

Democracy and Constitutional Transformation Policy

Vision

The Aotearoa New Zealand democracy exemplifies transparent, honest, inclusive and consensus-based decision-making.

Values and Principles

- *Honour Te Tiriti o Waitangi*: Te Tiriti o Waitangi and He Whakaputanga o te Rangatiratanga o Nu Tireni (the 1835 Declaration of Independence) are central to our constitution. The tino rangatiratanga of hapū and iwi should be upheld and affirmed within both Central and Local Government and in a formal constitution of Aotearoa New Zealand.
- *Ecological Wisdom*: Public decision-making should seek to hear the voices of the natural world and work in the best interests of all species and future generations.
- *Social Responsibility*: The country should be governed by a Parliament that is representative of the votes cast and the diversity of Aotearoa New Zealand, and recognises the inherent dignity and the equitable and inalienable rights and responsibilities of its people.
- *Appropriate Decision-Making*: People should be able to meaningfully participate in and contribute to central and local government decision-making which impacts on ourselves, our communities, our environment and the generations which will follow us, including through equitably representative decision-making bodies.
- *Non-Violence*: The democratic processes of Aotearoa New Zealand should respect the rights and needs of all its residents. Exploitation and advantaging of any group at the expense of any other should be avoided. Our democratic processes should be robustly defended from malign interference.
- *Transparency*: Freedom of information and openness of government and its procedures are essential elements of a democracy.
- *Independence*: Aotearoa New Zealand should safeguard its political and economic autonomy and integrity, including the right to set its own standards, institute protections against abuse of power and privilege and reduce the potential for conflicts of interest in the exercise of authority.
- *Subsidiarity*: Decision-making should be devolved to take place as close as possible to those affected by the decisions.
- *Consensus*: Collective decision-making should be cultivated through honest, informed, inclusive, structured consensus-seeking dialogue, giving due weight and effect to the voices of the many and of the few.

- *Separation of powers:* The separation of the legislative, judiciary and the executive functions of government must be upheld, and the independence of the judicial system and the civil service strengthened.
- *Public interest politics:* Politicians uphold high ethical standards, are open and accountable, and fulfil their public role in the best interests of New Zealand. Key decisions on the shape of the nation's democratic system belong to the people, not political parties.

Summary

The Green Party supports constitutional transformation to uphold the rangatiratanga of tangata whenua and address the source of environmental degradation and social disconnection and inequity within Aotearoa New Zealand. We will ensure that our democratic systems prevent the misuse and over-influence of power in our democracy, including by regulating election financing and lobbying and by ensuring transparency of official information.

Strategic Priorities

The Green Party's strategic goals include:

"Our democracy will be accessible and enable inclusive, participatory decisions, where people can influence the collective choices that affect them.

"Māori will be empowered and resourced within a kaupapa Māori framework to support restorative and rehabilitative justice and provide for the well-being of whānau, the environment and our natural ecosystems."

Actions in this policy that will help achieve this include:

- Support and resource the ongoing implementation of recommendations from the He Puapua report for forming a formal, written national constitution for Aotearoa New Zealand. (1.2)
- Ensure that constitutional arrangements uphold the Articles of Te Tiriti o Waitangi and the tino rangatiratanga of hapū and iwi, whilst uplifting the mana of all Māori. (1.4)
- Institute the use of preferential voting within MMP for both the electorate vote and the party vote (...). (2.3)
- Initiate a review of the overall operation of campaign finance rules (...). (2.12)
- Require agencies to respond promptly to OIA requests and narrow the exclusion provisions to withhold important information (...). (5.6)

Connected Policies

The Green Party's [Local Government](#) Policy includes measures to achieve greater transparency and reform local government elections, representation and participation. Our [Tiriti o Waitangi](#) Policy underpins the direction taken towards constitutional transformation.

Policy Positions

1. Constitutional Transformation and Te Tiriti o Waitangi

Issues

Currently Aotearoa New Zealand does not have a single formal written constitution. Instead, we have a collection of laws, documents, judicial decisions, and conventions that loosely can be said to collectively represent our constitution.

Actions

- 1.1. Ensure that the process for developing and adopting a national constitution is grounded in the articles of Te Tiriti and that tangata whenua have adequate resources to enable them to engage in their own tikanga process for determining constitutional issues.
- 1.2. Support and resource the ongoing implementation of recommendations from the He Puapua report for forming a formal, written national constitution for Aotearoa New Zealand.
- 1.3. Ensure that constitutional arrangements reflect both restorative and rehabilitative justice, while providing for the well-being of whānau, the environment and our natural ecosystems.
- 1.4. Ensure that constitutional arrangements uphold the Articles of Te Tiriti o Waitangi and the tino rangatiratanga of hapū and iwi, whilst uplifting the mana of all Māori.
- 1.5. Facilitate nationwide dialogue to formulate a statement of national aspirations, as a standard against which our national laws and regulations can be measured.
- 1.6. Establish an independent constitutional commission to assist in such an investigation and dialogue, and in formulating specific implementation proposals. The commission would be expected to consider such fundamentals as:
 - 1.6.1. the constitutional centrality of Te Tiriti o Waitangi, and He Whakaputanga o te Rangatiratanga o Niu Tirenī (the 1835 Declaration of Independence);
 - 1.6.2. existing legislation, common law and constitutional conventions;
 - 1.6.3. the building of a just, peaceful society;
 - 1.6.4. the entrenchment of universal human rights;
 - 1.6.5. the autonomy of communities;
 - 1.6.6. the rule of law, including that of tikanga Māori as a legitimised body of law;
 - 1.6.7. the role of the media;
 - 1.6.8. the powers of Parliament;
 - 1.6.9. the separation and balance of powers between the branches of government;
 - 1.6.10. the processes of open government, public participation and consensual decision-making;
 - 1.6.11. the protection of Māori language and kaupapa; and
 - 1.6.12. the role played by independent institutions such as the Auditor General, a Constitutional Court, Ombudsmen, and Commissions for Democracy, Human Rights and Justice.

