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4 August 2020

James Watson
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Our ref: OIA 81304

Dear Mr Watson

Official Information Act request: Cabinet Papers relating to The Treaty of Waitangi and the Foreshore and Seabed Act 2004

Thank you for your request made under the Official Information Act 1982 (the Act) to the Department of the Prime Minister and Cabinet (DPMC).

On 30 July 2020, I wrote to you to provide the first of two sets of documentation in answer to part a) of your request, in which you sought: *“all Cabinet papers since 2005 which discuss the constitutional status of the Treaty of Waitangi.”*

Appended to this letter is a list of the remaining documents that fall within the scope of this part of your request. Copies of the documents are also enclosed.

If you require any further information, please contact Jerram Watts, Acting Team Leader, Media and External Relations, by calling (04) 918 8980; or emailing media@justice.govt.nz

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by emailing info@ombudsman.parliament.nz

Yours sincerely

Caroline Greaney
General Manager, Civil and Constitutional Policy

Encl: Appendix B and released documents

Appendix B

DOC #	Date	Title	Status	OIA Section
4	24/08/2009	Government Commitment to Building Strong Community Relationships	Released in Full	N/A
5	04/05/2012	Consideration of Constitutional Issues – Strategy for Programme of Engagement	Released in Full	N/A

Office of the Minister for the Community and Voluntary Sector

Chair
Cabinet Social Policy Committee

GOVERNMENT COMMITMENT TO BUILDING STRONG COMMUNITY RELATIONSHIPS

Proposal

- 1 This paper proposes a Government response to two reports:
 - 1.1 *Good Intentions: An Assessment of the Statement of Government Intentions for an Improved Community-Government Relationship* by the Association of Non-Governmental Organisations of Aotearoa (ANGOA); and
 - 1.2 *From Talk to Action: Government Engagement with Citizens and Communities* by the Building Better Government Engagement (BBGE) reference group.

Executive summary

- 2 This paper seeks to advance my portfolio outcomes of "a trusting community-government relationship" and "empowered communities" by responding to two reports. ANGOA's report reviews relationships between government agencies and community and voluntary organisations. The BBGE report considers government processes for involving citizens and communities in policy-making.
- 3 In November 2009 I am hosting a national Community-Government Forum, to which Ministers will be invited. The Forum will focus on the Government's response to the two reports. I propose that a key focus be development of a Relationship Agreement to replace the former Government's 2001 *Statement of Government Intentions for an Improved Community-Government Relationship* (the *Statement*).
- 4 Other actions in this paper include development of:
 - 4.1 a set of Principles for Effective Engagement with citizens and communities, and a quick reference guide on how to implement the principles;
 - 4.2 clarified guidance in the *CabGuide* about consulting community organisations;
 - 4.3 an assessment of how existing work to improve and measure government performance can include government agencies' community relationships;
 - 4.4 seminars on good practice in community engagement in a range of locations;
 - 4.5 a Code of Funding Practice to assist implementation of good funding practice;
 - 4.6 information for community organisations on the Ombudsmen's role in dispute resolution; and
 - 4.7 methods to ensure government consultations are registered on <http://newzealand.govt.nz/participate/have-your-say/>.
- 5 The Chief Executive of the Ministry of Social Development will spearhead a chief executives' forum to ensure high-level leadership on practical actions that address persistent issues in the community-government relationship.

- 6 The ANGOA proposal for a Treaty of Waitangi Commission has been referred to the Prime Minister, and Ministers of Justice and Māori Affairs for consideration.

Background

- 7 This paper seeks to advance Community and Voluntary Sector portfolio outcomes of “a trusting community-government relationship” and “empowered communities”. Strong community-government relationships, and effective community engagement, can enhance community capacity to address issues, strengthen trust in government, improve government transparency, and create better informed and more sustainable policies.
- 8 On 11 May 2009, Cabinet noted that I would provide a paper to Cabinet Social Policy Committee in response to the ANGOA and BBGE reports [SOC Min (09) 9/5 refers] and that I would seek advice on a national Community-Government Forum in November 2009.
- 9 While both reports acknowledge examples of good practice by government agencies, they also outline a range of cross-cutting concerns. I am seeking a whole-of-government response to these concerns. The proposed actions will complement my recent initiatives to strengthen government agency collaboration in relation to whānau services through work by the Whānau Ora Taskforce, and to strengthen local community networks through the Community Sector Taskforce.
- 10 New Zealand’s community and voluntary sector comprises 97,000 non-profit organisations and contributes 4.9% to our Gross Domestic Product. Strong government relations with this sector are vital. ANGOA, an umbrella agency for non-government organisations, was funded by my predecessor to assess government’s responsiveness to the *Statement* (Appendix A). ANGOA’s June 2009 report outlines such issues as poor contracting practices, insufficient sector impact on government policy development, and poor government understanding of the sector. The report suggests that:
- “there was, and remains, a serious legacy of limited capacity to recognise, manage and advance the trust needed to underpin relationships...” (p.15)
- 11 The BBGE reference group, established by the Office for the Community and Voluntary Sector (OCVS), focuses on government engagement with citizens and communities. Its report responds to issues such as poor consultation processes, limited knowledge of engagement methods, and insufficient respect for community knowledge. The core problem is described as:
- “Central government agencies are not yet sufficiently committed to, and skilled at, collaborating with citizens and community organisations in order to jointly tackle societal problems.”(p.3)
- 12 ANGOA has sent its report to all Members of Parliament, and I have circulated the BBGE report to all Ministers. Further copies are available from my Office.

Comment

- 13 Appendix B groups recommendations from both reports and includes a summarised

response to each theme. Priority areas for action are discussed below. I propose that progress on these key actions be reported to Cabinet in November 2010.

The Government's commitment

- 14 To send a clear signal to the community and voluntary sector that Government takes its concerns seriously, I am hosting a national Community-Government Forum in November 2009 in Wellington. The Forum will focus on Government's response to the ANGOA and BBGE reports. Community organisations from different localities and sub-sectors, and diverse cultural perspectives, will be invited to attend. Ministers and government agency representatives will also be invited.
- 15 In particular, I wish to focus on refreshing the *Statement*. The *Statement* expressed the Government's position in 2001, and was signed by the then Prime Minister and Minister Responsible for the Community and Voluntary Sector. ANGOA believes the sector is now ready for a joint approach. I favour the development of a Relationship Agreement in partnership with the community and voluntary sector. This would articulate a vision for working together, and respective roles and responsibilities. In articulating commitments from both sides, it would need to be clear that government must operate within existing budget parameters.
- 16 I propose that the core themes for a Relationship Agreement, and a process for completing the document, be discussed at the Forum. In order to gain support from the full breadth of the sector, post-Forum discussion could take place online. Additional face-to-face meetings may be required in different localities.
- 17 Alongside this work, I propose that the OCVS develop a set of Principles for Effective Engagement, as proposed by the BBGE report. This could draw on overseas examples like the ten OECD *Guiding Principles for Open and Inclusive Policy Making*¹. The principles would balance the value of inclusive and collaborative practices with the need for efficiency where issues have already been well canvassed. The scope would be citizen and community engagement in its widest sense, rather than focusing exclusively on community and voluntary sector relations. Development would be through focus groups and online consultation.
- 18 Cabinet endorsement would be sought for the Relationship Agreement and Principles for Effective Engagement to ensure government agencies recognise the Government's commitment.
- 19 I also note the BBGE proposal that the *CabGuide* instructions be reviewed. The *CabGuide* is unclear about whether or how community and voluntary organisations can be consulted on Cabinet papers. I propose that the OCVS and Cabinet Office look at ways to clarify the guidance in the *CabGuide*.

Championing this work across government agencies

- 20 The ANGOA and BBGE reports seek assurances that work to address their key concerns will be strongly championed at the government agency level. To ensure leadership on a whole-of-government response, the Chief Executive of the Ministry

¹ <http://www.oecd.org/dataoecd/20/3/42658029.pdf>

of Social Development will convene a chief executives' forum, to meet several times yearly. The forum will focus on practical actions to address persistent issues, particularly around funding processes and community input to policy.

