption to the threshold, and lowering the threshold.

National didn't like those amendments as it doesn't suit John Banks or Peter Dunne so they blocked the process.

They have, in the words of Andrew Geddis, acted in "manifest bad faith regarding electoral reform".

Acting in pure self-interest, National has decided to leave MMP unchanged in the hope that New Zealand will forget the very high price of a cup of tea.

## **A traditional National Party government**

The truth is that I could go on with example after example of National's attacks on democracy and National's crony capitalism.

There is something rotten in the Beehive.

It is a Government that gives special favours to their friends and donors.

It is a Government that blocks New Zealand citizens from having their day in court.

It is the rotten heart of a divisive Government that daily vilifies anyone who dares to disagree and like a schoolyard bully invites us to denigrate whomever the Prime Minister is attacking today.

It is a Government that cannot bear to hear dissent so criminalises protest at sea at the behest of Shell Oil.

It is a Government that wants to give itself even more police state powers to listen into our phone calls, read our emails, break into and bug our houses.

It is a rotten Government that picks SkyCity casino as its favourite and rigs the tendering processes to suit SkyCity.

The National Government is undermining democracy, tilting the playing field, and stacking the deck. Crony capitalism is rearing its ugly head, and the backrooms may not be smoky but they are certainly worth a visit if you can pay the fee to the smiling doorman at the entrance to the Beehive.

But we have seen this all before, this is what a traditional National Party government does. Robert Muldoon would recognise this Government as one after his own heart, but with better spin doctors and a smilier disposition.

John Key came to office with a message of unity and inclusiveness. He worked with the Māori Party, he worked with the Greens. But John Key has now become a divisive and corrosive figure in New Zealand politics, hostile to rational debate, intolerant of opposition, irritated if we are not all grateful for him generously agreeing to be PM. He may not look like Muldoon but he sure as hell is acting like Muldoon.

So next time you see John Key smiling, remember he's not smiling because he likes you, he's smiling because he's giving favours to his mates while undermining your democracy.

### **The Green Party will fight for democracy**

This matters because democracy and human rights matter. But it also matters because democracy is at the heart of every other economic, environmental and social debate we face as a nation.

We need clean politics to help achieve a fairer society. We need clean politics to help protect the natural world that we love. We need clean politics to help make the transition to a smart green economy that can get us out from under the huge pile of debt that National has built up.

Greens believe that the special interest lobbyists should be exposed to the sterilising effect of sunlight.

And we will let the sun shine in.

Greens believe that ordinary people should be the decision makers in this country. Ordinary people should have the power.

And we will fight to restore that power.

Greens believe that collective dignity comes from working together to make the world a better place.



And we will fight to restore that dignity.

We believe that in spite of everything that is wrong in the world, in spite of the chaos and madness we see on the news every night, that in our little corner of the south west Pacific we live in a society which is far from perfect but where justice can prevail.

And we will fight to restore that justice and restore your right to your day in court.

Greens believe that together we can create a better New Zealand.

And with the support of New Zealanders that is exactly what we will do.

And Canterbury let me promise you this, the Greens will restore your democracy, as well as your beautiful rivers.

Kia kaha.