

Working Paper 2012/01

The State of the Constitutional Review, as at June 2012

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Working Paper 2012/01: The State of the Constitutional Review, as at June 2012

Wendy McGuinness and Diane White

1 Purpose

In December 2010, Deputy Prime Minister Bill English and Minister of Māori Affairs Pita Sharples announced a wide-ranging review of New Zealand's constitutional arrangements: the Consideration of Constitutional Issues. An advisory panel was appointed in August 2011 to lead the public participation process. This group will support the ministers, who will make a final report to Cabinet by the end of 2013. In addition to this group, a cross-party reference group has also been initiated. The purpose of this working paper is to outline the scope of the Consideration and explore the composition of the government-appointed Constitutional Advisory Panel (CAP).

This working paper forms part of the Institute's *Project Constitutional Review*, which involves two workstreams. The first is a research and analysis workstream that will shadow and analyse the progress of the CAP and any related government initiatives. The second is a public engagement workstream, run through the website *EmpowerNZ* (www.empowernz.org), which aims to create a space in which people can connect and explore New Zealand's future constitutional arrangements.

The Institute regards the constitutional review process as an important national discussion. It represents an opportunity to significantly progress New Zealand's constitutional timeline. The purpose of this working paper is to consolidate the information available on the constitutional review process and arrangement at the time of publishing.

2 Methodology

This working paper aims to fulfil the above purpose by undertaking research in the following three areas:

1. The brief background to the current constitutional review, including New Zealand's current constitutional arrangements and past constitutional changes;
2. The scope of the Consideration of Constitutional Issues, as outlined in the terms of reference for the CAP; and
3. The composition of the CAP and the cross-party reference group of Members of Parliament.

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Diane White holds a Bachelor of Laws and a Bachelor of Arts majoring in English Literature and International Relations from Victoria University of Wellington. Diane was admitted to the roll of Barristers and Solicitors of the High Court of New Zealand in June 2012. She worked for the McGuinness Institute from July 2011 until May 2012. Her main project at the Institute has been Project Constitutional Review, which seeks to examine the processes and outcomes of the current constitutional review and encourage youth participation through the project Empower. Diane co-authored Report 9: *Science Embraced: Government-funded Science under the Microscope*, and Report 10: *Data Matters: A whole-of-government data management policy* (in press). Diane is now a Legal and Research Advisor at the Auckland District Court.

3 Background to the Constitutional Review

3.1 New Zealand's Current Constitutional Arrangements

Broadly speaking, a constitution regulates the relationship between the state and its citizens; it sets the rules by which the government itself is governed (Heywood, 2002: 292). It describes and establishes the major bodies of government, states their powers, and broadly regulates the exercise of those powers (DPMC, 2008: 1). New Zealand's constitution is contained in a number of formal legal documents, in decisions of the courts, and in convention (*ibid.*). In this sense, it is unique and one of only three 'unwritten' constitutions in the world.

The *Cabinet Manual* (DPMC, 2008), which is widely recognised as a primary source of information on New Zealand's constitutional arrangements, sets out the main sources of the constitution:

- The Constitution Act 1986, which is the principal formal statement of New Zealand's constitutional arrangements;
- The prerogative powers of the Queen (including those contained in the Letters Patent);¹
- Other relevant New Zealand statutes (including the State Sector Act 1988, the Electoral Act 1993, and the Judicature Act 1908, statutes relating in turn to the three branches of government, as well as the Ombudsmen Act 1976, the Official Information Act 1982, the Public Finance Act 1989 and the New Zealand Bill of Rights Act 1990);
- English and United Kingdom statutes, such as the Magna Carta 1297, the Bill of Rights 1688, the Act of Settlement 1700 (regulating succession to the throne among other matters) and the Habeas Corpus Acts, all confirmed as part of the law of New Zealand by the Imperial Laws Application Act 1988;
- Relevant decisions of the courts; for instance, upholding the rights of the individual against the powers of the state, and determining the extent of those powers;
- The Treaty of Waitangi;
- The conventions of the constitution, which in practice regulate, control and in some cases transform the use of the legal powers arising from the prerogative or conferred by statute. The most important conventions arise from the democratic character of our constitution. (DPMC, 2008: 1–2)²

3.2 An Overview of Recent Constitutional Change

Historically, constitutional change in New Zealand has been infrequent and largely initiated at the hands of the 'governing elite, supported by the respective legislatures, thinking that the changes were prudent at the time' (Harris, 2010: 93). Major recent constitutional changes include the passing of the Constitution Act 1986; the enactment of the Bill of Rights Act 1990; the introduction of Mixed Member Proportional (MMP) in 1993, and the creation of the Supreme Court to replace the Privy Council as New Zealand's highest appellate court in 2003 (*ibid.*). Appendix 1 provides an overview of major constitutional milestones in New Zealand's history since 1840.

With no written constitution, New Zealand has no legally mandated process whereby constitutional change takes place (Harris, 2010: 94). While there are certain provisions in the Electoral Act 1993 and Constitution Act 1986 that are singularly entrenched, the entrenchment provisions themselves are not entrenched and could be changed in the ordinary manner. Therefore, in theory, all of the present constitution could be changed by a simple majority in Parliament (*ibid.*). However, this power is in reality constrained by law, convention, practice, public acceptance, and arguably, in some situations, international obligations (DPMC, 2008: 6). Constitutional change can also take place in the courts, through interpretation of constitutional statutes and in judicial decisions (*ibid.*). Also the courts' interpretation of the Bill of Rights Act 1990 is often held up as an example of change effected by the courts (Harris, 2010: 93–94).

1 The powers and office of the Governor-General are set out in the Letters Patent Constituting the Office of Governor-General of New Zealand (NZ Govt, n.d.). The Letters Patent were completely revised in 1983, and amended in 1987 and 2006. Letters Patent currently in force are: Letters Patent 1917; Letters Patent 1983; and Letters Patent 2006 (McGuinness & White, 2011: 183).

2 A full discussion of New Zealand's current constitutional arrangements is outside the scope of this working paper. For a comprehensive discussion of the constitution and its elements, see Joseph (2007).

The public has remained largely quiet in respect of constitutional change and in the decision-making process, with changes to the electoral system being the only major constitutional change around which there has been a referendum or widespread public consultation (ibid.). The Constitution Act 1986, Bill of Rights Act 1990, and the Supreme Court Act 2003 were all enacted after government-appointed groups reported and the public had the opportunity to make submissions as part of the select committee process (ibid.). However, in that they followed the ordinary parliamentary law-making process, the passage of these important constitutional Acts was no different from that of any other legislation.

A 'Building the Constitution' conference was held at Parliament in 2000, but failed to arrive at a consensus around issues for constitutional reform (Joseph, 2007: 143). Instead, the conference highlighted 'deep-seated divisions among the 100 participants, who represented broad constituencies of interest (professional, academic, business and Māori)' (ibid.). The next notable discussion around New Zealand's constitution was undertaken by the Constitutional Arrangements Committee in 2005.

3.3 The 2005 Constitutional Inquiry to Review New Zealand's Existing Constitutional Arrangements

In late 2004, the Labour-led Government initiated a select committee, the Constitutional Arrangements Committee, to review New Zealand's constitutional arrangements. The committee was chaired by Peter Dunne, leader of the United Future Party, and its brief was to identify and describe:

- New Zealand development since 1840;
- Key elements of New Zealand's constitutional structure and the relationships between those elements;
- Sources of New Zealand's constitution;
- Processes other countries have followed in undertaking a range of constitutional reforms; and
- Processes that it would be appropriate for New Zealand to follow if significant constitutional reforms were considered in the future. (CAC, 2005: 6)

The committee consisted of representatives from Labour, ACT, United Future and the Green Party (ibid.: 29). The National Party, in opposition at the time, and New Zealand First chose not to participate in the process. The committee reported back in August 2005 with three core recommendations.

The first recommendation set out four generic principles that should underpin future constitutional change in the absence of any prescribed process:

1. The first step must be to foster more widespread understanding of the practical implications of any change.
2. Specific effort must be made to provide accurate, neutral, and accessible public information on constitutional issues, along with non-partisan mechanisms to facilitate ongoing local and public discussion.³
3. A generous amount of time should be allowed for consideration of any particular issue, to allow the community to absorb and debate the information, issues and options.
4. There should be specific processes for facilitating discussion within Māori communities on constitutional issues.⁴ (CAC, 2005: 5)

The second recommendation was to foster greater understanding of our constitutional arrangements in the long term, with an increased effort being made to improve civics and citizenship education in schools (ibid.). The third recommendation was that the government consider whether an independent institute could foster better public understanding of, and informed debate on, New Zealand's constitutional arrangements (ibid.).

The committee acknowledged that New Zealand had potential constitutional change issues, but considered it would be unwise for it to engage with these issues and risk unsettling the status quo (Harris, 2010: 95). The committee did not consider the design of the constitution to be in crisis, and did not feel there was sufficient consensus among the population for any major redesign possibilities to justify assessment (ibid.: 99).

3 This was supported by the majority of the Committee.

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The government responded to the committee with support for the first two recommendations but not the third. It did not consider an independent institute the best mechanism for achieving greater public understanding and more informed debate on New Zealand’s constitutional arrangements, but instead committed to giving further consideration to the role that government and other groups or organisations can play in providing information and facilitating discussion and debate (NZ Parliament, 2006: 4).