Monitoring and/or evaluation of government agency responsiveness

- 21 A persistent message from community and voluntary organisations is that government agencies should identify goals for addressing community and voluntary sector concerns (particularly around funding processes and policy engagement) and should report annually on progress. We also need periodic evaluation of progress across the whole of government. Determining how to do this without adding extra compliance costs requires further consideration. This work could dovetail with existing government initiatives including:
- 21.1 State Services Commission-led work to implement measurement tools such as the Kiwis Count survey and the Common Measurement Tool;
 - 21.2 departmental responses to the Auditor-General's concerns about non-financial reporting;
 - 21.3 piloting by Treasury and State Services Commission of a performance improvement framework which aims to highlight areas of strength, areas for performance improvement, and ways to improve;
 - 21.4 requirements on agencies to provide Performance Improvement Actions as part of providing "smarter services for less";
 - 21.5 Te Puni Kōkiri-led work on Crown-Māori Relationship Instruments; and
 - 21.6 OCVS/Department of Internal Affairs work to identify outcome measures for the Community and Voluntary Sector portfolio.
- 22 I propose that the OCVS, assisted by the State Services Commission and Te Puni Kōkiri, and in consultation with the Treasury and the Office of the Auditor-General, investigate ways to include government agency community relationships and engagement in wider work to improve and measure government performance. Their proposals could be reported to the chief executives' forum (see paragraph 20 above).

Public service capability

- 23 The ANGOA and BBGE reports wish to see greater understanding of, and respect for, the community and voluntary sector, and a more collaborative approach to involving external parties in policy-making. A range of actions has been proposed to build public sector capability. During 2009/2010 and 2010/2011, I will give priority within my portfolio to:
- 23.1 developing a quick reference guide outlining organisational processes that can improve community engagement, to supplement details available on the OCVS website www.goodpracticeparticipate.govt.nz;
 - 23.2 completing OCVS-led work on a draft guide to employee volunteering that will assist government agencies to support staff gaining community experience while avoiding any conflict of interest;

23.3 developing short presentations for government agency induction programmes on building stakeholder networks and effective community engagement; and

23.4 extending OCVS seminars on good practice in community engagement to centres outside Wellington. This will be undertaken through partnering arrangements with government and community organisations in local areas. Te Puni Kōkiri, Ministry of Pacific Island Affairs, the Office for Ethnic Affairs, and Office for Disability Issues have indicated that they will collaborate with the OCVS to provide seminars on approaches to, and examples of, effective engagement.

Government funding processes

24 I am concerned that many community groups continue to find government funding processes onerous. I have directed the OCVS to develop and consult on a Code of Funding Practice to provide practical guidance on implementing existing Treasury and Office of the Auditor-General guidelines around funding and procurement². The work will be undertaken in conjunction with a Funding and Accountability Interest Group comprising members from government and the community and voluntary sector, and will be completed by November 2010.

25 The Ministry of Social Development and social service organisations have learned a great deal about improving contracting practice, including the development of shared outcomes, making outcomes central to contracts, improvements to service costing models, and accountability based on results.

26 ANGOA cites the Ministry of Social Development's Pathway to Partnership project as a model of good collaboration in addressing funding concerns. The current Minister for Social Development and Employment has worked with social services' representatives to redirect some Pathway to Partnership funding over the next two years to a Community Response Fund. This will address recession-related critical funding and demand pressures for community-based social services. The Minister announced in May 2009 that she will work with the social services sector to reshape the model for funding community-based social services in the longer term.

27 I have agreed that the Department of Internal Affairs will review the funding model for the administration of its Crown grant funds, to ensure the potential of the funding is maximised for communities, whānau, hapū and iwi Māori.

Resolving disputes

28 ANGOA's report suggests that a disputes resolution service be established to address conflicts between community and voluntary organisations and government agencies, particularly regarding contracting processes. Complaints about a government agency's administrative conduct can already be investigated by the Office of the Ombudsmen, once efforts have been made to resolve the dispute through the government agency's internal complaints review procedures. The Office of the Ombudsmen has commenced discussions with ANGOA about promoting its services to the community and voluntary sector by December 2009.

²<http://www.treasury.govt.nz/publications/guidance/finmgmt-reporting/ngo>;
<http://www.oag.govt.nz/2006/funding-ngos/>

On-line engagement

- 29 Online tools are an economical way of reaching wide numbers of people (including rural communities), and enable greater government openness and transparency. The BBGE report comments that the State Services Commission has, in recent years, provided valuable guidance on online engagement and that this is under review. I note that the State Services Commission will determine appropriate arrangements for future work on building government and community knowledge of online participation processes during 2009/2010.
- 30 The BBGE report notes that <http://newzealand.govt.nz> has an under-used section where government agencies can log their consultations. Greater use of this would give the public better access to information and encourage opportunities for co-ordination of government engagement processes (potentially reducing community organisations' "consultation fatigue"). In the future, the site could be used by government agencies for online forums to discuss policy issues, which would save duplication of expenditure on establishing individual mechanisms. The Department of Internal Affairs has recently taken over responsibility for the site and will promote the public consultations function to government agencies, including through the chief executives' forum led by the Ministry of Social Development's Chief Executive (paragraph 20 above).

Treaty of Waitangi Commission

- 31 ANGOA has asked the Government to reconsider a 2001 recommendation that a Treaty of Waitangi Commission be established to "advise on unresolved Treaty-related issues and, in particular, ways of enabling Māori to determine their own path, and work through any associated constitutional issues" (Community and Voluntary Sector Working Party, 2001). The Government of the time did not progress the proposal. This work is beyond the scope of my Ministerial portfolio. I have asked the Prime Minister, and Ministers of Justice and Māori Affairs to consider an appropriate response to the proposal.

Community and voluntary sector research

- 32 Responding to the ANGOA request for support of research on, and by, the community and voluntary sector, the OCVS has provided \$25,000 for one year to the Tangata Whenua, Community and Voluntary Sector Research Centre. The Centre, established with funding from the Department of Internal Affairs' Community Partnerships Fund, will be seeking ongoing funding from philanthropic sources. The Centre has an online library of community research. It plans to match researchers to community research topics, and develop a quarterly survey on community and voluntary sector issues (such as strains on funding during the economic downturn).
- 33 ANGOA also asks that collection of statistics on non-profit organisations be continued by Statistics New Zealand with community and voluntary sector input. Statistics New Zealand confirms it is committed to a second Non-profit Institutions

Satellite Account by 2012; and will convene an advisory group including community and academic experts to provide technical advice on this.

- 34 Further, with the completion of processes to register charities under the Charities Act 2005, the Charities Register now provides an accurate database of charitable entities. The Commission will be releasing information based on the register, that will build greater understanding of charities and contribute to the second Non-profit Institutions Satellite Account.

Publicity

- 35 All the initiatives in this paper will require communications strategies to reach diverse audiences. Progress will be overviewed by the OCVS and reported to the community and voluntary sector in its quarterly e-news, as well as through other agencies' networks. I propose to make this Cabinet paper available on the OCVS website following consideration by Cabinet.

Consultation

- 36 Government agencies consulted: Charities Commission, Child Youth and Family, Conservation, Corrections, Culture and Heritage, Disability Issues, Education, Environment, Ethnic Affairs, Health, Housing New Zealand Corporation, Internal Affairs, Justice, New Zealand Aid, Ombudsmen, Pacific Island Affairs, Prime Minister and Cabinet, Senior Citizens, Social Development, State Services Commission, Statistics New Zealand, Te Puni Kōkiri, Treasury, Women's Affairs, and Youth Development. The Office for the Auditor-General has viewed the paper. Government agencies informed: Economic Development, Families Commission, Inland Revenue, Labour, Tertiary Education Commission, and Transport.

Financial implications

- 37 The priorities outlined above will be undertaken within baselines.

Human rights implications

- 38 Proposals are consistent with the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993.

Gender and disability implications

- 39 The proposals include recognition that government agencies should support participation in ways that are inclusive of diverse population groups. In accordance with New Zealand's commitments under the United Nations' Convention on the Rights of People with Disabilities, the Office for Disability Issues will report to the Minister for Disability Issues later in 2009 on practical options to ensure disabled people are effectively involved in public policy development and decision-making.

Legislative implications and regulatory impact analysis

- 40 There are no legislative or regulatory impacts.

