



Democracy and Constitutional Transformation Policy

Vision

The Green Party envisions a democratic Aotearoa New Zealand in which:

- The government asserts its sovereign independence and, in accordance with Te Tiriti o Waitangi, upholds the tino rangitiratanga of Tangata Whenua.
- There is a proportional electoral system that is transparent and fair.
- The country is governed by a Parliament that represents the diversity of Aotearoa New Zealand and recognises the inherent dignity and the equitable and inalienable rights and responsibilities of its people.
- There is active, popular engagement in our democracy and people are able to meaningfully participate in and contribute to government decision-making which impacts on ourselves, our communities, our environment and the generations which will follow us.
- Our democratic processes are robustly defended from malign interference.
- Politicians uphold high ethical standards, are open and accountable, and fulfil their public role in the best interests of New Zealand.
- Aotearoa New Zealand exemplifies transparent, honest, inclusive and consensus-based decision-making.

Key Principles

1. Te Tiriti o Waitangi, and He Whakaputanga (the 1835 Declaration of Independence) are central to our constitution.
2. Decision-making at local and central government levels is based, where Tangata Whenua are concerned, upon the application of the articles of Te Tiriti o Waitangi.
3. Key decisions on the shape of the nation's democratic system belong to the people, not political parties.

4. The votes of all electors are of equal weight in influencing election results.
5. Membership of Parliament should reflect significant characteristics of the voting population, such as gender, ethnicity, socio-economic class, locality and age.
6. The number of seats gained by a political party should be generally proportional to the number of voters who support that party.
7. The electoral system should encourage close links and accountability between individual MPs and their constituents or constituencies.
8. Freedom of information and openness of government and its procedures are essential elements of a democracy.
9. 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.
10. 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.
11. Active democratic processes require more than periodic elections. All residents of Aotearoa New Zealand should be empowered to participate and contribute to communal well-being and be involved in central and local decision-making
12. The principle of subsidiarity will guide the devolution of decision-making so that it takes place as close as possible to those affected by the decisions.
13. 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
14. 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.
15. Gender balance and diversity in decision-making bodies should be supported.
16. Workplace democracy and collective organisation should be facilitated.

Specific Policy Points

1 The Electoral System

Policy Positions

- 1.1. 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.
- 1.2. Support specific changes to the Electoral Act set out in this policy and other policies and only consider supporting other changes to the Electoral Act if they align with the key principles of this policy and the integrity of the voting system is maintained. Examples of changes to the Electoral Act that the Green Party are open to supporting are:
 - a) Instituting 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.
 - b) Granting the right to vote to groups of citizens and permanent residents of Aotearoa New Zealand who are ineligible to vote, including 16-17 year olds while supporting schools to engage students with civic participation (see our [Education Policy](#)), prisoners and New Zealanders living overseas
 - c) Increasing accessibility of voting or voter participation
 - d) Establishing a set ratio of electorate to list MPs (e.g. 60:40, 50:50) to ensure proportional representation in Parliament is maintained
 - e) Introducing 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.
 - f) Adjustments to the existing electoral system that have been recommended by an independent commission, and that are consistent with our Key Principles, 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%, as recommended by the Electoral Commission in 2012.

- g) Supporting a fixed election date, the date to be determined by consultation with the public. Using the election date as a tool for political game playing serves no democratic purpose and leaves the public and other political parties in the dark.

A. Guaranteed Māori Representation

The Green Party supports guaranteed representation for Tangata Whenua in the House of Representatives. We recognise that this is not a co-designed form of representation, and as such does not give effect to Te Tiriti. We support more fundamental review of our representative systems to ensure these are grounded in Te Tiriti (see Constitutional Transformation, below). However, as an interim measure, we believe it essential that Tangata Whenua have guaranteed representation in Parliament and Local Government.

Policy Positions

- 1.3. Support the entrenchment of the Māori seats in Parliament.
- 1.4. Enable 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.
- 1.5. Ensure tangata whenua, and tangata whenua points of view, are fairly and effectively represented in Local Government through guaranteed representation.

B. Election Financing

The influence of money on politics is one of the greatest threats to democracy. Political parties need money to run election campaigns but that money can be a source of undue influence on the democratic process. The Green Party believes it is of paramount importance for the public to know who is funding political parties, as an assurance that political donations are not buying policy.

Policy Positions

- 1.6. Initiate a review of the overall operation of campaign finance rules, including:
 - a) The rules around donations and spending caps;
 - b) Non-political party election activities;
 - c) The partial public funding of political parties; and
 - d) Whether the campaign finance rules are properly enforced, and if not, how they could be enforced better.
- 1.7. Make the following changes to rules about donations to political parties:

- a) Introduce tighter limits on anonymous donations.
 - b) Introduce a ban on overseas donations, with the exception of New Zealand citizens or residents living overseas who are entitled to vote.
 - c) 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.
 - d) Place an annual limit of \$35,000 on total donations to a political party from any single person or entity.
 - e) Empower and fund the Electoral Commission to investigate donations to verify the source of funds.
- 1.8. Maintain the current campaign spending caps on candidates and political parties. Spending caps are essential to ensuring that the election is a contest of ideas and policies rather than which party has more money to influence voters by advertising.
- 1.9. Ensure fairness and transparency in the involvement of non-political parties in election activities. It is an important part of democracy, but their activity needs to be regulated.
- a) Review the current rules for non-political parties in election activities.
 - b) Continue to support spending limits and transparency on non-party actors involved in electioneering.
- 1.10. Maintain the status quo on broadcast funding allocation.
- 1.11. Empower and fund the Electoral Commission to investigate the use of social media and other public communications by political parties and candidates.
- 1.12. Appoint an independent commission of inquiry and a citizens' assembly to investigate increasing public funding of political parties during election campaigns.