4 2010-2013 Consideration of Constitutional Issues

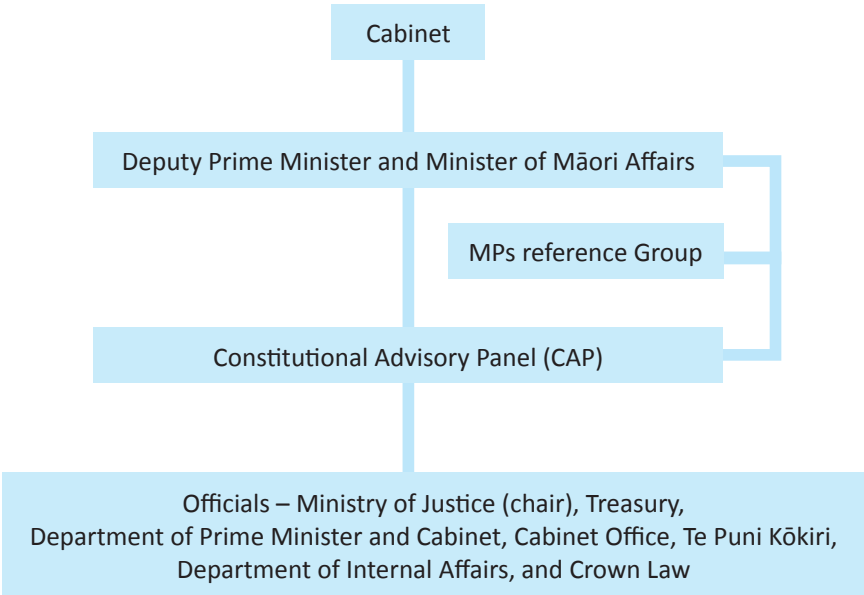
4.1 Overview of the Consideration of Constitutional Issues

Little progress was made on the key recommendations of the Constitutional Arrangements Committee. It was not until November 2008, as part of a confidence and supply agreement between the National Party and the Māori Party, that the themes of the inquiry were revisited (Palmer, in press: para 63). The agreement included a commitment to establish ‘a group to consider constitutional issues including Māori representation’ (National Party & Māori Party, 2008: 2). The National Party also agreed not to seek to disestablish the Māori seats ‘without the consent of the Māori people’, and both parties agreed they would not pursue the entrenchment of the Māori seats in the 2008–2011 parliamentary term (ibid.).

It was not until late 2010 that this coalition promise was acted upon, with Deputy Prime Minister Bill English and Māori Affairs Minister Pita Sharples releasing a Cabinet paper entitled *Consideration of Constitutional Issues* and publicly announcing ‘a wide-ranging review of New Zealand’s constitutional arrangements’ (English & Sharples, 2010). Cabinet released a second paper in April 2011, after consultation with the cross-party reference group, updating the terms of reference. The scope, composition and responsibilities of relevant bodies and the structure of the Consideration are explored in the following section.

Figure 1: Structure of ‘Consideration of Constitutional Issues’: Overview

Source: Palmer (in press): para 65



4.2 Scope of the Consideration

The terms of reference set out a list of topics that may be considered within the scope of the Consideration of Constitutional Issues. These broadly cover electoral matters, Crown–Māori relationship matters, and other constitutional matters:

Electoral matters

- Size of Parliament
- The length of the term of Parliament and whether or not the term should be fixed
- Size and number of electorates, including changing the method for calculating size
- Electoral integrity legislation

Crown–Māori relationship matters

- Māori representation, including Māori Electoral Option, Māori electoral participation, Māori seats in Parliament and local government
- The role of the Treaty of Waitangi within our constitutional arrangements

Other constitutional matters

- Bill of Rights issues (for example, property rights, entrenchment)
- Written constitution. (Cabinet, 2011: 8)

Further, the terms of reference recognised that other issues were likely to arise during the public engagement process. The terms of reference provide that the Deputy Prime Minister and the Minister of Māori Affairs will report to Cabinet on these additional matters, advising whether an issue appears to be of widespread interest and merits further consideration (Cabinet, 2011: 8).

The omission from the terms of reference of the question of whether New Zealand should become a republic led to criticism from a number of commentators and the parliamentary opposition, who argued that any consideration of the future of New Zealand's constitutional arrangements needs to consider the question of the country's head of state. Peter Dunne, leader of United Future and a member of the cross-party reference group, stated; '[I] am bitterly disappointed that there is no specific provision within the terms of reference to look at whether or not New Zealand should move to become a republic. You cannot have a credible constitutional review without specifically looking at the republic issue, and to try to pretend otherwise would be farcical' (Dunne, 2011). However, the Minister of Māori Affairs, Pita Sharples, stated that the question of a republic would indeed be discussed within the scope of the review, commenting: 'The question of a republic, although it's not in the actual written down [terms of reference], it will be discussed – everything will be discussed' (Sharples, 2010). The broad nature of the review effectively constitutes a blank canvas. The scope could be extended as far as introducing environmental rights and responsibilities similar to the French Constitution Charter for the Environment adopted in 2004 (see Appendix 2).

4.3 Process for the Consideration

Cabinet has agreed that the public engagement process is to begin after the formation of a new government following the 2011 election. Cabinet initially developed a public consultation process based on two sequential programmes (Cabinet, 2010: 2), but later rescinded this decision and instead opted for a less prescriptive plan (Cabinet, 2011: 1). The initial stage of the review will focus on stimulating public interest in, and awareness of, New Zealand's constitutional arrangements and issues arising from this. A forum will be established to develop and share a range of views on constitutional issues. The views of all New Zealanders will be sought in a manner that is reflective of the Treaty of Waitangi relationship. It is hoped that an understanding of the range of perspectives on our constitutional issues, including the range of topical issues requiring further discussion, debate, and policy consideration, will be developed (ibid.: 1–2).

4.4 Constitutional Advisory Panel

While the Deputy Prime Minister and the Minister of Māori Affairs are to oversee the programme of public engagement, this process will be a primary focus of the Constitutional Advisory Panel (CAP). The panel was established by Cabinet as an independent group to implement the initial stage of the Consideration of Constitutional Issues. This is to be done by preparing and commissioning opinion pieces on the topics within the scope of the Consideration, and establishing a forum for sharing information and ideas on those topics among New Zealanders (Cabinet, 2011: 8).

In April of 2011 it was envisaged that the CAP would be charged with the specific responsibilities of:

1. report, by December 2011, to the Responsible Ministers on a proposed strategy for implementing the initial stage of the Consideration of Constitutional Issues;
2. report, by December 2011, to the Responsible Ministers on a proposed strategy to manage interaction with other government projects;
3. establish a forum for developing and sharing information and ideas on the topics within the scope of the Consideration of Constitutional Issues, to seek the views of all New Zealanders including Māori, in a manner that is reflective of the Treaty of Waitangi relationship and responsive to Māori consultation preferences;
4. report, by September 2013, to the Responsible Ministers with advice on the constitutional topics, including any points of broad consensus where further work is recommended;
5. provide regular updates (at least every 6 months) to the Responsible Ministers and the Cross-party Reference Group of Members of Parliament throughout the Consideration of Constitutional Issues; and
6. provide input to monitoring and evaluating the Consideration of Constitutional Issues. (Cabinet, 2011: 8–9)

The Māori co-chair of the panel is responsible for ensuring that it undertakes appropriate consultation processes with Māori, and will report to the Deputy Prime Minister and the Minister of Māori Affairs about that process on an ongoing basis (Cabinet, 2011: 9).

In August 2011, the responsible Ministers announced the 12 appointees to the CAP. Cabinet specified that the appointees were required to be representative of wider society and able to relate to a wide range of New Zealanders (Cabinet, 2011: 3). It sought expertise and specialist skills, such as an academic understanding of constitutional matters, community relations, and journalism (*ibid.*). It required that the appointees be seen as fair, open to a range of views, and with no conflict of interest (*ibid.*). Further, it was agreed that the co-chairs ought to have governance experience, and 'significant mana and standing with Māori and the wider general public' (*ibid.*). It was also agreed that one co-chair should be knowledgeable in tikanga Māori and preferably fluent in te reo (*ibid.*). The panel is to be supported by a secretariat led by the Ministry of Justice (*ibid.*).

Table 1 lists the two co-chairs and 10 panel members. Appendix 3 expands on this summary and seeks to provide a point of reference against the Cabinet specifications noted above.

Table 1: Overview of the Constitutional Advisory Panel

Source: Adapted from MoJ, n.d.[a]⁵

Name	Age bracket	Gender	Iwi affiliations
Emeritus Professor John Burrows QC (Co-chair)	70+	Male	
Sir Tipene O'Regan (Co-chair)	70+	Male	Ngāi Tahu
Peter Chin	70+	Male	
Deborah Coddington	50–70	Female	
Hon Dr Michael Cullen	50–70	Male	
Hon John Luxton	50–70	Male	
Bernice Mene	30–50	Female	
Dr Leonie Pihama	30–50	Female	Te Ātiawa, Ngā Māhanga a Tairi, Ngāti Māhanga
Hinurewa Poutu	18–30	Female	Ngāti Rangī, Te Āti Haunui a Pāpārangi, Ngāti Maniapoto
Prof Linda Tuhiwai Smith	50–70	Female	Ngāti Awa, Ngāti Porou
Peter Tennent	50–70	Male	
Emeritus Professor Dr Ranginui Walker	70+	Male	Of the Whakatohea tribe of Opotiki

⁵ Information on the CAP's 'age bracket', 'gender' and 'iwi affiliations' has been included to assist in later analysis concerning representation.