Recommendations

- 41 It is recommended that the Committee:
- 1 **note** the importance of strong community-government relationships and effective community engagement in achieving government goals;
 - 2 **agree** that the national Community-Government Forum in November 2009 discuss development of a Relationship Agreement to replace the 2001 *Statement of Government Intentions for an Improved Community-Government Relationship*;
 - 3 **note** that the Chief Executive of the Ministry of Social Development will convene a regular chief executives' forum to ensure high-level leadership on practical actions to address persistent issues in the community-government relationship;
 - 4 **agree** that the Office for the Community and Voluntary Sector, assisted by the State Services Commission and Te Puni Kōkiri, and in consultation with the Treasury and Office of the Auditor-General, assess how community relationships can be included in wider work around improving and measuring government performance by 30 November 2010;
 - 5 **agree** that the Office for the Community and Voluntary Sector and Cabinet Office work together to clarify guidance in the *CabGuide* regarding consultation with community and voluntary organisations;
 - 6 **note** that during 2009/2010 and 2010/2011 the Office for the Community and Voluntary Sector will work with government agencies and the community and voluntary sector to develop:
 - 6.1 a set of Principles for Effective Engagement with citizens and communities;
 - 6.2 a quick reference guide for government agencies on organisational processes that can support implementation of the principles;
 - 6.3 seminars on good practice in engagement in a range of locations, including collaboration with Te Puni Kōkiri, Ministry of Pacific Island Affairs, Office for Ethnic Affairs, and the Office for Disability Issues;
 - 6.4 a guide to employee volunteering that will help government agencies to support staff in gaining community experience;
 - 6.5 a Code of Funding Practice to assist implementation of good funding practice;
 - 7 **note** that the Ombudsmen's Office will work with the Association of Non-Government Organisations of Aotearoa to promote the role and services of the Ombudsmen across the community and voluntary sector by December 2009;
 - 8 **note** that the State Services Commission is reviewing appropriate arrangements for building knowledge of online participation processes during 2009/2010;

- 9 **note** that the Department of Internal Affairs will promote the public consultations function of <http://newzealand.govt.nz> to government agencies;
- 10 **note** that I have referred consideration of a possible Treaty of Waitangi Commission to the Prime Minister, and Ministers of Justice and Māori Affairs for consideration;
- 11 **note** that Statistics New Zealand will convene an advisory group including community and voluntary sector experts to provide technical advice on the second Non-profit Institutions Satellite Account by 2012;
- 12 **invite** the Minister for the Community and Voluntary Sector to report back to Cabinet by 30 November 2010 on progress made in addressing recommendations 2-10 in this paper, and to seek endorsement of:
- 12.1 a community-government Relationship Agreement (recommendation 2);
- 12.2 Principles for Effective Engagement with citizens and communities (recommendation 6.1); and
- 13 **agree** that this Cabinet paper be made publicly available on the Office for the Community and Voluntary Sector website following consideration by Cabinet.

Tariana Turia

Hon Tariana Turia
Minister for the Community and Voluntary Sector

19 August 2009

Appendix A: Statement of Government Intentions for an Improved Community–Government Relationship

December 2001

Vision

- Strong and respectful relationships between government and community, voluntary and iwi / Māori organisations.
- Government recognises that community, voluntary and iwi/Māori organisations play a unique and vital role in New Zealand society.
- An independent and vibrant community sector is essential to a healthy civil society. Government and the community sector depend on each other to achieve shared goals of social participation, social equity and strengthened communities.
- The Community and Voluntary Sector Working Party delivered a strong message that government relationships with the community sector need to improve if these goals are to be realised.
- Government will be an active partner in building a relationship based on honesty, trust and integrity / *tika* and *pono*; compassion and caring / *aroha* and *manaakitanga*; and recognition of diversity.

Principles

Government is committed to developing relationships with community, voluntary and iwi/Māori organisations that:

- enable mutual interests to be achieved through co-operation
- respect the independence of community, voluntary and iwi/Māori organisations
- recognise and respect the principles of the Treaty of Waitangi
- demonstrate effective two way communication
- involve leadership within the community sector and from government ministers
- acknowledge and support the positive role played by umbrella, national and strategic collective bodies
- embrace innovation and creativity
- respect and recognise cultural diversity
- are founded on public accountability and appropriately flexible good practice.

Government commitments

- **Culture of government**

Government expects public servants to treat all New Zealanders with dignity and respect. This requires leadership from public service chief executives and senior managers to ensure that all staff have a good understanding of the values, governance arrangements and working realities of the community, voluntary and iwi/Māori organisations with whom they interact.

- **“Whole of government” approach**

Government recognises that community, voluntary and iwi/Māori organisations interact across the range of government ministries and departments. Government agencies will give priority to working together, breaking down 'silos' and establishing co-ordinated, inter-sectoral policies and programmes.

- **Treaty of Waitangi**

Government expects its departments and ministries to recognise and apply the principles of the Treaty of Waitangi. Public servants need to be well informed about, and responsive to, Treaty matters. Government agencies will continue to develop and improve public servants' understanding of the principles of the Treaty of Waitangi, its relevance to the agency in which they work and its application to their own roles.

- **Participation in decision-making**

Government values the contribution of community, voluntary and iwi/Māori organisations to good policy making and delivery of effective services. Government agencies and the community sector will work together to develop and improve consultation processes through sharing good practice, guidelines, workshops and training.

- **Government funding to community organisations**

Government acknowledges the valuable contribution made by community, voluntary and iwi/Māori organisations to the achievement of shared social, cultural, environmental and economic goals. Government agencies will, together with the community sector, undertake a programme of work to address concerns about funding arrangements, effectiveness, compliance costs and related matters.

- **Strengthening the community sector**

New Zealand's social, cultural, environmental and economic wellbeing requires a healthy and strong community sector. Government will work alongside community, voluntary and iwi/Māori organisations to support and strengthen the community sector.

Implementation

Government is committed to creating a genuine partnership with community, voluntary and iwi/Māori organisations. Building strong and respectful relationships with the community sector will take time and will require hard work, reflection and active engagement.

Government sees a future where the state performs its role as a facilitator of a strong civil society based on respectful relationships between government and community, voluntary and iwi/Māori organisations.

APPENDIX B: RECOMMENDATIONS FROM GOOD INTENTIONS AND FROM TALK TO ACTION

Theme	ANGO/BBGE recommendation	Proposed Government response
<p>1 Commitment from Government</p>	<p>ANGO endorses the current <i>Statement of Government Intentions for an Improved Community-Government Relationship</i> and recommends:</p> <ul style="list-style-type: none"> a) that it move from being just "good intentions" to becoming "a formal basis for action and accountability and reflection of genuine partnership" (p.2) b) that a Prime Ministerial Forum be held to discuss strategic issues and engagement with the sector. <p>BBGE recommends:</p> <ul style="list-style-type: none"> c) Prime Ministerial endorsement for a set of principles for effective engagement d) Department of Prime Minister and Cabinet amend the <i>CabGuide</i> to provide more encouragement for inclusion of community voices in policy development. 	<ul style="list-style-type: none"> a) A Relationship Agreement will be offered as a replacement for the <i>Statement</i>. b) The Minister for the Community and Voluntary Sector will convene a national Community-Government Forum in November 2009. c) The Office for the Community and Voluntary Sector (OCVS) will develop a set of principles for effective engagement. d) The OCVS and Cabinet Office will consider ways to clarify guidelines on consulting community organisations when Cabinet papers are developed.
<p>2 Monitoring and/or evaluation of government agency responsiveness</p>	<p>ANGO recommends that:</p> <ul style="list-style-type: none"> a) the OCVS, ANGOA and other national bodies collaborate to develop an evaluation process b) the OCVS manage an annual survey of government agencies c) Ministers fund a further review of government's relationship with the sector within three years. <p>BBGE recommends that:</p> <ul style="list-style-type: none"> d) the State Service Commission (SSC) develop accountability mechanisms for regular reporting by government agencies on how community relationships and effective engagement processes are supporting their outcomes e) the Office of the Auditor-General (OAG) undertake a rolling programme to evaluate progress by government agencies in effectively engaging citizens and communities in policy and service delivery decision-making. 	<ul style="list-style-type: none"> a), b), c), d), and e) <p>The OCVS, assisted by the SSC, Treasury, and OAG, will assess how community relationships can be included in wider work around improving and measuring government performance.</p> <p>The possibility of a further review of government progress in strengthening relationships will also be considered.</p>

<p>3 Government agency's commitment to culture change</p>	<p>ANGOA recommends that:</p> <ol style="list-style-type: none"> government agencies with significant sector relationships appoint senior executives as primary sector contacts. <p>BBGE recommends that:</p> <ol style="list-style-type: none"> the OCVS develop guidelines for government agencies on how to give effect to principles of good engagement, including through: <ul style="list-style-type: none"> commitment to effective engagement within strategic planning documents management styles that model inclusive and trusting relationships identification of staff to act as engagement champions project planning that builds in engagement in the early stages, takes into account different population groups' needs, and includes evaluation processes recognition of engagement competencies in human resource policies. 	<ol style="list-style-type: none"> The concept of appointing or identifying champions will be included in the guide for government agencies proposed by the BBGE project. It could also be discussed at the forum for chief executives that the Chief Executive of the Ministry of Social Development plans to convene. OCVS will develop a quick reference guide on organisational processes that can support implementation of the engagement principles, to supplement further detail available on www.goodpracticeparticipate.govt.nz.
<p>4 Public service capability</p>	<p>BBGE recommends that the SSC and OCVS:</p> <ol style="list-style-type: none"> review the widely used "Lominger" skill competencies¹ to ensure sufficient emphasis is placed on engagement skills finalise the (currently draft) guide to employee volunteering within the public service explore the potential for a central hub for providing mentoring advice and guidance for government agencies on effective engagement and that the SSC: continues to provide guidance to government agencies on good practice in online engagement and that the OCVS: enhances the OCVS site www.goodpracticeparticipate.govt.nz 	<ol style="list-style-type: none"> Not a current priority. Employee volunteering guide will be finalised by November 2010. Not a current priority. The SSC will review appropriate arrangements for future work on building knowledge of online participation processes during 2009/2010. OCVS will continue to enhance www.goodpracticeparticipate.govt.nz.