C. Changing to a whole new voting system

Policy Positions

- 1.13. 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:
- a) The referendum process is determined by an independent commission not by members of parliament; and

- b) There are clear spending limits and transparency for all campaigners in any referendum campaign to ensure a healthy and fair referendum process.

2 Constitutional Transformation: Developing a National Constitution

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.

Policy Positions

- 2.1. Support and resource the investigation of how to implement recommendations from the Matike Mai constitutional transformation report (see our Kaupapa Māori policy)
- 2.2. Facilitate nationwide dialogue to formulate a statement of national aspirations, as a standard against which our national laws and regulations can be measured and which can support and inform the implementation of the recommendations from the Matike Mai constitutional transformation report for forming a formal, written national constitution for Aotearoa New Zealand.
- 2.3. 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:
 - a) the constitutional centrality of Te Tiriti o Waitangi, and He Whakaputanga (the 1835 Declaration of Independence).
 - b) existing legislation, common law and constitutional conventions
 - c) the building of a just, peaceful society
 - d) the entrenchment of universal human rights
 - e) the autonomy of communities
 - f) the rule of law
 - g) the role of the media
 - h) the powers of Parliament
 - i) the separation and balance of powers between the branches of government
 - j) the processes of open government, public participation and consensual decision-making
 - k) the protection of Māori language and kaupapa
 - l) the role played by independent institutions such as the Auditor General, a Constitutional Court, Ombudsmen, and Commissions for Democracy, Human Rights and Justice

- 2.4. 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.

3 Head of State Arrangements

Policy Positions

- 3.1. Facilitate nationwide dialogue in a process designed and led by tangata whenua, over whether 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.
- 3.2. Support a democratic and participatory process, such as referenda, to enable New Zealanders to decide whether New Zealand should retain the British monarch as the Head of State or move to a resident New Zealand head(s) of state selected by a democratic process.

4 Code of Conduct

The Green Party and other MMP parties have previously proposed and signed up to a Code of Conduct for Members of Parliament. The principle of this code is that the New Zealand electorate expects members of Parliament to act ethically and with integrity, and that an MMP Parliament demands a standard of behaviour that allows all voices to be heard.

Policy Positions

- 4.1. Advocate for having the Code of Conduct incorporated into the Standing Orders.

5 Lobbyists

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.

Policy Positions

- 5.1. Introduce a statutory register of lobbyists to publicly identify those seeking to influence public policy decisions, including their membership of political

parties in Aotearoa New Zealand or overseas, as well as providing a framework for holding those engaged in lobbying accountable.

- 5.2. Introduce guidelines for MPs on handling lobbying communications.
- 5.3. Amend the Cabinet Manual to 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.
- 5.4. Remove lobbyists' access cards to parliament.

6 Publishing Cabinet Decisions

People have a right to know what has been decided by Government, not just when it is announced, but soon after Cabinet has signed it off.

Policy Positions

- 6.1. 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.
- 6.2. 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.

7 Freedom of Information

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

Policy Positions

- 7.1. Reduce fees charged for public information and ensure that access to information has primacy over cost-recovery.
- 7.2. Ensure easy access to public information in cases involving public money or resource consents.
- 7.3. Ensure that all government information and advice is made available to the public archives after 25 years. The only documents exempt are those specifically restricted or withheld by the Chief Archivist on legitimate privacy grounds, not including political embarrassment for the government or departments.

- 7.4. Create offences for those delaying or obstructing the release of official information.
- 7.5. Support legal responsibilities for public servants to keep good records, and make sure staff have training in the proper implementation of the OIA and Public Records Act.
- 7.6. Require agencies to respond promptly to OIA requests and narrow the exclusion provisions to withhold important information. Ensure the security exclusion is only available where the issue has been reported to, and the exclusion approved by, the responsible Minister, and review the use of the commercial sensitivity exception in light of concerns that public organisations have become more market oriented.
- 7.7. 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, operating similarly to the Parliamentary questions for written answer (QWA) system. All information will be published unless the requester asks that the information not be and the Ombudsman agrees, or it is not in the public interest to do so. This includes where privacy would be compromised.
- 7.8. 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 co-operation.
- 7.9. Investigate removing the Cabinet and local government 'veto' power over an Ombudsman's recommendations.
- 7.10. Stop the practice of excluding application of the OIA to certain agencies, and 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.
- 7.11. 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.
- 7.12. Apply the changes above to the Local Government Official Information and Meetings Act as well.

8 Local Government

Local Government is responsible for environmental and social decision making that has enormous implications for communities. The Green Party's [Local Government](#)

Policy includes measures to achieve greater transparency and reform local government elections, representation and participation.