Following the completion of the CAP's review, and their reporting to the relevant Ministers, the Deputy Prime Minister and the Minister of Māori Affairs are scheduled to submit a final report to Cabinet (NZPL, 2011). From there, the government will have six months to respond to the Ministers' report (see Appendix 1)

4.5 Cross-party Reference Group

The CAP is also responsible for providing regular updates to a cross-party reference group of Members of Parliament. Soon after the initiation of the review, this group was appointed by Cabinet through consultation with the respective parties. All parliamentary political parties were invited to nominate a representative to participate in the reference group, in an effort to ensure that a range of perspectives informs the development and implementation of the Consideration of Constitutional Issues (Cabinet, 2011: 2). This group was consulted in April 2011 and informed the second paper released by Cabinet on the review process.

The members of the cross-party reference group are listed in Table 2. Appendix 4 expands on this summary and provides a detailed overview of members of the group.

Table 2: Overview of the Cross-party Reference Group of Members of Parliament

Source: Adapted from Bridges, 2009; MoJ, n.d.[b]; NZ Parliament, n.d.[a]⁶

Name	Party	Age bracket	Gender	Iwi affiliations
Simon Bridges	National Party	30–50	Male	His father is of Ngāti Maniapoto descent
Peter Dunne	United Future	50–70	Male	
Te Ururoa Flavell	Māori Party	50–70	Male	Ngapuhi, Ngati Rangiwewehi, and Te Arawa
Kennedy Graham	Green Party	50-70	Male	
Hone Harawira	Mana Party	50–70	Male	Ngāti Hau, Ngāti Wai, Ngāti Hine, Te Aupōuri, Ngāpuhi, and Ngāti Whātua
David Parker	Labour Party	50–70	Male	

Peter Dunne, the United Future representative, was the chair of the 2005 select committee and has long campaigned for a public conversation about constitutional change (United Future, 2011). David Parker was the deputy chair of the 2005 select committee. The inclusion of these two MPs may prove useful in picking up the themes of the 2005 inquiry.

Membership of the panel has changed significantly following the 2011 general election. New Zealand First has opted not to be part of the review (RNZ, 2012) and ACT is not represented.

4.6 Engagement Strategy

In December 2011 the CAP was scheduled to have developed its proposed strategies for implementing the initial stages of the consideration and for managing interaction with other government projects (NZPL, 2011:1). On June 15, 2012 the details of those strategies were released to the public in the CAP's paper, *Engagement Strategy for Consideration of Constitutional Issues* (CAP, 2012a). The CAP's *Engagement Strategy* is presented in five key sections: (i) Principles and Goals, (ii) Engagement Focus, (iii) Engagement Phases, (iv) Engagement with Māori, and (v) Communication Strategies (CAP, 2012b).

(i) Principles and Goals for Engagement

The *Engagement Strategy* outlines the principles, goals and leadership strategies of the CAP in undertaking their initial implementation of the Consideration of Constitutional Issues.

⁶ Information on the Cross-Party Reference Group's 'age bracket', 'gender' and 'iwi affiliations' has been included to assist in later analysis concerning representation.

Table 3: Principles, Goals and Leadership Strategies

Source: Adapted from CAP, 2012b: 4.

Strategy Principles
Whakamāramatanga – we will provide people with the information they need to participate in a meaningful way.
Whakawhanaungatanga – we will seek out, facilitate and build relationships with those potentially affected by or interested in the outcomes of the work.
Whakamana i te tāngata/empower the people – we will inform and be informed by others, paying respectful attention of their views; and will communicate to people how their input will be used by the Panel.
Rangatira ki te rangatira – we will engage chief-to-chief.
Kanohi ki te kanohi – we will engage face-to-face.
Manaakitanga – we will care for others and ensure they feel welcome and included in the conversation
Engagement Goals
To hear the views of a wide range of New Zealanders on constitutional issues.
To hear the views of a wide range of Māori groups (iwi and hapu) and citizens (individuals and interest groups) on constitutional issues.
To ensure New Zealanders have had a wide range of opportunities to engage with and learn about constitutional issues.
Based on the above successes, to have reported accurately and fairly to Ministers on New Zealanders’ views, with any recommendations we may have.
Panel leadership
The Panel itself is diverse and has wide experience. We will draw on this to invite a wide diversity of New Zealanders to engage in the processes that we will facilitate.
We will strive to ensure we hear from a wide range of New Zealanders, and we will take measures to ensure that we record people’s thoughts in their own words, to give justice to the full flavour of New Zealanders’ views.

(ii) Engagement Focus

From the outset, the CAP will establish a website for sharing information and ideas on constitutional issues in order to start the conversation amongst New Zealanders (ibid.: 5). It will frequently update the website, with information on current constitutional arrangements, and with summaries of New Zealanders’ ideas as these are expressed through the engagement process.

The CAP has identified that New Zealanders are likely to be diverse in the levels of interest and familiarity that they already have with constitutional issues (ibid.: 5-8). They have broadly identified three main groups that each require different strategies for engagement: (i) people who are passionately interested; (ii) people who are connected to active networks, and may or may not be interested; (iii) and people who may not be connected to active networks, and may or may not be interested. The CAP also recognises that the public may wish to engage with a range questions at different points in the constitutional review process. While the CAP will be led by the public on this, they have outlined how the question focus may unfold throughout the different phases of the review (see Appendix 5)

(iii) Engagement Phases

The CAP’s engagement process from early 2012 to September 2013 has five stages (ibid.: 11). In practice, elements from distinct stages will often occur simultaneously. The phases of the engagement process are open for adjustment, and will be revisited in detail if emerging public needs or interests require it.

Table 4: Engagement Phases

Source: CAP, 2012b: 7

Stage	Engagement focus	Timing
Stage One: Whakaoho i te tāngata/ Preparing the Ground	<ul style="list-style-type: none"> • Prepare resources, tools and plans for the engagement process, including the website. • Test with individuals and groups the engagement questions and approaches the Panel has developed. • Build relationships with partners and experts. 	March 2012 to July 2012

Stage Two: Whakamārama/ Understanding	<ul style="list-style-type: none"> • Start building understanding of the current constitutional arrangements and issues. • Build participation in the conversation about constitutional arrangements. 	July 2012 to November 2012
Stage Three: Wānanga/ Thinking Together	<ul style="list-style-type: none"> • Secure the engagement of a broad and diverse range of networks, communities and whānau to be involved in conversations on the current constitutional arrangements and the issues to be considered. 	December 2012 to June 2013
Stage Four: Wānanga/ Deliberation	<ul style="list-style-type: none"> • Give a cross section of New Zealanders the opportunity to work together to consider the information provided by New Zealanders in the earlier phases of the process. 	July to August 2013
Stage Five: Whakapūrongo Reporting	<ul style="list-style-type: none"> • Keep the responsible Ministers informed at regular intervals throughout the engagement process. • Provide feedback to the public so they are able to see the contribution of others. • Present the final report to the responsible Ministers. 	September to December 2013

(iv) Engagement with Māori

The CAP will ensure that iwi and Māori are key participants and have proposed various approaches including, direct engagement through hui, meetings, kanohi, ki te kanohi sessions including rangatira, social media, and Māori media (ibid.: 9). For each of the CAP's proposed phases of engagement, specific iwi and Māori engagement focuses have been developed.

Table 5: Engagement with Māori

Source: CAP, 2012b: 9

Stage	Iwi and Māori engagement focus
Stage One: Whakaoho i te tāngata/ Preparing the Ground	<ul style="list-style-type: none"> • Focus on early conversations with iwi and Māori leaders, iwi and Māori groups and networks, Māori constitutional academics and commentators, and educators. • Iwi and Māori leaders and organisations may wish to advise the Panel on how best to engage their groups and communities, and may also connect the Panel to other Māori stakeholder groups and individuals. • There will be a particular emphasis on identifying Māori who may not initially be interested in thinking and talking about constitutional arrangements but may have views and opinions to inform the thinking of the Panel. • Key information resources will be translated into te reo Māori.
Stage Two: Whakamārama/ Understanding	<ul style="list-style-type: none"> • Participation opportunities highlighted in media, including Māori radio stations and Māori panui. • Key online and hard copy resources will be published in te reo Māori.
Stage Three: Wānanga/ Thinking together	<ul style="list-style-type: none"> • We will invite New Zealanders, including Māori, to participate in deeper conversations. • We will engage with iwi and Māori through: <ul style="list-style-type: none"> • engagement hui, which may include hui in association with iwi and Urban Authority leaders • seeking involvement in iwi and Māori events, such as the Ratana annual celebrations, Koroneihana celebrations, iwi Hui ā-Tau and Te Matatini • meeting with Urban Māori Authorities, community and lobby groups, sports clubs and specific interest groups • contributions to iwi and urban Māori radio stations and other Māori media, such as Mana, Tū Mai and Spasifik • online discussions, blogs and social networking sites.

Stage Four: Wānanga/ Deliberation	<ul style="list-style-type: none"> • Iwi and Māori citizens will be invited to participate in wānanga/deliberative fora hosted by the Panel.
Stage Five: Whakapūrongo/ Reporting	<ul style="list-style-type: none"> • The Panel's final report will be informed by the public-driven engagement process, including the public-driven engagement with Māori.