¹ "Lominger" competencies outline measurable characteristics of a person related to success at work. It can be a skill, an attribute, or an attitude.

	<p>f) extends seminars on good practice in engagement to locations outside of Wellington</p> <p>g) approaches tertiary institutions to encourage development of locally designed training courses on community engagement</p> <p>h) develops short presentations for government agency induction programmes on building stakeholder networks and effective community engagement.</p>	<p>f) OCVS will extend seminar locations.</p> <p>g) Not a current priority.</p> <p>h) OCVS will develop short presentations for government agency induction programmes.</p>
<p>5 Government funding processes</p>	<p>ANGOA recommends that:</p> <p>a) government agencies further simplify the ways in which funding allocations are made, within the broader constraints of public sector obligations of accountability</p> <p>b) a range of vehicles like Pathway to Partnership should be adopted by government agencies to help "managing for outcomes" more effectively.</p>	<p>a) The OCVS will develop a Code of Funding Practice in conjunction with a Funding and Accountability Interest Group.</p> <p>b) The Minister for Social Development and Employment is working with the social services sector to reshape the model for funding community-based social services in the longer term.</p> <p>c) The Department of Internal Affairs (DIA) will review its funding model for Crown grant funds, to maximise the potential of the funding for communities, whānau, hapū and iwi Māori.</p>
<p>6 Engagement with iwi/Māori</p>	<p>ANGOA recommends that:</p> <p>a) a Treaty of Waitangi Commission be established to address, through dialogue, the Crown-iwi relationship.</p> <p>BBGE recommends that Te Puni Kōkiri (TPK) develop:</p> <p>b) guidelines for government agency engagement with Māori</p> <p>c) good practice seminars on engagement with iwi/Māori</p> <p>d) a network for Māori engagement specialists located in government agencies.</p>	<p>a) The Commission concept has been referred to the Prime Minister, and Ministers of Justice and Māori Affairs.</p> <p>b) TPK will continue to support government agencies to develop their own guidelines.</p> <p>c) TPK will work with the OCVS to profile good practice engagement with Māori.</p> <p>d) Not a current priority.</p> <p>TPK will continue to overview emerging issues and broker solutions as part of the overall Crown-Māori relationship, and to support government agencies to engage with iwi, hapū and Māori organisations.</p>

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<p>7 Engagement with diverse population groups</p>	<p>BBGE notes that:</p> <ul style="list-style-type: none"> a) government agencies should take an active role in ensuring they engage appropriately with diverse communities b) population-based ministries/offices have an important role in supporting the capacity of the public service to engage appropriately with diverse communities. <p>BBGE recommends that:</p> <ul style="list-style-type: none"> c) the Ministry of Pacific Island Affairs (MPIA) give presentations to other government agencies on its framework for engaging with Pacific communities. 	<ul style="list-style-type: none"> a) Agreed. b) Agreed. For instance, the Ministry of Youth Development's engagement network is a useful mechanism for seeking the involvement of young people in the policy process. c) MPIA, the Office for Ethnic Affairs, and Office for Disability Issues will collaborate with the OCVS to provide seminars on approaches to, and examples of, good engagement.
<p>8 Collaboration within government, and with local government</p>	<p>BBGE recommends that the DIA:</p> <ul style="list-style-type: none"> a) investigates mechanisms for promoting and populating the Consultations page at http://newzealand.govt.nz using "feeds" from government agency websites b) continues to provide tools and resources to support central government and local government collaboration and effective delivery of national goals and community priorities c) publishes online case studies of collaborative approaches to problem solving involving central and local government, iwi/Maori and communities. 	<p>The DIA will:</p> <ul style="list-style-type: none"> a) investigate mechanisms for promoting and populating the Consultations page at http://newzealand.govt.nz b),c) publish online case studies of collaborative central-local government approaches to problem solving.
<p>9 Community sector research</p>	<p>ANGOA recommends that:</p> <ul style="list-style-type: none"> a) an independent non-government agency be resourced to provide a sector-wide research and information service b) funding bodies recognise research into the community sector as being of significant merit c) Statistics New Zealand (SNZ) works with the sector to extend and update the Non-profit Institutions Satellite Account. 	<ul style="list-style-type: none"> a) The OCVS has funded the Tangata Whenua, Community and Voluntary Sector Research Centre \$25,000 for 2009/2010. b) The Centre will be able to promote the benefits of community research to research funders. c) SNZ will convene an advisory group including community and voluntary sector experts to advise on the second Non-profit Institutions Satellite Account by 2012.

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<p>10 Community-led development</p>	<p>BBGE recommends that:</p> <p>a) the OCVS includes community organisation staff in seminars on good practice in engagement</p> <p>b) the DIA analyses, and provides case studies of, the government role in supporting successful projects that have been initiated, led and owned by communities.</p>	<p>a) OCVS has commenced inviting community organisations to seminars.</p> <p>b) Various government agencies support capability development with community organisations. DIA provides community development information and advice through publications and community advisors. As part of evaluations of DIA grant funding, DIA may undertake case studies of successful community initiatives.</p> <p>DIA will develop a set of principles to guide its policy, funding and operational approaches to working with communities, whānau, hapū and iwi Māori.</p>
<p>11 Resolving disputes</p>	<p>ANGOA recommends that:</p> <p>a) the OCVS should work with the sector and the Ombudsmen's Office to establish a disputes resolution service.</p>	<p>b) The Ombudsmen's Office will work with ANGOA to promote the role and services of the Ombudsmen across the community and voluntary sector. ANGOA has acknowledged that a separate service is not required.</p>
<p>12 OCVS role and championing of this work</p>	<p>ANGOA recommends that:</p> <p>a) a periodic review be carried out of the resources, location and effectiveness of the OCVS.</p> <p>BBGE recommends:</p> <p>b) strengthening of OCVS capacity to champion this work and undertake the proposed tasks</p> <p>c) that the OCVS establish an external "champion group" to support implementation of the report recommendations.</p>	<p>a) The Chief Executive of the Ministry of Social Development will convene a regular forum with other chief executives to champion work to strengthen community relationships. Recommendations that the OCVS be reviewed will be revisited in six months time.</p> <p>c) The OCVS will continue to seek the advice of external parties as this work progresses.</p>

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Office of the Deputy Prime Minister
Office of the Minister of Māori Affairs

Social Policy Committee

CONSIDERATION OF CONSTITUTIONAL ISSUES – STRATEGY FOR PROGRAMME OF ENGAGEMENT**Proposal**

1. This paper seeks your agreement:
 - 1.1. that the Constitutional Advisory Panel's Proposed Engagement Strategy for the Consideration of Constitutional Issues fulfils the requirements of the Panel's Terms of Reference; and
 - 1.2. to extend the Constitutional Advisory Panel's final report-back date.

Executive summary

2. In accordance with its Terms of Reference (set out in Appendix B), the independent Constitutional Advisory Panel (the Panel) delivered its Proposed Engagement Strategy for the Consideration of Constitutional Issues (the Proposed Strategy) to us on 21 December 2011. The Proposed Strategy sets out mechanisms for engagement, approaches to engaging with different audiences, and the stages of the engagement. Consistent with the Terms of Reference, the Panel proposes particular steps for engaging with Māori. A strategy for managing interaction with other government projects is also included. We consider the Panel's approach fulfils the requirements of the Terms of Reference.
3. The attached Proposed Strategy and further advice from the Panel Co-chairs indicates that the strategy can be delivered within the total funding available of \$3.895 million.
4. We recommend giving the Panel the flexibility to extend its report-back date to December 2013, if it deems it necessary in the event of significant public interest or high demand for engagement.