A. Citizenship

- 1.7. Ensure all individuals with Māori whakapapa are eligible for New Zealand citizenship, regardless of country of residence or birth.

- 1.8. Affirm the right for New Zealanders to hold multiple nationalities.

B. Head of State Arrangements

- 1.9. Facilitate nationwide dialogue in a process designed and led by tangata whenua, over whether Aotearoa New Zealand's status as a constitutional monarchy fits with our evolving national identity, what could replace it and how that would give effect to Te Tiriti o Waitangi. This would include discussion on the means of selection and the powers of the replacement body, which could be a head of state, heads of state or some other body.
- 1.10. Support a democratic and participatory process, such as referenda, to enable New Zealanders to decide whether Aotearoa New Zealand should retain the British monarch as the Head of State or move to a resident Aotearoa New Zealand head(s) of state selected by a democratic process.

2. Elections to Central and Local Government

Issues

The influence of money and other forms of power on politics is one of the greatest threats to democracy. The design of electoral systems can mitigate this threat.

Actions

A. The Electoral System

- 2.1. Ensure that the electoral system upholds the following principles:
 - 2.1.1. The votes of all electors should be of equal weight in influencing election results;
 - 2.1.2. Membership of Parliament and Councils should reflect significant characteristics of the voting population, such as gender, ethnicity, socio-economic class, locality and age;
 - 2.1.3. The number of seats gained by a political party should be generally proportional to the number of voters who support that party; and
 - 2.1.4. The electoral system should encourage close links and accountability between individual MPs and their constituents or constituencies.
- 2.2. Support the Mixed Member Proportional (MMP) electoral system for general elections, which is characterised by having MPs elected to represent local electorates, plus additional MPs such that each party's total share of MPs is proportional to the share of the vote it received in the election.
- 2.3. Institute the use of preferential voting within MMP for both the electorate vote and the party vote, so that voters can indicate not only their first choice but, if that candidate or party is unsuccessful, also have their next preference(s) taken into account, to create more accurately representative governing bodies.
- 2.4. Grant the right to vote to groups of citizens and permanent residents of Aotearoa New Zealand who are ineligible to vote, including prisoners and 16-17 year olds.
- 2.5. Increase accessibility of voting or voter participation.

- 2.6. Establish a set ratio of electorate to list MPs (e.g. 60:40, 50:50) to ensure proportional representation in Parliament is maintained.
- 2.7. Introduce a mechanism to link the size of Parliament to New Zealand's population so that the total number of MPs increases with population growth or decreases with population decline, starting with a Parliament of 120 MPs.
- 2.8. Support adjustments to the existing electoral system that have been recommended by an independent commission, and that are consistent with the values and principles of this policy, for example, abolishing the one electorate seat threshold for the allocation of list seats (the 'coat-tailing' provision) and lowering the party vote threshold to 4%.
- 2.9. Support a fixed election date, the date to be determined by consultation with the public.
- 2.10. Consider supporting changing to a whole new voting system (e.g. to Supplementary Member) only if the new voting system is approved by a free and fair referendum of all people in Aotearoa New Zealand eligible to vote under the existing laws. The referendum should have the following characteristics:
 - 2.10.1. The referendum process is determined by an independent commission not by members of parliament; and
 - 2.10.2. There are clear spending limits and transparency for all campaigners in any referendum campaign to ensure a healthy and fair referendum process.

B. Guaranteed Māori Representation

- 2.11. As an interim measure until a fundamental reform of our representative systems is undertaken to ensure these are grounded in Te Tiriti o Waitangi, ensure that tangata whenua have guaranteed representation in Parliament and Local Government, including:
 - 2.11.1. Entrenching the Māori seats in Parliament;
 - 2.11.2. Enabling Māori voters to change from the General to the Māori roll, or vice versa, at any time, and support public information campaign to highlight the opportunity to change enrolment before each election; and
 - 2.11.3. Requiring Māori wards in local bodies, or other systems of guaranteed representation in local government organisations that are designed in partnership with local hapū and mana whenua.