(v) Communication Strategies

The CAP's communication strategies consider four key areas: Inviting New Zealanders to engage; Collection, compilation, analysis and reporting of feedback; Managing the risks; and the budget (ibid.: 15-16). The engagement approach to communicating with New Zealanders is designed to: aromai – build interest in the constitutional conversation over the span of the project; whaiwhaimai – build participation and contribution to the conversation; and kāreromai – generation dialogue among people with differing views and life experiences. The key elements of this approach are to start simple and build participation and relationships, create a buzz to build conversations, and make it easy to participate by removing barriers to engagement.

The other aspects of the CAP's communication strategies include, ensuring that New Zealanders' views are understood and reflected in summary form, identifying risks and mitigating them through pre-emptive action, and delivering an independent engagement programme and advice to Ministers within the funding allocated.

5. Summary

Three years after the initial coalition agreement between National and the Māori Party and almost a year after the announcement of the Consideration of Constitutional Issues, the project is still in its beginning stages. This is largely due to the decision to delay work on the public engagement programme until after the 2011 general election. The purpose of this working paper is to gather the information currently available about the Consideration and provide a point of reference for further analysis and discussion.

The Institute supports the effort to encourage a national dialogue on the nation's constitutional issues and seeks to document and analyse the process. We will release further working papers and reports as the review progresses and evolves.

Appendix 1 Significant events related to New Zealand's constitution

Source: Adapted from Cabinet, 2010; McGuinness & White, 2011: 144-146; NZPL, 2011.

- 1770 ● James Cook proclaims British sovereignty over New Zealand
- 1801 ● Māori are first referred to collectively as 'Maori'
- 1829 ● Wakefield publishes *A Letter from Sydney*
- 1835 ● Declaration of Independence of New Zealand (He Wakaputanga o te Rangatiratanga o Nu Tirene)
- 1838 ● House of Lords' Select Committee Report on the 'State of New Zealand' published
- 1839 ● First New Zealand Company settlement
- 1839 ● Lord Normanby issues instructions on a potential treaty
- 1840 ● Treaty of Waitangi (Te Tiriti o Waitangi) signed
- 1840 ● Hobson proclaims British sovereignty over New Zealand
- 1841 ● New Zealand becomes a separate Crown Colony
- 1841 ● Treaty of Waitangi first incorporated in legislation
- 1846 ● New Zealand Constitution Act 1846 (UK)
- 1847 ● New Zealand Constitution Act 1846 (UK) suspended
- 1849 ● Settlers Constitutional Associations established
- 1850 ● New Zealand Company's charter surrendered
- 1852 ● New Zealand Constitution Act 1852 (UK)
- 1858 ● English Laws Act 1858
- 1876 ● Abolition of the provinces
- 1901 ● New Zealand decides against joining Australia
- 1907 ● New Zealand becomes a dominion
- 1917 ● Letters Patent introduce the term 'Governor-General'
- 1917 ● Recognition of the dominions as autonomous nations of an Imperial Commonwealth
- 1920 ● New Zealand becomes a founding member of the League of Nations
- 1931 ● Statute of Westminster 1931 (UK)
- 1939 ● Britain appoints its first High Commissioner to New Zealand
- 1940 ● New Zealand Centennial Exhibition

- 1945 ● New Zealand joins the United Nations
- 1947 ● Statute of Westminster adopted
- 1953 ● Realm of New Zealand established
- 1977 ● Constitutional crisis: Robert Muldoon appoints Sir Keith Holyoake Governor-General
- 1983 ● Letters Patent Constituting the Office of Governor-General of New Zealand
- 1984 ● Constitutional crisis: Devaluation by 20%
- 1986 ● Constitution Act 1986
- 1990 ● New Zealand Bill of Rights Act 1990
- 1993 ● Human Rights Act 1993
- 1995 ● Treaty policy papers and Cabinet minutes released
- 2003 ● Supreme Court Act 2003
- 2004 ● Inquiry to review New Zealand's existing constitutional arrangements
- 2008 ● November - Relationship and Confidence and Supply Agreement between the National Party and the Māori Party contains an agreement to establish a group to consider constitutional issues, including Māori representation, by no later than early 2010.
- 2010 ● December - Cabinet establishes a 'Consideration of Constitutional Issues', as agreed in the 2008 Confidence and Supply Agreement. It is decided that the Deputy Prime Minister and the Minister of Māori Affairs will:
 - (1) jointly lead the development of a programme to inform and engage with New Zealanders on constitutional issues, and consider matters arising from that engagement and will be supported by a Constitutional Advisory Panel (CAP);
 - (2) consult with a cross-party reference group of Members of Parliament from all parties across the House, on major findings and reports, before reports are made to Cabinet;
 - (3) report to the Cabinet Domestic Policy Committee (DOM) at six monthly intervals and submit a *final Ministers' report* by the end of 2013 summarising the views of New Zealanders on constitutional issues. (Adapted from Cabinet, 2010)
- 2011 ● August - The members of the CAP are named.
- 2011 ● December - Relationship Accord and Confidence and Supply Agreement between the National Party and the Māori Party agrees to continue to progress the review of constitutional arrangements.

- 2011 ● December - The CAP is scheduled to propose strategies for implementing the initial stages of the Consideration of Constitutional issues and for managing interaction with other government projects.
- 2012 ● June - The CAP releases its engagement strategy for the Consideration of Constitutional Issues. The engagement plan is in five stages: Whakaoho i te tāngata, Preparing the Ground; Whakamārama, Understanding; Wānanga, Thinking Together; Wānanga, Deliberation; Whakapārongo, Reporting
- 2012 ● The CAP is scheduled to lead a public discussion on the constitutional issues that are under review.
- 2013 ● September - The CAP is scheduled to complete their review. The CAP's final report should identify broad areas of public consensus and recommend where further work is needed. Their report will be submitted to the Deputy Prime Minister and the Minister of Māori Affairs, who will then consult with the cross-party reference group of Members of Parliament on its recommendations.
- 2013 ● End of year - The Deputy Prime Minister and the Minister of Māori Affairs are scheduled to submit their final report (the *Ministers' final report*) to the Cabinet Domestic Policy Committee (DOM).
- 2014 ● Cabinet is scheduled to be given six months to respond to the *Ministers' final report*.

Appendix 2 French Constitution Charter for the Environment

Source: Asemblée Nationale, 2008

Preamble

‘The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and complemented by the Preamble to the Constitution of 1946, and to the rights and duties as defined in the Charter for the Environment of 2004.

By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas territories which have expressed the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived for the purpose of their democratic development.’

FRENCH CONSTITUTION CHARTER FOR THE ENVIRONMENT

THE TEN ARTICLES

Art 1 – Each person has the right to live in a balanced environment which shows due respect for health.

Art 2 – Each person has a duty to participate in preserving and enhancing the environment.

Art 3 – Each person shall, in the conditions provided for by law, foresee and avoid the occurrence of any damage which he or she may cause to the environment or, failing that, limit the consequences of such damage.

Art 4 – Each person shall be required, in the conditions provided for by law, to contribute to the making good of any damage he or she may have caused to the environment.

Art 5 – When the occurrence of any damage, albeit unpredictable in the current state of scientific knowledge, may seriously and irreversibly harm the environment, public authorities shall, with due respect for the principle of precaution and the areas within their jurisdiction, ensure the implementation of procedures for risk assessment and the adoption of temporary measures commensurate with the risk involved in order to deal with the occurrence of such damage.

Art 6 – Public policies shall promote sustainable development. To this end they shall reconcile the protection and enhancement of the environment with economic development and social progress.

Art 7 – Each person has the right, in the conditions and to the extent provided for by law, to have access to any information pertaining to the environment in the possession of public bodies and to participate in the public decision-making process likely to affect the environment.

Art 8 – Education and training with regard to the environment shall contribute to the exercising of the rights and duties set out in this Charter.

Art 9 – Research and innovation shall contribute to the preservation and development of the environment.

Art 10 – This Charter shall inspire France’s actions at both a European and an international level.