Background

5. On 18 April 2011, Cabinet:
 - 5.1. invited the Deputy Prime Minister and the Minister of Māori Affairs to report to the Cabinet Domestic Policy Committee by February 2012 seeking agreement to:
 - 5.1.1. the Constitutional Advisory Panel's proposed strategy for developing a forum to share information and ideas on constitutional issues, including how the Panel will engage with and 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;
 - 5.1.2. a proposed strategy to manage interaction with other government projects;
 - 5.1.3. the budget of the forum to share information and ideas on constitutional issues; and
 - 5.2. invited the Deputy Prime Minister and the Minister of Māori Affairs to report to the Cabinet Domestic Policy Committee by September 2012 with a progress report on implementing the forum [CAB Min (11) 16/17 refers].

6. Cabinet confirmed the appointments to the independent Constitutional Advisory Panel on 1 August 2011 (membership noted at **Appendix A**).

Consultation with the Cross-party Reference Group

7. On 6 December 2010 Cabinet agreed we would consult with a reference group of members of Parliament from parties across the House on major findings and reports before Cabinet reports are made [CAB Min (10) 44/3 refers]. In December 2011 all parliamentary political parties were invited to nominate new representatives to the Cross-party Reference Group (noted at **Appendix A**).
8. The Cross-party Reference Group was consulted on 21 March 2012 on the Panel's Proposed Strategy. No concerns were raised.

Panel's Proposed Strategy

9. The Panel's Proposed Strategy outlines the following mechanisms for engagement with all New Zealanders, including Māori:
- 9.1. a website for sharing information and ideas amongst New Zealanders (including summaries of ideas shared during the engagement process) and social media components (eg, Twitter, Facebook and YouTube)
 - 9.2. meetings with key stakeholders before and during the engagement process
 - 9.3. inviting and supporting existing groups (active networks) to host conversations on constitutional issues
 - 9.4. inviting a cross-section of New Zealanders to reflect and deliberate on the ideas and feedback collected.
10. The key stages (summarised) of the Proposed Strategy are:

2012		2013		
March to June	July to November	December to June	July to August	September
Stage 1: Prepare resources, develop website & test approach	Stage 2: Public launch, publish & provide information	Stage 3: Engage & encourage wider public comment	Stage 4: Deliberative fora to reflect on feedback	Stage 5: Prepare report back to Ministers

Strategy to manage engagement with other government projects

11. The Panel has advised us that it proposes to manage potential overlaps between the Consideration of Constitutional Issues and other government projects by:
- 11.1. securing frequent updates from the Panel's secretariat on related government projects;
 - 11.2. directing the secretariat to liaise, as appropriate, with other officials to keep the Panel well-briefed throughout public engagement; and
 - 11.3. managing relations with other government projects on a case-by-case basis.

Discussion

12. The Proposed Strategy provides scope for broad engagement with New Zealanders with a wide range of perspectives. It emphasises providing information for informed dialogue and discussion, inviting and encouraging participation from particular networks, and generating ongoing interest in the Consideration of Constitutional Issues.

13. We sought clarification from the Panel on its approach to managing some issues. The Panel's full response is attached with the Proposed Strategy at **Appendix C**.
14. We consider that the Panel's approach provides for a thorough, accessible and inclusive conversation with New Zealanders while taking into account current fiscal restraints on the Government.
15. We recommend providing the Panel with flexibility to extend its final report back (currently September 2013) to 14 December 2013 if it requires more time to complete the programme of engagement.
16. The Panel will be kept informed of current and upcoming government projects which could overlap with the subject matter of the Consideration of Constitutional Issues. There may be occasions where work by government departments is sensitive and it may not be appropriate to discuss this with the Panel. In such cases, we will discuss the potential overlaps with the relevant Minister on a case-by-case basis.

Next steps

17. Once approved by Cabinet, the Panel will commence Stage 1 of the programme of engagement. The Panel will report to us and the Cross-party Reference Group regularly during the public engagement process, and at least every 6 months. We propose to report to the Social Policy Committee during the programme of engagement only if significant issues arise, instead of the previously agreed September 2012 progress report [CAB Min (11) 16/17 refers].

Consultation

18. This paper was prepared by the Ministry of Justice and Te Puni Kōkiri. The Treasury was consulted in the development of the paper. The Department of the Prime Minister and Cabinet was informed of its contents.

Financial implications

19. In April 2011, Cabinet agreed to reprioritise \$0.500 million in Vote Māori Affairs in 2011/12 and \$1.500 million in 2012/13 to support robust and inclusive engagement on constitutional issues, which utilises innovative and culturally appropriate mediums for engaging with iwi/Māori communities [CAB Min (11) 16/17 refers]. Te Puni Kōkiri is working with the secretariat and the Ministry of Justice to identify the activities in the Proposed Strategy that will be funded by this appropriation.
20. Cabinet noted that Vote Justice baseline funding of \$1.500 million for 2011/12 had been identified for the Consideration of Constitutional Issues [CAB Min (11) 16/17]. A further \$0.600 million was made available at the 2011 March Baseline Update as a result of delays in initiating the project. The funds are:

Vote	2011/12	2012/13	2013/14
	\$m	\$m	\$m
Vote Justice [CAB Min (11) 16/17]	2.100	-	-
Vote Māori Affairs [CAB Min (11) 16/17]	0.500	1.500	-
Total funding	2.600	1.500	-

21. Delays in implementing the Consideration of Constitutional Issues will result in an underspend in Vote Justice for the 2011/12 financial year. The Ministry of Justice sought approval through the 2012 March Baseline Update to an expense transfer to the 2012/13 and 2013/14 financial years.

22. Te Puni Kōkiri may seek an in-principle expense transfer in early June 2012 to carry forward any unspent funding from the 2011/12 allocation, as a result of delays in implementing the strategy.
23. \$3.895 million is available from March 2012 for the Consideration of Constitutional Issues. The Panel has advised that it can implement the programme of engagement within this level of available funding. The funding consists of:

Vote	2011/12	2012/13	2013/14	Total
	\$m	\$m	\$m	\$m
Vote Justice [CO (11) 6]	-	1.300	0.600	1.900
Vote Māori Affairs	0.495	1.500		1.995
Total funding	0.495	2.800	0.600	3.895

Human rights

24. This paper seeks agreement to a programme of engagement that will include the discussion of civil and political rights. Any Cabinet decisions on policy options in the government response to the Panel's final report may have implications for New Zealand's international human rights obligations and domestic obligations under the New Zealand Bill of Rights Act.

Legislative implications

25. There are no legislative implications at this point. The programme of engagement will inform a report to the Government which may, in turn, inform a future work programme.

Regulatory impact analysis

26. A Regulatory Impact Analysis will be carried out for any policy decisions arising from the Government response to the Panel's final report. A Regulatory Impact Statement is not required for this paper.

Gender implications and disability perspective

27. This paper has no gender implications. The Proposed Strategy notes that the Panel will seek advice from key stakeholders on the appropriate processes for engagement with specific groups and communities, including disability groups.

Publicity

28. We will not make an announcement about the Proposed Strategy. We expect the Co-chairs of the Panel will make announcements in due course.

Recommendations

29. We recommend that the Committee:
1. **note** that the independent Constitutional Advisory Panel has prepared a Proposed Engagement Strategy for the Consideration of Constitutional Issues (the Proposed Strategy);
 2. **agree** that the Constitutional Advisory Panel's Proposed Strategy (including the further information provided in the Panel's letter of 12 March 2012) fulfils the requirements of the Terms of Reference for the Consideration of Constitutional Issues;

3. **note** that the following existing funding will be available for the implementation of the Constitutional Advisory Panel's Proposed Strategy:

Vote	2011/12	2012/13	2013/14	Total
	\$m	\$m	\$m	\$m
Vote Justice [CO (11)6]	-	1.300	0.600	1.900
Vote Māori Affairs	0.495	1.500	-	1.995
Total budget	0.495	2.800	0.600	3.895

4. **note** that Te Puni Kōkiri may seek an in-principle expense transfer in early June 2012 to carry forward any unspent funds from the 2011/12 allocation, as a result of delays in implementing the strategy;
5. **note** that the Constitutional Advisory Panel has advised that the Proposed Strategy can be implemented within the existing funding available;
6. **agree** that the Terms of Reference be amended to reflect that the Constitutional Advisory Panel is to be provided with the flexibility to report back at any time from September 2013 to 14 December 2013 should there be significant public interest or high demand for engagement;
7. **rescind** Cabinet's invitation to the Deputy Prime Minister and the Minister of Māori Affairs to report to the Cabinet Domestic Policy Committee by September 2012 with a progress report on implementing the forum to share information and ideas on constitutional issues [CAB Min (11) 16/17 refers];
8. **note** that the Deputy Prime Minister and the Minister of Māori Affairs will report to Cabinet where, during the programme of engagement, any constitutional issues are raised that are outside of the scope of the Terms of Reference and appear to generate widespread interest;
9. **note** that the Co-chairs of the Constitutional Advisory Panel will make public announcements about the engagement process in due course.