C. Election Financing

- 2.12. Initiate a review of the overall operation of campaign finance rules, including:
 - 2.12.1. The rules around donations and spending caps;
 - 2.12.2. Non-political party election activities;
 - 2.12.3. The partial public funding of political parties; and
 - 2.12.4. Whether the campaign finance rules are properly enforced, and if not, how they could be enforced better.
- 2.13. Make the following changes to rules about donations to political parties:
 - 2.13.1. Introduce tighter limits on anonymous donations;

- 2.13.2. Introduce a ban on overseas donations, with the exception of Aotearoa New Zealand citizens or residents living overseas who are entitled to vote;
- 2.13.3. Seek to simplify and tighten the current rolling disclosure system to ensure that the public know who is funding the parties when they go to vote;
- 2.13.4. Place an annual limit of \$35,000 on total donations to a political party from any single person or entity; and
- 2.13.5. Empower and fund the Electoral Commission to investigate donations to verify the source of funds.
- 2.14. Maintain the current campaign spending caps on candidates and political parties.
- 2.15. Ensure fairness and transparency in the involvement of non-political parties in election activities.
 - 2.15.1. Review the current rules for non-political parties in election activities.
 - 2.15.2. Continue to support spending limits and transparency on non-party actors involved in electioneering.
- 2.16. Maintain the status quo on broadcast funding allocation.
- 2.17. Empower and fund the Electoral Commission to investigate the use of social media and other public communications by political parties and candidates.
- 2.18. Appoint an independent commission of inquiry and a citizens' assembly to investigate increasing public funding of political parties during election campaigns.

D. Overseas voters

- 2.19. Lengthen the time spent outside Aotearoa New Zealand before losing voting eligibility.
- 2.20. Investigate and implement digital voting procedures for overseas-based voters.
- 2.21. Ensure sufficient accessible voting options are available so all overseas voters can vote, regardless of barriers, such as disability.

3. Behavioural Expectations for Members of Parliament

Issues

The New Zealand electorate expects members of Parliament to act ethically and with integrity, and an MMP Parliament demands a standard of behaviour that allows all voices to be heard.

Actions

- 3.1. Incorporate a Code of Conduct for Members of Parliament into the Standing Orders.

4. Lobbyists

Issues

While lobbying is an important part of the political process, there is a strong public interest in knowing more about what happens so that citizens can have confidence in the decisions made by Government and Parliament. Currently access and influence is uneven, and most of the time the public does not know who is influencing decision makers on key decisions.

Actions

- 4.1. Introduce a statutory register of lobbyists.
- 4.2. Introduce guidelines for MPs on handling lobbying communications.
- 4.3. Require Ministers to include in the regulatory impact statements and explanatory notes of parliamentary bills the names of any non-departmental organisations consulted during the development of legislation.

5. Transparency and Open Government

Issues

Access to official information is a cornerstone of an effective participatory democracy. The Green Party is committed to improving accessibility of public information.

Actions

A. Official Information

- 5.1. Reduce fees charged for public information and ensure that access to information has primacy over cost recovery.
- 5.2. Ensure easy access to public information in cases involving public money or resource consents.
- 5.3. Ensure that all Government information and advice is made available to the public archives after 25 years, exempting only documents specifically restricted or withheld by the Chief Archivist on legitimate privacy grounds.
- 5.4. Create offences for those delaying or obstructing the release of official information.
- 5.5. Support legal responsibilities for public servants to keep good records, and make sure staff have training in the proper implementation of the Official Information Act (OIA) and Public Records Act.
- 5.6. Require agencies to respond promptly to OIA requests and narrow the exclusion provisions to withhold important information, including:
 - 5.6.1. Ensuring the security exclusion is only available where the issue has been reported to, and the exclusion approved by, the responsible Minister; and
 - 5.6.2. Reviewing the use of the commercial sensitivity exception in light of concerns that public organisations have become more market oriented.
- 5.7. Require all OIA and Local Government Official Information and Meetings Act request responses to be published on a designated website seven days after they have been sent to the requester.
- 5.8. Ensure the Ombudsman has the resources needed to respond to all OIA complaints in a reasonable timeframe, and greater powers to censure agencies for non-compliance or lack of cooperation.
- 5.9. Investigate removing the Cabinet and local government 'veto' power over an Ombudsman's recommendations.
- 5.10. Stop the practice of excluding application of the OIA to certain agencies.

- 5.11. Bring Parliamentary Service under the OIA (while keeping in mind the resourcing constraints for opposition parties), with an exemption to protect communication between constituents and MPs and to protect opposition parties from government intervention.
- 5.12. Ensure that, where information relates to a decision being made by a public body, the information is released as soon as possible, with consultation deadlines amended to facilitate maximum public participation wherever possible.
- 5.13. Apply the changes above to the Local Government Official Information and Meetings Act as well.

B. Publishing Cabinet Decisions

- 5.14. Ensure that Cabinet minutes and decisions are published on the internet within one month of each Cabinet meeting unless there is a pressing and valid reason not to publish.
- 5.15. Publicise when decisions or minutes are withheld, including the reasons why, and ensure the ability to request a judicial review of such decisions. Further ensure that withheld information is published as soon as the risk subsides.