Appendix 3 Composition of the Constitutional Advisory Panel

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: John Burrows</p> <p>Age bracket: 70+</p> <p>Gender: Male</p> <p>Iwi affiliations: (Co-chair)</p>	<p>Education/qualifications</p> <p>PhD (London), LLM (Canterbury)</p> <p>Career</p> <p>Current Law Commissioner with the New Zealand Law Commission, 2007–</p> <p>Current member of the New Zealand Legislation Advisory Committee, and a Trustee for the New Zealand Law Foundation</p> <p>Fellow of the Royal Society of New Zealand</p> <p>Professor of Law at the University of Canterbury, 1974–2007</p> <p>Head of Department and Dean of the Faculty of Law, University of Canterbury, 1980–1986</p> <p>Pro Vice-Chancellor University of Canterbury, 1992–1998</p> <p>Deputy Vice-Chancellor University of Canterbury, 1999–2000</p> <p>Life Member of Clare Hall Cambridge, and Herbert Smith Visitor to the Faculty of Law 2006</p> <p>Author or co-author of books on statute law, media law and contract law in New Zealand and has contributed to books on tort law and commercial law</p> <p>Barrister of the High Court of New Zealand specialising in opinion work; appointed a Queen’s Counsel in 2005</p> <p>Former member of the Contracts and Commercial Law Reform Committee</p> <p>Source: Law Commission, n.d.</p>	<p>‘The co-chair of the Constitutional Advisory Panel, Sir Tipene O’Regan of Ngāi Tahu, says he has argued for a written document in the past but is prepared to be persuaded there shouldn’t be one. He says the country has been avoiding the issue for a very long time, possibly because there could be huge ramifications and it remains to be seen whether the panel can advance that cause. Sir Tipene says if there is a written constitution, Parliament will be bound by it.’ (Radio New Zealand, 2011)</p>
<p>Name: Tipene O’Regan</p> <p>Age bracket: 70+</p> <p>Gender: Male</p> <p>Iwi affiliations: Ngāi Tahu</p> <p>(Co-chair)</p>	<p>Education/qualifications</p> <p>DLitt (Hons Causeae), PhD (Hon)</p> <p>Career</p> <p>Chairman Ngāi Tahu Māori Trust Board and chief Treaty claim negotiator</p> <p>Upoko (traditional head) of one of the 18 constituent regional rūnanga of Ngāi Tahu</p> <p>Associate Lecturer and Assistant Vice-Chancellor (Māori), University of Canterbury</p> <p>Chairman of Te Ohu Kai Moana (Treaty of Waitangi Fisheries Commission), 1989–2000</p> <p>Chaired the Sealord Group of companies, 1993–2002</p> <p>Member and then chairman of the Ngāi Tahu Māori Trust Board, 1973–1996</p> <p>Led the Ngāi Tahu land and sea fisheries claims before the Waitangi Tribunal culminating in the Tribunal’s reports in 1991 and 1992</p> <p>Māori fisheries negotiator and played a central role in the Treaty fisheries settlements of 1989 and 1992</p> <p>Knighted in 1994</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Peter Chin Age bracket: 70+ Gender: Male Iwi affiliations:</p>	<p>Led Ngāi Tahu Claim settlement negotiations which culminated in legislative enactment in 1998</p> <p>Chaired the Ngāi Tahu Holdings Corporation, 1991–2000</p> <p>Remains a director of a number of companies in the tourism, agricultural and natural resource sectors</p> <p>Member, NZ Fishing Industry Board</p> <p>Director, Seafood Industry Council Ltd</p> <p>Past director on the board of TVNZ</p> <p>Canterbury University’s 1998 Macmillan Brown Memorial Lecturer</p> <p>Past member, NZ Conservation Authority</p> <p>Member, NZ Geographic Board</p> <p>Former board member of the Law of the Sea Institute</p> <p>Former trustee of the Prince of Wales Trust</p> <p>Director, Meridian Energy Ltd</p> <p>Deputy Chair, Transit NZ Authority</p> <p><i>National Business Review’s</i> New Zealander of the Year, 1993</p> <p>Distinguished Fellow of the Institute of Directors, 2001</p> <p>Received Supreme Award of the NZ Seafood Industry Council for services to the NZ industry, 2002</p> <p>Appointed a Senior Research Fellow at the University of Canterbury, 2000</p> <p>Board trustee of the Marine Stewardship Council (UK), 2000</p> <p>Honorary Lecturer and Adjunct Fellow of the Australian Maritime College</p> <p>Hocken Lecturer at the University of Otago, 2003</p> <p>Patron of the Christchurch Arts Festival</p> <p>Patron of the Foundation for Research on Marine Mammals</p> <p>Area of expertise</p> <p>‘[E]xtensive academic, governance, Treaty negotiations and Māori leadership experience’</p> <p>‘Developing iwi economic structures and modernising iwi governance models.’</p> <p>Source: MoJ, n.d.[a]; University of Otago, n.d.</p> <p>Education/ qualifications</p> <p>LLB</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Deborah Coddington</p> <p>Age bracket: 50–70</p> <p>Gender: Female</p> <p>Iwi affiliations:</p>	<p>Career</p> <p>Currently a consultant with Webb Farry Lawyers</p> <p>Member, Chinese Poll Heritage Tax Trust which was established with government funding in 2004</p> <p>Dunedin City Councillor, 1995–2004</p> <p>Mayor of Dunedin, 2004–2010</p> <p>Former Head, Gambling Commission</p> <p>Awarded Companion of the New Zealand Order of Merit, for services to local body and community affairs, 2003</p> <p>Area of expertise</p> <p>‘[H]as expertise in community engagement and representation (including as a former Mayor of Dunedin, 2004–2010), and over 40 years’ legal experience.’</p> <p>‘A highly respected member of the Chinese community.’</p> <p>Source: DPMC, 2003; Dunedin City Council, 2007; MoJ, n.d.[a]; Ip, 2007</p>	
<p>Name: Michael Cullen</p> <p>Age bracket: 50–70</p> <p>Gender: Male</p> <p>Iwi affiliations:</p>	<p>Education/qualifications</p> <p>PhD (Edinburgh University), MA (University of Canterbury)</p> <p>Career</p> <p>Current chair of NZ Post</p> <p>Current Principal Treaty Claims Negotiator for Tūwharetoa iwi</p> <p>Long-serving Labour Party Member of Parliament, including as Deputy Prime Minister, Attorney-General, Minister in Charge of Treaty of Waitangi Negotiations, Minister of Finance and Leader of the House</p>	<p>‘Coddington was discussing Professor Margaret Mutu’s comments on Māori attitudes to immigration, and described [Fiona Barker’s] work as “a fine essay” on the politics of immigration. She approvingly quoted Fiona’s remarks about the importance of both maintaining the Treaty-based and indigenous-minority status of Māori and including newer citizens in debates about our ethnic and linguistic divisions, in order to ensure the latter group’s “longer-term buy-in to political and constitutional settlements”. She regarded Fiona’s suggestion that successful integration of new migrants might include “systematic civics or historical education” as a good, positive idea.’ (Post Treaty Settlements, 2011)</p> <p>‘... self-proclaimed “token monarchist” Michael Cullen says if New Zealand is to wash its hands of the Queen and become a republic it had better start planning now. “I don’t think many people want to change that position while the Queen is alive. ... So the answer is quite obvious – we should be signalling change that doesn’t occur for quite some years to come,” Cullen told the [Reconstituting the Constitution] conference. “Do we now decide to depose the king? It seems to me you don’t have to be a monarchist or a traditionalist – and I’m still somewhat both of those – to feel a slight queasiness around the notion of</p>

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: John Luxton Age bracket: 50–70 Gender: Male Iwi affiliations:</p>	<p>Area of expertise</p> <p>‘Experience of machinery of government and Treaty of Waitangi/Crown-Māori relations.’ Source: MoJ, n.d.[a]; NZ Parliament, n.d.[b]</p> <p>Education/qualifications</p> <p>MMgt; PGDipBusAdmin; PGDipAgrSc; BAgrSc</p> <p>Career</p> <p>Currently an agribusiness entrepreneur, company director and consultant</p> <p>Former National Party Minister and electorate MP</p> <p>Former Minister of Agriculture</p> <p>Cabinet Minister for nine years</p> <p>International agricultural consulting, seven years</p> <p>National MP for Matamata, 1987– 2002</p> <p>AC Cameron Award winner</p> <p>Current directorships include the Wallace Corporation and Tātua, of which he has been a board member since 1978 and was chair from 1986 to 1990</p> <p>One of the founders of Open Country Cheese Company and Kaimai Cheese Company</p> <p>Fellow of the Institute of Directors</p> <p>Holds a number of directorships in the agribusiness sector, including chair of DairyNZ</p>	<p>deposition,” said Cullen.’ (ONE News, 2010)</p>
<p>Name: Bernice Mene Age bracket: 30–50 Gender: Female Iwi affiliations:</p>	<p>Area of expertise</p> <p>‘Expertise in government, governance, Crown-Māori relations and community connections.’</p> <p>‘Experience in co-management (as co-chair of the Waikato River Authority) and representing farming and other interests alongside Māori interests.’</p> <p>Source: Massey University, 2011; MoJ, n.d.[a]</p> <p>Education/qualifications</p> <p>BA (Victoria University); DipT; DipCW</p> <p>Career</p> <p>Currently a TV presenter on education and netball programmes</p> <p>Represented New Zealand in netball</p> <p>A qualified teacher and has represented New Zealand at OECD education forums</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Area of expertise</p> <p>'[Has a] strong public profile, project management experience and the ability to connect with the community.'</p> <p>Source: Captive Audience, n.d.; MoJ, n.d.[a]</p>		
<p>Name: Leonie Pihamā</p> <p>Age bracket: 30–50</p> <p>Gender: Female</p> <p>Iwi affiliations: Te Ātiawa, Ngā Māhanga a Tairi, Ngāti Māhanga</p>	<p>Education/ qualifications</p> <p>PhD (Education); MA Hons (Education); BA (Education/Māori Studies)</p> <p>Career</p> <p>Research Director, Māori and Indigenous Analysis Ltd, Tāmaki Makaurau</p> <p>A senior Māori researcher in Māori and indigenous education with a focus on kaupapa Māori</p> <p>Former director of the International Research Institute for Māori and Indigenous Education at the University of Auckland</p> <p>Served on the board of Māori Television during its establishment phase</p> <p>Fulbright Scholarship to study at the University of Washington Indigenous Wellness Research Institute, 2011</p> <p>Area of expertise</p> <p>'[Has] lectured in policy analysis, Māori women's issues, and representation of indigenous people ... [and is] a staunch advocate of Kaupapa Māori.'</p> <p>Source: MoJ, n.d.[a]; University of Washington, 2011</p>	
<p>Name: Hinurewa Poutu</p> <p>Age bracket: 18–30</p> <p>Gender: Female</p> <p>Iwi affiliations: Ngāti Rangī, Te Āti Haunui a Pāpārangī, Ngāti Maniapoto</p>	<p>Education/ qualifications</p> <p>Graduate of kura kaupapa Māori</p> <p>Doctoral student at Massey University</p> <p>Career</p> <p>Taught at Te Kura Kaupapa Māori o Mana Tamariki</p> <p>Area of expertise</p> <p>An academic and work record in studying, researching and teaching te reo Māori</p> <p>Journalism experience and has worked as a Māori language media consultant</p> <p>Source: MoJ, n.d.[a]</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Linda Smith</p> <p>Age bracket: 50–70</p> <p>Gender: Female</p> <p>Iwi affiliations: Ngāti Awa, Ngāti Porou</p>	<p>Education/ qualifications</p> <p>PhD (Auckland), MA (Hons) (Auckland), BA (Auckland), DipT</p> <p>Career</p> <p>Currently Pro Vice-Chancellor (Māori) and Professor of Education and Māori Development at the University of Waikato</p> <p>Internationally renowned author</p> <p>Member of the Marsden Fund Council and the Health Research Council</p> <p>Worked as a Treaty negotiator for Ngāti Porou</p> <p>Formerly deputy chair of Te Wānanga o Awanuiārangī</p> <p>Area of expertise</p> <p>‘[An] authority on Maori and Indigenous research and education.’</p> <p>Source: MoJ, n.d.[a]; University of Waikato, 2011</p>	
<p>Name: Peter Tennent</p> <p>Age bracket: 50–70</p> <p>Gender: Male</p> <p>Iwi affiliations:</p>	<p>Education/ qualifications</p> <p>Trained as an accountant</p> <p>Career</p> <p>Former Mayor of New Plymouth</p> <p>Prominent hotelier</p> <p>Nominated for World Mayor in 2010, and judged to be in the top 10 world community leaders</p> <p>Area of expertise</p> <p>‘As Mayor of New Plymouth, he emphasised community involvement and encouraged public engagement.’</p> <p>Source: MoJ, n.d.[a]</p>	
<p>Name: Ranginui Walker</p> <p>Age bracket: 70+</p> <p>Gender: Male</p> <p>Iwi affiliations: Of Māori and Lebanese descent (Wanhalla, 2011); of the Whakatohea tribe of Opotiki</p>	<p>Education/ qualifications</p> <p>PhD, MA, BA</p> <p>Career</p> <p>Member of the Waitangi Tribunal</p> <p>Well-known Māori author and academic. His groundbreaking book <i>Ka Whawhai Tonu Matou (Struggle Without End)</i> has become a reference text for the history of the modern Māori renaissance.</p> <p>Area of expertise</p> <p>‘[H]as organised many Māori leadership conferences on urbanisation, gangs, Māori land, Māori fisheries, Māori educational development and Māori representation in Parliament, and is widely published on Māori anthropology, education and development.’</p> <p>Source: MoJ, n.d.[a]</p>	