 Hon Bill English
 Deputy Prime Minister

Date: 29 / 4 / 12


 Hon Dr Pita R Sharples
 Minister of Māori Affairs

Date: 30 / 4 / 12

- Appendix A: Membership of the Constitutional Advisory Panel and the Cross-party Reference Group of Members of Parliament
- Appendix B: Terms of Reference for the Consideration of Constitutional Issues
- Appendix C: Proposed Engagement Strategy for the Consideration of Constitutional Issues

APPENDIX A

Membership of the Constitutional Advisory Panel

Member
Emeritus Professor John Burrows QC (Co-chair)
Sir Tipene O'Regan (Co-chair)
Peter Chin
Deborah Coddington
Hon Dr Michael Cullen
Hon John Luxton
Bernice Mene
Dr Leonie Pihama
Hinurewa Poutu
Professor Linda Tuhiwai Smith
Peter Tennent
Emeritus Professor Dr Ranginui Walker

Membership of the Cross-party Reference Group of Members of Parliament

Representative	Party
Kennedy Graham	Green Party
Hon David Parker	Labour Party
Hone Harawira	Mana
Te Ururoa Flavell	Māori Party
Simon Bridges	National Party
Hon Peter Dunne	United Future

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**Consideration of Constitutional Issues:
Terms of Reference**

TERMINOLOGY

Panel: the Constitutional Advisory Panel

Responsible Ministers: the Deputy Prime Minister and the Minister of Māori Affairs

Secretariat: Ministry of Justice

Background

1. The Relationship and Confidence and Supply Agreement between the National Party and the Māori Party (16 November 2008) agreed to establish a group to consider constitutional issues, including Māori representation.

Ministerial responsibilities

2. The Deputy Prime Minister and the Minister of Māori Affairs will jointly lead a Consideration of Constitutional Issues. They will consult with a Cross-party Reference Group of Members of Parliament on major findings and reports before reports are made to Cabinet.
3. The Deputy Prime Minister and the Minister of Māori Affairs will oversee a programme of engagement with the public. That programme will include the appointment of one or more advisory panels to provide expert and community perspectives on matters of substance and process.
4. The Deputy Prime Minister and the Minister of Māori Affairs may also receive and consider research and recommendations from officials, experts and the public on New Zealand's current constitutional arrangements, and possible areas for reform.
5. The Deputy Prime Minister and the Minister of Māori Affairs will report to Cabinet on the Consideration of Constitutional Issues and will be supported by a senior officials group including the Ministry of Justice (leading the Secretariat), Treasury, the Department of the Prime Minister and Cabinet (including the Cabinet Office), Te Puni Kōkiri, Department of Internal Affairs and Crown Law. Support will include administration services and policy advice.
6. The Deputy Prime Minister and the Minister of Māori Affairs will submit a final report to Cabinet by early 2014, with advice on the constitutional topics, including any points of broad consensus where further work is recommended.

Programme of engagement

7. Engagement and information sharing are important precursors to any discussion on changes to New Zealand's constitutional arrangements. Public understanding and acceptance is needed for enduring constitutional arrangements that reflect the values and aspirations of New Zealand as a society.
8. To facilitate the Consideration of Constitutional Issues, the Deputy Prime Minister and the Minister of Māori Affairs will oversee a programme of engagement with New Zealanders.
9. The purpose of the programme of engagement is to inform and engage New Zealanders on constitutional issues. In particular, it is to stimulate public debate and awareness of constitutional issues by providing information about New Zealand's constitutional arrangements.
10. The programme is intended to provide the Deputy Prime Minister and the Minister of Māori Affairs with an understanding of New Zealanders' perspectives on this country's constitutional arrangements, topical issues and areas where reform is considered desirable. The Deputy Prime Minister and the Minister of Māori Affairs will then recommend to Cabinet whether any further consideration of particular issues is desirable.

Subject matter of the Consideration of Constitutional Issues

11. The Consideration of Constitutional Issues will include the following topics:

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.

12. Other issues are likely to arise during public engagement. The Deputy Prime Minister and the Minister of Māori Affairs will report to Cabinet on these matters, advising whether the issue appears to be of widespread interest and merits further consideration.

13. The Deputy Prime Minister and the Minister of Māori Affairs will be mindful of other Government initiatives with constitutional implications, and will aim not to duplicate or undermine these initiatives. The Deputy Prime Minister and the Minister of Māori Affairs will also keep their ministerial colleagues informed on progress with the Consideration of Constitutional Issues with the aim of ensuring wider Government initiatives with constitutional implications are cognisant of progress.

Constitutional Advisory Panel

14. The Constitutional Advisory Panel (Panel) is an independent group established to implement the initial stage of the Consideration of Constitutional Issues. The initial stage will involve:

- a. preparing and commissioning opinion pieces on the topics within the scope of the Consideration of Constitutional Issues; and
- b. establishing a forum for sharing information and ideas on those topics amongst New Zealanders.

Responsibilities

15. The specific responsibilities of the Panel are to:

- a. report, by December 2011, to the Responsible Ministers on a proposed strategy for implementing the initial stage of the Consideration of Constitutional Issues;
- b. report, by December 2011, to the Responsible Ministers on a proposed strategy to manage interaction with other government projects;

- c. 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;
 - d. report, in the period September 2013 to 14 December 2013 (depending on the level of demand for engagement), to the Responsible Ministers with advice on the constitutional topics, including any points of broad consensus where further work is recommended;
 - e. 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
 - f. provide input to monitoring and evaluating the Consideration of Constitutional Issues.
16. The Panel will report through the Panel co-chairs to the Deputy Prime Minister and Minister of Māori Affairs.
 17. The Māori co-chair of Panel is responsible for ensuring that the Panel undertakes appropriate consultation processes with Māori, and will report to the Deputy Prime Minister and the Minister of Māori Affairs (the Responsible Ministers) about that process on an ongoing basis.

Form

18. The Panel will comprise a maximum of twelve members, including the two co-chairs, chosen and appointed by the Responsible Ministers on the basis of their knowledge of the constitutional topics and their ability to articulate the issues to a wide audience.
19. The Panel is convened by the Responsible Ministers and its Terms of Reference and deliverables have been determined by Cabinet. The Panel is not a legal entity and does not have the power to contract in its own name.

Support

20. The Panel will be supported by a secretariat based in the Ministry of Justice which will provide project management support including budget management, and manage access to governmental and external expertise.

Amendment to terms of reference

21. These terms of reference may be amended only with the agreement of the Responsible Ministers and the Co-chairs. The Responsible Ministers may need to seek Cabinet agreement to any proposed change.

APPENDIX C: Proposed Engagement Strategy for the Consideration of Constitutional Issues (including Co-chairs response to further information request and summary prepared by officials)

Utilisation of Media

- Media will be utilised to publicise the Panel's website and to direct people to it and also to publicise engagement fora and public events.
- An expert media advisor will be engaged to develop a media strategy.
- Relationships will be developed and maintained with key journalists and bloggers throughout the programme of engagement.
- Key messages are in the process of development by the Panel.

Mechanisms for discussion

- Engagement in active networks.
- Conversation tool-kits will be distributed.
- The website will regularly feed summaries of what other New Zealanders are saying.
- Wānanga/deliberative fora.

Balanced Engagement

- All panel members have agreed to be equally responsible for appropriate consultation processes with Māori.
- The focus of the programme of engagement is to provide opportunities for all New Zealanders to participate in the conversation.
- The Proposed Strategy submitted by the Panel will be inclusive.
- As part of the Proposed Strategy, a Māori Engagement strategy was submitted to Ministers. This was done to reflect the separate Vote: Māori Affairs funding stream that will be factored into our final budget.
- Some Māori will prefer to attend meetings through active networks rather than hui.
- Hui will be public events open to everyone.
- The Panel's final budget will demonstrate that all New Zealanders have an equal opportunity to participate and provide feedback to the Panel.

Constitutional Topics

- Open-ended questions will be used in stage 1 to draw interest and stem thinking on constitutional issues.
- Once interest has been captured, the Panel will facilitate conversation in stage 2 that is focussed on the topics specified in the terms of reference.

Progress Reports

- The Panel Co-chairs will provide regular progress reports to the responsible ministers.
- Responsible ministers will be regularly updated on whether there has been widespread interest demonstrated during the programme of engagement on constitutional matters outside of the scope of the terms of reference.