Appendix 4 Composition of the Cross-party MP Reference Group

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Simon Bridges</p> <p>Party: National</p> <p>Age bracket: 30–50</p> <p>Gender: Male</p> <p>Iwi affiliations: Father is of Ngāti Maniapoto descent</p>	<p>Education/qualifications</p> <p>BA (Political Science and History), University of Auckland</p> <p>LLB (Hons), University of Auckland</p> <p>Bachelor of Civil Law, University of Oxford, United Kingdom</p> <p>Attended London School of Economics</p> <p>Career</p> <p>Tutor of Law, University of Auckland</p> <p>Intern, British House of Commons</p> <p>Litigation Lawyer - 2001</p> <p>Senior Crown Prosecutor, District and High Courts of New Zealand - June 2008</p> <p>Community activities</p> <p>Frequent 'Hero' and guest speaker at Bay of Plenty Primary Schools for 'Books in Homes'</p> <p>Member, Friends of the Tauranga Art Gallery</p> <p>Member, various other Tauranga organisations</p> <p>Current parliamentary roles</p> <p>Associate Minister for Climate Change Issues</p> <p>Minister of Consumer Affairs</p> <p>Associate Minister of Transport</p> <p>Member, Education and Science Committee</p> <p>Former parliamentary roles</p> <p>Member, Law and Order Committee 9 December 2008-24 June 2009</p> <p>Deputy Chairperson, Justice and Electoral Committee 11 December 2008-20 October 2011</p> <p>Member, Auckland Governance Legislation Committee 20 May 2009-20 October 2011</p> <p>Member, Maori Affairs Committee 24 June 2009-20 October 2011</p> <p>Member, Justice and Electoral Committee 21 December 2011-4 April 2012</p> <p>Chairperson, Finance and Expenditure Committee 22 December 2011-4 April 2012</p>	

Source: Bridges, 2009; NZ Parliament, n.d.[a]

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Peter Dunne Party: United Future NZ Age bracket: 50–70 Gender: Male Iwi affiliations:</p>	<p>Education/ qualifications</p> <p>MA (Hons) in Political Science, University of Canterbury Business Admin, Massey University</p> <p>Career</p> <p>Worked for the Department of Trade and Industry 1977–1978 Council Secretary, Alcoholic Liquor Advisory Council 1978–1980 Deputy Chief Executive, Alcoholic Liquor Advisory Council 1980–1984 Associate Fellow, NZ Institute of Management 1988–2005 Fellow, NZ Institute of Management 2005–</p> <p>Community activities</p> <p>Board member, Institute of Policy Studies, Victoria University of Wellington Patron, Johnsonville Bowling Club Patron, North Wellington AFC Honorary Member, Newlands Volunteer Fire Brigade 2003–</p> <p>Current parliamentary roles</p> <p>Deputy-Chairperson, Standing Orders Committee Member, Electoral Legislation Committee United Future Spokesperson, Foreign Affairs and Defence United Future Spokesperson, Heritage United Future Spokesperson, Justice United Future Spokesperson, State Sector</p> <p>Former parliamentary roles</p> <p>Parliamentary Under-Secretary to the Minister of Health 24 August 1987–30 January 1989 Parliamentary Under-Secretary to the Minister of Trade and Industry 24 August 1987–30 January 1989 Parliamentary Under-Secretary to the Minister of Commerce 12 September 1988 to 9 December 1990 Parliamentary Under-Secretary to the Minister of Regional Development 12 September 1988 to 9 December 1990 Parliamentary Under-Secretary to the Minister of Energy 12 September 1988 to 21 February 1989 Parliamentary Under-Secretary to the Minister of Justice 30 January to 14 August 1989</p>	<p>'The constitution is the property of all New Zealanders and it reflects the country's national identity. It is about public power and the way that New Zealanders want that power regulated.' (O'Sullivan, 2005)</p> <p>'Given this is a very preliminary step, the key issue is to get in one place all of the elements of the New Zealand constitution, codify it and say these are all of the bits of our history and legislative practice that contribute to the NZ constitution – that's a very important starting point for a much wider debate.' (ibid.)</p> <p>'... we do not need to not only debate these issues properly, but to move purposefully towards their resolution. While it could be argued that just talking about them is an improvement – albeit a minute one – on the studied ignoring of them as too hard that has been the case of recent years, it is still pretty inadequate. We just end up looking like a country too scared and lacking in self-confidence to debate the type of future we want.' (Dunne, 2011)</p> <p>'New Zealanders are ready to debate and resolve these issues, and deserve to be given the respect to do so. A half-hearted or so structured debate designed to produce particular outcomes and avoid others because they might be politically awkward is no debate at all, and is insulting to the majority. The tension and division of Waitangi Days past may be behind us now, but it is to be hoped that the new spirit of Waitangi is not instead going to become one of obfuscation and avoidance.' (ibid.)</p> <p>'... I am bitterly disappointed that there is no specific provision within the terms of reference to look at whether or not New Zealand should move to become a republic. You cannot have a credible constitutional review without specifically looking at the republic issue, and to try to pretend otherwise would be farcical. I think New Zealanders are ready to have that discussion, and rather than sweep it under the carpet, the review should address it up front. Having a constitutional review that avoids the republic issue would be as meaningful as having Christmas without Christmas Day. As the Chair of the Constitution Arrangements Select Committee that sat during 2004 and 2005 I am extremely keen to be involved in this review and to take part in the cross-party reference group.' (United Future NZ Party, 2010)</p>

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Te Ururoa Flavell</p> <p>Party: Māori</p> <p>Age bracket: 50-70</p> <p>Gender: Male</p> <p>Iwi affiliations: Ngapuhi, Ngāti Rangiwewehi, and Te Arawa</p>	<p>Former parliamentary roles</p> <p>Parliamentary Under-Secretary to the Minister of the Environment 30 January 1989 to 9 December 1990</p> <p>Parliamentary Under-Secretary to the Minister of Internal Affairs 14 August 1989 to 9 February 1990</p> <p>Parliamentary Under-Secretary to the Minister of Local Government 14 August 1989 to 9 February 1990</p> <p>Minister of Regional Development 9 February to 2 November 1990</p> <p>Associate Minister for the Environment February–November 1990</p> <p>Associate Minister of Justice February–November 1990</p> <p>Spokesperson, Commerce 1990–1994</p> <p>Spokesperson, Customs 1990–1994</p> <p>Spokesperson, Revenue 1990–1994</p> <p>Minister of Internal Affairs 29 February to 16 December 1996</p> <p>Minister of Revenue 29 February to 16 December 1996</p> <p>Member, Standing Orders Select Committee 2000 to 11 August 2005</p> <p>Chairperson, Finance and Expenditure Select Committee March–October 1999</p> <p>Chairperson, Foreign Affairs, Defence and Trade Select Committee 27 August 2002 to 11 August 2005</p> <p>Chairperson, Constitutional Arrangements Select Committee 23 December 2004 to 11 August 2005</p> <p>Member, Parliamentary Service Commission 2000–2005</p> <p>Member, Standing Orders Committee 13 September 2006 to 3 October 2008</p> <p>Member, Privileges Committee 16 November 2005 to 3 October 2008</p> <p>Chairperson, Emissions Trading Scheme Review Committee 9 December 2008 to 31 August 2009</p> <p>Member, Standing Orders Committee 7 July 2009 to 19 August 2010</p> <p>Source: NZ Parliament, n.d.[a]</p>	
	<p>Education/qualifications</p> <p>Majored in Physical Education and Maori, Auckland Secondary Teachers College 1974–1976</p> <p>BA in Maori Studies and Anthropology, University of Auckland 1982-1982</p> <p>MA in Maori, Waikato University 1984-1985</p> <p>Career</p> <p>Former Secondary School teacher, Kaikoura High School</p> <p>Former Secondary School teacher, Mangere College, Auckland</p> <p>Former Secondary School teacher, Fairfield College, Hamilton</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
	<p>Career</p> <p>Former Secondary School teacher, Tauhara College, Taupo</p> <p>Advisor on Maori Education, Palmerston North College of Education, Taranaki 1989-1990</p> <p>Tumu Paetaki, Head of Maori Studies Faculty, Taranaki Polytechnic 1990-1995</p> <p>Principal, St. Stephen's School, Bombay, Auckland 1996-1999</p> <p>Chief Executive Officer, Te Whare Wananga o Awanuiarangi 1999-2000</p> <p>Dean, Te Pakaro a Ihenga, Faculty of Maori Studies, Design, Health and Education and Social Sciences, Waikariki Institute of Technology, Rotorua 2000-2001</p> <p>Contracted Report Writer, Lakeland Health Rotorua 2001-2002</p> <p>Director, Te Matakahi Ltd 2001-2004</p> <p>Contracted Report Writer, Te Ataarangi Educational Trust 2002-2002</p> <p>Contracted Report Writer, Ministry of Education 2002-2003</p> <p>Contracted Academic Auditor, New Zealand Polytechnic Programmes Committee 2002-2005</p> <p>Contractor, Te Whare Wananga o Awanuiarangi 2003-2003</p> <p>Contractor, Te Ataarangi Education Trust 2003-2004</p> <p>Contracted Report Writer, Ministry of Education 2003-2004</p> <p>Teacher, Bachelor of Teaching programme in te reo Maori and Te Ao Maori papers, Te Wananga o Aotearoa, Rotorua 2004-2004</p> <p>Chief Operating Officer, Te Whare Wananga o Awanuiarangi 2004-2005</p> <p>Community activities</p> <p>Participant, Operation Drake International 1979-1979</p> <p>Member, Executive Committee, National Association for the Teaching of Maori National 1988-1989</p> <p>Member, Working party writing Maori language policy for presentation to Government, Lopdell House, Auckland National 1989-1989</p> <p>Chief Examiner, Te Reo Maori - Tuhituhi, School Certificate Maori - Written National 1990-1990</p> <p>Kaihautu, Chief Executive Officer, Tino Rangatiratanga Maori Education Authority National 1990-1992</p> <p>Executive Member, Tino Rangatiratanga Maori Education Authority National 1990-1995</p> <p>Member, Technical Advisory Group, Te Hiringa i te Mahara Project National 1998-1999</p> <p>Taranaki delegate, Te Whakaruruhau o Nga Reo Irirangi Maori - National Maori Broadcasters Association National 1992-1995</p> <p>Chairperson, Nga Tai i Te Reinga, Hikoi against the Seabed and Foreshore Bill National 2004-2005</p> <p>Member, Auckland Teacher's College Maori Club Regional 1974-1976</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Kennedy Graham</p> <p>Party: Green Party</p> <p>Age bracket: 50–70</p> <p>Gender: Male</p>	<p>Community activities</p> <p>Member, Auckland University Maori Club Regional 1974-1976</p> <p>Member, Te Ropu Manutaki Regional 1975-1975</p> <p>Tutor, Auckland Teachers College Maori Club Regional 1976-1976</p> <p>Member, Auckland Anglican Maori Club, NZ Polynesian Festival Regional 1982-1983</p> <p>Tutor, Fairfield College Maori Club Regional 1983-1984</p> <p>Tutor, Tauhara College Maori Club Regional 1986-1986</p> <p>Member, marking panel, School Certificate Maori - Written, Stella Maris, Wellington Regional 1989-1991</p> <p>Member, Working party for Te Reo Maori - Tuhihihi Regional 1989-1991</p> <p>Coordinator, Tino Rangatiratanga ki Taranaki Regional 1990-1995</p> <p>Leader, working party to set up Te Korimako o Taranaki 94.8FM, New Plymouth Regional 1991-1992</p> <p>Delegate, North Taranaki Tino Rangatiratanga Unit of Kohanga Reo Regional 1992-1993</p> <p>Talkback host, Te Korimako o Taranaki 94.8 FM Regional 1992-1995</p> <p>Chairperson, Management Committee of Te Korimako o Taranaki Regional 1993-1995</p> <p>Chairperson, Te Pou Tiringa Regional 1994-1995</p> <p>CEO, Te Whare Wananga o Awanuiarangi Regional 1998-2000</p> <p>Member, Marae Committee, Ngati Rangiwewehi Regional 1999-2002</p> <p>Chairperson, Ngati Rangiwewehi Education Trust Regional 1999-2002</p> <p>Member, Te Ara ki te Reo Maori Early Childhood Centre Regional 2000-2002</p> <p>Judge, Te Arawa Festival of Maori Performing Arts Regional 2001</p> <p>Secretary, Te Puna Reo o Te Arawa Working Party Regional 2001-2002</p> <p>Community Representative appointed by the Minister of Maori Affairs, Te Ropu Tautoko Regional 2001-2005</p> <p>Chairperson, Te Ohu Mangai (Board of Trustees), Te Kura Maori o Te Koutu Regional 2003-2003</p> <p>Chairperson, Treaty Claims Committee of Ngati Rangiwewehi Regional 2003-2005</p> <p>Chairperson, Te Maru o Ngati Rangiwewehi Tribal Authority Regional 2004-2005</p>	
	<p>Education/ qualifications</p> <p>BCom, Accounting, University of Auckland</p> <p>MA, Fletcher School of Law and Diplomacy, Boston</p> <p>PhD, Victoria University of Wellington</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Iwi Affiliations:</p>	<p>Career</p> <p>New Zealand Ministry of Foreign Affairs (Wellington, Ottawa, Bangkok, Geneva) 1972-1978</p> <p>Secretary-General, Parliamentarians for Global Action 1989-1994</p> <p>Quarter-centenary Fellow, Emmanuel College, University of Cambridge, 1995</p> <p>International Institute for Democracy and Electoral Assistance, Stockholm 1996-1998</p> <p>Director, United Nations University Leadership Academy, Jordan 1999-2002</p> <p>Senior Research Fellow, United Nations University 2002-2007</p> <p>Senior Consultant, United Nations Department of Political Affairs, New York 2004-2006</p> <p>Visiting Professor, College of Europe, Bruges 2005-2007</p> <p>Senior Adjunct Fellow, School of Law, University of Canterbury, Christchurch 2006-2009</p> <p>Community activities</p> <p>Former Chairman, New Zealand Institute for International Affairs, Christchurch branch</p>	
	<p>Current parliamentary roles</p> <p>Deputy-Chairperson, Foreign Affairs, Defence and Trade Committee</p> <p>Member, Privileges Committee</p> <p>Spokesperson, Climate Change</p> <p>Spokesperson, Constitutional Issues</p> <p>Spokesperson, Defence</p> <p>Spokesperson, Disarmament</p> <p>Spokesperson, Global Affairs</p> <p>Spokesperson, Trade and Foreign Investment</p>	
	<p>Former parliamentary roles</p> <p>Member, Justice and Electoral Committee 9 December 2008-20 October 2011</p> <p>Member, Officers of Parliament Committee 4 March 2009-20 October 2011</p> <p>Musterer 30 March 2009-8 March 2011</p> <p>Member, Business Committee 31 March 2009-20 October 2011</p> <p>Member, Standing Orders Committee 7 July 2009-20 October 2011</p> <p>Spokesperson, Climate Change (International) 2 November 2009-14 December 2011</p> <p>Spokesperson, Justice 2 November 2009-14 December 2011</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: Hone Harawira</p> <p>Party: Mana</p> <p>Age bracket: 50-70</p> <p>Gender: Male</p> <p>Iwi Affiliations: Ngāti Hau, Ngāti Wai, Ngāti Hine, Te Aupōuri, Ngāpuhi and Ngāti Whātua</p>	<p>Former parliamentary roles</p> <p>Spokesperson, Security and Intelligence Services 2 November 2009-14 December 2011</p> <p>Associate Spokesperson, Energy 2 November 2009-14 December 2011</p> <p>Associate Spokesperson, Foreign Affairs 2 November 2009-14 December 2011</p> <p>Associate Spokesperson, Sustainability 2 November 2009-14 December 2011</p> <p>Musterer 3 May 2011-16 December 2011</p> <p>Source: NZ Parliament, n.d.[a]</p>	
<p>Name: Hone Harawira</p> <p>Party: Mana</p> <p>Age bracket: 50-70</p> <p>Gender: Male</p> <p>Iwi Affiliations: Ngāti Hau, Ngāti Wai, Ngāti Hine, Te Aupōuri, Ngāpuhi and Ngāti Whātua</p>	<p>Education/qualifications</p> <p>Career</p> <p>Manager, Aupouri Maori Trust Board</p> <p>Manager, Aupouri Ngāti Kahu Te Rarawa Trust</p> <p>Manager, Te Reo Irirangi o Te Hiku o Te Ika</p> <p>Former CEO, Tehiku Media</p> <p>Director, Aupouri Fishing Company Ltd June 1990-March 1995</p> <p>Director, Te Hononga Whakapaoho Māori Māori Media Network Ltd September 2001-December 2005</p> <p>Director, Te Tai Tokerau PHO Ltd March 2003-April 2005</p> <p>Director, Starnet 2000 Ltd June 2004-August 2006</p> <p>Member for Te Tai Tokerau 17 September 2005-20 May 2011</p> <p>Community activities</p> <p>Chairperson, Aniwaniwa Kohanga Reo</p> <p>Chairperson, Aniwaniwa Kokiri</p> <p>Founder, Far North Iwi Working Group</p> <p>Chairperson, Far North Rugby League</p> <p>Leader, Foreshore and Seabed Hikoi</p> <p>Leader, He Taua, Auckland University</p> <p>Founder, Hui Whakataetae</p> <p>Founding Member, Kawariki</p> <p>Initiator, Kotahitanga Tribal Forum</p> <p>Organiser, Kotahitanga hikoi, Turangawaewae to Waitangi</p> <p>Member, Nga Tamatoa</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
	<p>Community activities</p> <p>Supported Ngati Whatua during Bastion Point occupation</p> <p>Leader, Patu Squad, Springbok Tour</p> <p>Chairperson, Ranganunu Sports Club</p> <p>Author, Te Hauora O Te Hiku O Te Ika Trust Deed</p> <p>Chairperson, Te Hiku Sports Foundation</p> <p>Chairperson, Te Hononga Whakapaoho Maori Maori Media Network Ltd</p> <p>Chairperson, Te Kura Kaupapa Maori O Te Rangī Aniwaniwa</p> <p>Member, Te Mangai Paho</p> <p>Chairperson, Te Puna Wai</p> <p>Chairperson, Te Putahi Paoho</p> <p>Founder, Te Reo Irirangi O Te Hiku O Te Ika</p> <p>Writer, Te Reo O Te Kawariki media series</p> <p>Chairperson, Te Wananga O Te Rangī Aniwaniwa</p> <p>Chairperson, Te Wananga Reo O Te Tai Tokerau</p> <p>Director, Te Wananga Ta Moko</p> <p>Chairperson, Te Wharekura O Te Rangī Aniwaniwa</p> <p>Leader and Spokesperson, Waitangi Action Committee</p> <p>Chairperson, Whakaruruhau</p>	
	<p>Current parliamentary roles</p> <p>Leader of Mana Party</p> <p>Member, Business Committee</p> <p>Member, Maori Affairs Committee</p>	
	<p>Former parliamentary roles</p> <p>Member, Justice and Electoral Committee 9 November 2005-16 November 2005</p> <p>Member, Finance and Expenditure Committee 16 November 2005-3 October 2008</p> <p>Member, Privileges Committee 16 November 2005-3 October 2008</p> <p>Member (Non Voting), Justice and Electoral Committee 13 December 2006-3 October 2008</p> <p>Member, Privileges Committee 17 December 2008-4 March 2009</p> <p>Member (Non Voting), Foreign Affairs, Defence and Trade Committee 17 June 2009-20 May</p> <p>Deputy-Chairperson, Māori Affairs Committee 10 December 2008-20 May 2011</p>	