Budget

- The Panel is confident that the budget forecasted in the Proposed Strategy can be reduced by \$125,000.
- It is likely that the Proposed Strategy's estimate for the website will be scaled down by up to two thirds.

Appendix 1
PROPOSED ENGAGEMENT STRATEGY
FOR
THE CONSIDERATION OF CONSTITUTIONAL ISSUES

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SECTION ONE: INTRODUCTION

1. The engagement strategy will inform and engage New Zealanders on constitutional issues. Public understanding and participation is needed for enduring constitutional arrangements that reflect the values and aspirations of New Zealanders.
2. The Constitutional Advisory Panel (the Panel) will lead the engagement process. It will report to the responsible Ministers on what it has heard from a wide range of New Zealanders.
3. The engagement strategy is presented in the following sections:
 - **Section One** – Introduction
 - **Section Two** – Principles and goals
 - **Section Three** – Engagement focus
 - **Section Four** – Engagement with Māori
 - **Section Five** – Engagement phases
 - **Section Six** – Communication strategies.

SECTION TWO: NGĀ MĀTĀPONO ME NGĀ WHAINGA/PRINCIPLES AND GOALS

Strategy principles

4. We propose that the engagement strategy be guided by the following 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 tangata/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

5. We will succeed when:
 - We have heard the views of a wide range of New Zealanders on constitutional issues.
 - We have heard the views of a wide range of Māori groups (iwi and hapu) and citizens (individuals and interest groups) on constitutional issues.
 - New Zealanders have had a wide range of opportunities to engage with and learn about constitutional issues.
 - Based on the above successes, we have reported accurately and fairly to Ministers on New Zealanders' views, with any recommendations we may have.

Panel leadership

6. 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.
7. We will strive to ensure hear from a wide range of New Zealanders, and we will take measures to ensure that we record peoples' thoughts in their own words, to give to justice to the full flavour of New Zealanders' views.

SECTION THREE: WHAKAWHITKÖRERO/ENGAGEMENT FOCUS

Starting the conversation

8. From the outset, we will establish a website for sharing information and ideas on constitutional issues amongst New Zealanders. We will update the website frequently, with information on current constitutional arrangements, and with summaries of New Zealanders' ideas as these are expressed through the engagement process.

Engaging a broad and diverse range of New Zealanders

9. New Zealanders are likely to be diverse in the levels of interest and familiarity that they already have with constitutional issues.

People who are passionately interested

10. Engaging with groups, individuals, experts and stakeholders who are already deeply interested in the Consideration of Constitutional Issues is likely to be relatively straightforward. Before and during the engagement process, the Panel will seek the assistance of people with these deep interests. This type of assistance could be used for a variety of purposes, such as to test ideas and resources that the Panel is developing for the purpose of engaging with New Zealanders in general.

People who are connected to active networks, and may or may not be interested

11. Some groups and individuals are members of active networks or groups. These groups are very diverse and are spread throughout the country. They include: church groups, sports groups, social services groups, disability groups, business networks, professional organisations, Māori organisations (e.g. iwi authorities, marae committees, the Māori Women's Welfare League and urban Māori organisations), student groupings (e.g. secondary schools and tertiary institutions), parents' groups, unemployed workers' groups, networks of people with disabilities, women's groups, rural networks, senior groups, professional, industry and trade organisations, and many others. Such groups have existing organisational structures and means of communicating with their members, and in many of these groups at least some of their members will know one another.
12. We are identifying some of the many ways in which New Zealanders are diverse, including some of the many ways in which Māori are diverse. We propose to identify a set of existing groups that collectively range over a full set of diversities, both amongst New Zealanders in general and amongst Māori specifically. We also propose to invite each of these networks, groups, and organisations to host a conversation on constitutional issues.
13. We will support each conversation that an invited group has, with resources and materials including professional facilitation and note-taking for the meeting, and information on current constitutional arrangements and on what New Zealanders have been saying so far in the engagement process. Each of these hosted meetings will have four aspects:
 1. Kōreromai / Invite: we will invite New Zealanders to talk to us about their interests and views related to constitutional issues.
 2. Whakamarama / Inform: we will inform and be informed by New Zealanders regarding where their thoughts fit with what other New Zealanders have said so far in the process, and about where their ideas fit with current constitutional arrangements.

3. Whakarongo / Listen: we will listen to New Zealanders, and be attentive to any views about the future of our constitutional arrangements.
4. Whakapūrongo / Report: in our final report to Ministers, we will summarise the range and patterns of New Zealanders' views on constitutional issues, and we will make any recommendations we might have for further work.
14. In addition to the hosted engagement events that will ensure the Panel hear from a diverse range of New Zealanders, the Panel will make its information resources available for all New Zealanders to use as they choose in their own thinking and group discussions. If they find this material helpful, these groups and their individual members may then wish to use it to inform any input they choose to have to the Panel through the web-based or discussion document processes that the Panel will run, as detailed further below.
15. We propose to establish an active online presence as a central feature of our engagement strategy. We propose that this include a website with a discussion facility (e.g. as used during the Welfare Working Group process), and social media components (e.g. Twitter, Facebook, and YouTube). These pathways will be widely open and accessible to individuals and groups, and may be especially appealing to young New Zealanders. As with both the hosted meeting processes and the paper-based processes, the Panel will support these online fora with frequently updated summaries of what New Zealanders are saying, and with information on where New Zealanders' ideas fit with current constitutional arrangements.

People who may not be connected to active networks, and may or may not be interested

16. The Panel proposes to provide a range of engagement opportunities for New Zealanders who may or may not be connected to active networks, and who may or may not have pre-existing interest in constitutional issues. We will make the online aspects of the engagement process as attractive as possible to those who happen to visit our site casually or by accident, and to those who connect to it from other sites that are related to it in some way. We will also aim to create buzz that may engage people who have not previously had an interest in constitutional issues, through contributions to various media.

Project stages

17. The Panel's work has five stages.

Stage	Engagement focus	Timing
Stage One <i>Whakaoho i te tāngata/</i> <i>Preparing the Ground</i>	<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 June 2012
Stage Two <i>Whakamārama/</i> <i>Understanding</i>	<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 <i>Wānanga/</i> <i>Thinking Together</i>	<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 <i>Wānanga/</i> <i>Deliberation</i>	<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 and August 2013
Stage Five <i>Whakapūrongo/</i> <i>Reporting</i>	<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 2013

Question focus

18. Members of the public may wish to engage with a range of questions at different points in the process. We will be led by the public on this, but matters may unfold as follows.

Stage	Key questions 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?

SECTION FOUR: ENGAGEMENT WITH MĀORI

19. This section brings together in one place the strategy's specific engagement with Māori.
20. We will ensure that iwi and Māori are key participants.
21. Various approaches are proposed including direct engagement through hui, meetings, kanohi ki te kanohi sessions including rangatira ki te rangatira, social media and Māori media.
22. Iwi and Māori participation includes:

Stage	Iwi and Māori engagement focus
<p>Stage One <i>Whakaoho i te tāngata</i> <i>Preparing the Ground</i></p>	<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.
<p>Stage Two <i>Whakamārama Understanding</i></p>	<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.
<p>Stage Three <i>Wānanga</i> <i>Thinking together</i></p>	<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	Iwi and Māori engagement focus
Stage Four <i>Wānanga</i> <i>Deliberation</i>	<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 <i>Whakapūrongo</i> <i>Reporting</i>	<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.

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SECTION FIVE: ENGAGEMENT PHASES

Approach to the engagement process

23. The previous sections have set out the main elements of the engagement strategy. This section (Section Five) gives details usually seen in an action plan. We will revisit these details if emerging public needs or interests call for this during the engagement process. In this respect, we are ready to adapt and respond. We will be ready to adapt and respond if, for example, some processes are working well and need extra resources, or if some are working less well and need to be revised or discontinued.
24. The Panel's engagement process from early 2012 to September 2013 has five stages. In practice, elements from distinct stages will often occur together. For example, when an existing active group hosts an engagement event, participants will develop their understanding, think together, and deliberate together – all within a single meeting. Groups that meet early in the engagement process will generate and engage with one another's ideas; groups that meet later in the process will do the same, and will also have the opportunity to be informed by the larger set of ideas that earlier groups have generated.