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
<p>Name: David Parker Party: Labour Age bracket: 50-70 Gender: Male Iwi Affiliations:</p>	<p>Former parliamentary roles</p> <p>Member, Auckland Governance Legislation Committee 20 May 2009-20 May 2011 Source: NZ Parliament, n.d.[a]</p> <p>Education/qualifications</p> <p>BCom, University of Otago LLB, University of Otago</p> <p>Career</p> <p>Worked for Wrightson NMA Limited Former Litigation partner, Anderson Lloyd Caudwell Worked in Agri-biotechnology field Former Manager, BLIS Technologies Director, Fund Managers Holdings Ltd 30 July 1997-28 October 2005</p> <p>Community activities</p> <p>Former member, Primary School Board of Trustees Former Deputy Chairperson, bioSouth Co-founder, Dunedin Community Law Centre 1979-1979</p> <p>Current parliamentary roles</p> <p>Member, Finance and Expenditure Committee Member, Privileges Committee Spokesperson, Finance</p> <p>Former parliamentary roles</p> <p>Member, Commerce select committee 27 August 2002-26 March 2003 Member, Finance and expenditure select committee 27 August 2002-11 August 2005 Member, Regulations review select committee 27 August 2002-11 August 2005 Deputy Chairperson, Local government and environment select committee 1 April 2003-11 August 2005 Deputy Chairperson, Local government and environment select committee 1 April 2003-11 August 2005 Member, Constitutional arrangements select committee 23 December 2004-11 August 2005 Attorney General 19 October 2005-20 March 2006 Minister of Energy 19 October 2005-21 March 2006 Minister Responsible for Climate Change Issues 19 October 2005-21 March 2006</p>	<p>David Parker ... indicated it was likely that the committee would recommend that referendums should precede any major change. "I can't speak for the committee on that but I'm sure there are a number of individuals on the committee who would be of that view." Mr Parker said such a recommendation would define what significant change would entail, but said it would clearly include any moves towards a written constitution or a republic. ... He stressed that the committee was not investigating whether constitutional reform was necessary.' (Berry, 2005)</p> <p>'I am not a person who has a strong view about [moving from a monarchy to a republic] but I do have a strong view that if there is ever a move to republicanism, the appropriate method of doing it will be by way of having a Governor-General with the same form and functions as the current Governor-General rather than moving to an elected or presidential system, which would cause all sorts of changes and problems, including bringing to a head constitutional issues such as the proper place of the Treaty of Waitangi in a constitutional sense, when these issues are perhaps best worked through gradually as they currently are through the Treaty settlement process.' (NZ Parliament, 2010)</p>

Name and background	Current positions, career, community activities and relevant expertise	Public statements on the constitutional review
	<p>Former parliamentary roles</p> <ul style="list-style-type: none"> Minister of Transport 19 October 2005-21 March 2006 Minister of Energy 3 May 2006-19 November 2008 Minister Responsible for Climate Change Issues 3 May 2006-19 November 2008 Minister of Land Information 3 May 2006-19 November 2008 Minister of State Services 5 November 2007-19 November 2008 Member, Emissions Trading Scheme Review Committee 9 December 2008-31 August 2009 Spokesperson, Electoral Reform 20 November 2008-4 April 2010 Spokesperson, Conservation 5 May 2009-15 June 2010 Spokesperson, ACC 20 November 2008-3 February 2011 Member, Justice and Electoral Committee 9 December 2008-9 February 2011 Spokesperson, Attorney-General 20 November 2008-19 December 2011 Spokesperson, Economic Development 15 June 2010-19 December 2011 Spokesperson, Energy 3 February 2011-19 December 2011 Associate Spokesperson, Finance 20 November 2008-19 December 2011 Chairperson, Government Administration Committee 10 December 2008-20 October 2011 Member, Commerce Committee 9 February 2011-20 October 2011 	

Source: NZ Parliament, n.d.[a]

Appendix 5 Constitutional Advisory Panel's Engagement Strategy Question Focus

Source: CAP, 2012b: 8.

The Constitutional Advisory Panel (CAP) recognises that members of the public may wish to engage with a range of questions at different points in the process. While they have committed themselves to be led by the public on this, they have suggested that matters may unfold as follows.

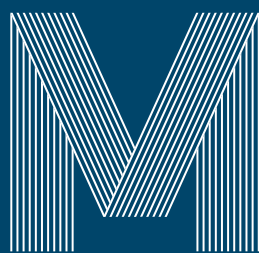
Stage	Key question focus	Supporting questions
Whakamārama/ Understanding	<ul style="list-style-type: none"> Context: think about New Zealand in the future. What opportunities does the Treaty of Waitangi offer for our country? 	<ul style="list-style-type: none"> What is important to you? What makes our country work? What values reflect the spirit of our country? How would you like New Zealand to look in 2050?
Wānanga/ Thinking together	<ul style="list-style-type: none"> How are our values reflected in our constitutional arrangements? What opportunities does the Treaty of Waitangi provide for our future constitutional arrangements? In our constitutional arrangements for future generations, what are the key elements to keep, change or create? 	<ul style="list-style-type: none"> What are the most critical elements to have in our constitutional arrangements? <p><i>Electoral matters</i></p> <ul style="list-style-type: none"> Size of Parliament? Length of term of Parliament? Size and number of electorates? Electoral integrity legislation? <p><i>Crown-Māori relationship matters</i></p> <ul style="list-style-type: none"> Māori representation, including Māori Electoral Option, Māori electoral participation, Māori seats in Parliament and local government? <p><i>Other constitutional matters</i></p> <ul style="list-style-type: none"> Written constitution? Other constitutional issues raised by New Zealanders?
Wānanga/ Deliberation	<ul style="list-style-type: none"> What are our reflections on the contributions we have received from people across New Zealand? 	<ul style="list-style-type: none"> How do our constitutional arrangements reflect our values? What are the key elements of the constitutional arrangements we should keep, change or create for the future?

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