Stage One: Whakaoho i te tāngata/Preparing the ground – March 2012 to June 2012

25. Good planning and resource preparation will be important in this phase. Information resources will need to be clear and key documents prepared in plain language, including key material in te reo Māori. Accessibility in other languages, such as Samoan, Tongan, Chinese, Arabic, and Hindi will also be considered.¹
26. Early conversations will develop relationships with stakeholder groups. The Panel will seek input on appropriate engagement processes for particular groups and communities (such as iwi and Māori).
27. There will be early engagement with iwi and hapū and other Māori stakeholders. Some of this contact may be sought, for example, through mandated iwi authorities, the Iwi Leaders Forum and other groupings that represent iwi and hapū interests, such as rūnanga, Māori Trust Boards, post-settlement entities, land trusts, Māori Incorporations, Māori citizens, and marae committees.
28. We will test with a range of individuals and groups the broad questions with which we wish to invite all New Zealanders to participate in the engagement process, together with the key information resources we are preparing, and our initial ideas about how the engagement meetings that are to be hosted by a range of existing groups might run. Pre-testing ideas and approaches will allow us to check our initial thinking and approach for practicality with a range of New Zealanders who do not necessarily have an active interest in constitutional issues.
29. The Panel will host one or more framing workshops involving academics, commentators, iwi, Māori and community leaders to consider:
 - the key constitutional issues to be considered

¹ A full list of other languages can be identified further following discussion with the Office of Ethnic Affairs.

- how best to achieve engagement in practice in diverse settings.
30. Selected academics and commentators may be invited to support the work of the Panel by offering reviewer responses to information resources developed by the Panel.
 31. Communications and media plans will be refined to identify the key messages, information, needs, resources, contingencies, questions and opportunities.
 32. A website will be established as one anchor of the engagement process. The website will:
 - provide information on the current constitutional arrangements
 - enable people to ask questions and provide comments
 - profile engagement activities
 - link to social media activity and updates
 - contain a “see, click, learn and comment” crowd-sourcing feature linked to improving or commenting on current constitutional arrangements.
 33. Engagement resources and opportunities will be designed so that they can be used by:
 - individuals
 - social groups
 - whānau
 - clubs
 - networks
 - organisations
 - schools.

Stage Two: Whakamārama/Understanding – July 2012 to November 2012

34. This stage will be publicly launched by the Panel to raise the profile of the engagement process and to generate participation.
35. This part of the process will generate participation from a wide range of New Zealanders, both those who are engaged in active networks and those who are not, and both those who do and those who may not have a pre-existing interest in constitutional issues.
36. This phase of the strategy will access a wide range of active networks. It will also advance widely open and accessible public engagement through new media and through more traditional paper-based (e.g. discussion document) processes.
37. Engagement with Māori groups (iwi and hapu) and other citizens (individuals and interest groups) will be conducted in a manner reflective of the Treaty of Waitangi relationship, and reflecting Māori engagement preferences.

38. This stage of the strategy will comprise *kōreromai*/promoting and communicating, *whakamārama*/information to support participation, and engagement with all New Zealanders.

Kōreromai/Promoting and communicating

39. *Kōreromai* will provide the opportunities to participate in the conversation. It will be undertaken by:

- Active networkers who will have opportunities to initiate conversation starters and study circles. The networkers will be provided with resource material for these conversations, which give guidance about managing face to face sessions on educating groups on the current constitutional arrangements.
- Social media activity.

Whakamārama/Information to support participation

40. To support engagement processes, *whakamārama* will be delivered through publication of online and hard information, and provision of other web-based resources.

Engagement with all New Zealanders

41. We will engage with all New Zealanders through opportunities to “see, click, learn and comment” on the existing constitutional arrangements using a one page summary of the arrangements, and a paper-based discussion document and submissions process.

Stage Three: Wānanga/Thinking together – December 2012 to June 2013

42. The focus of this stage is for New Zealanders to have a deeper conversation about constitutional issues with people in their existing networks, communities, *whānau* and groups.

43. All participant groups will be the focus for engagement during this phase.

- *People who are passionately interested* – through hui and meetings with iwi and Māori leaders, key constitutional academics and commentators and key community leaders.
- *People who are engaged in active networks* – supporting others to host constitutional conversations using Panel information resources.
- *People who may not be engaged in active networks* – through the promotion of social media, and by providing opportunities for engagement through web-based and discussion document processes.

44. This stage of the strategy will comprise:

- *Promoting and communicating* the opportunity to participate in the conversation.
- *Open engagement* – there are a range of opportunities for engaging Zealanders. For iwi and Māori, consultation hui will enable iwi and Māori to engage face-to-face with Panel members. Other options to be considered for holding conversations with Māori include:

- seeking involvement in iwi and Māori events, such as the Ratana celebrations, Koroneihana celebrations, Iwi Hui ā-Tau and Te Matatini
 - contributions to Māori media such as the Māori radio stations Mana, Tū Mai and Spasifik
 - contributions to online discussions, blogs and social networking sites.
 - *Specifically invited engagement* – the Panel will invite a wide range of groups, both general and Māori, to host engagement conversations that will be attended by at least one Panel member, and that will be professionally facilitated based on the Panel's "Invite, Inform, Listen, Report" format.
45. This phase will be used in part to inform the final deliberation phase. The website will continue to be updated with the latest information.

Stage Four: Wānanga/Deliberation – July and August 2013

46. The objective of this phase of the strategy is to invite a cross-section of New Zealanders to reflect on the feedback provided in the previous phases and to deliberate on constitutional issues.
47. In this phase, the Panel will:
- host a small number of wānanga/deliberative fora to reflect on insights from the feedback received and deliberate on the constitutional issues from a range of perspectives. Participation will be generated through specific invitation and random selection of some participants to participate in the event
 - offer resources to the other organisations and communities who may wish to host conversations in their own communities.
48. These final engagement events will inform the Panel's final report and assist with the teasing out of contested issues that have been raised during the engagement process. The website will continue to be updated with the latest information.

Stage Five: Whakapūrongo/Summary reporting and feedback – September 2013

49. Throughout the public engagement process, the Panel will provide the responsible Ministers, and the Cross-Party Reference Group of Members of Parliament, with regular updates at least every six months and more frequently as and when significant matters arise.
50. The Panel will present its final report to the responsible Ministers in September 2013.

SECTION SIX: COMMUNICATION STRATEGIES

Inviting New Zealanders to engage

51. The engagement approach is designed to:
- aromāi – build interest in the constitutional conversation over the span of the project
 - whaiwhaimai – build participation and contribution to the conversation
 - kōreromai – generate dialogue among people with differing views and life experiences.
52. The public process will provide a diverse range of engagement opportunities and information (in written hard copy, online and in conversation). It will start by asking commonsense and inviting questions, and by linking these in to conversation on constitutional issues. The idea is to invite and to foster New Zealanders' engagement.
53. The key elements of this approach are to:
- **Start simple and build:** The information approach is to build participation and relationships first and ask questions on the issues that people are already experts on. A richer understanding of the current constitutional arrangements will then be built through the initial engagement, relationship building, and feedback.
 - **Create a buzz:** Conversations build when a buzz has been created. This can be achieved by doing things in fresh ways. We consider that our proposed strategy does this.
 - **Make it easy:** Barriers to engagement include: lack of time, other things competing for people's time and attention, and perceived or real lack of knowledge. The range of in-person, online and written options for engagement that the Panel will offer will include ways to contribute five minutes, ten minutes or a few hours at a time to make it easy for busy people to contribute their thinking.

Collection, compilation, analysis and reporting of feedback

54. We will ensure that New Zealanders' views are understood and reflected in our analysis by recording their views in summary form.

Managing the risks

55. The following list contains key risks for the proposed engagement strategy, and actions to mitigate these:
- *Risk:* That we fail to hear the views of the wide range of New Zealanders, including a wide range of Māori.

Mitigation: We are identifying diversities, and we will specifically invite a number of groups that collectively reflect those diversities to host engagement events. This will assist us to ensure we do hear from a full diversity of New Zealanders. This will be in addition to our online and paper-based engagement processes that are open and accessible to all New Zealanders.

- *Risk:* That the public engagement process becomes less of a people's process and more of a process informed by a narrow range of perspectives.

Mitigation: Our commitment to the open, pluralistic and public-driven nature of the engagement process infuses all details of our strategy.

- *Risk:* That the process produces reactive, polarised or divisive responses rather than producing engagement with other people's interests, values and views.

Mitigation: The design of all our processes, the information resources we are preparing, and the fresh ways we are creating to invite New Zealanders to listen to and engage with one another's ideas will reduce these risks to a minimum.

- *Risk:* That the process is perceived to be not genuine – for instance, the Panel or the Government may be thought to have its own fixed priorities or plans.

Mitigation: We will demonstrate, by the openness of our process and the design of our information resources, that the process is public-driven.

- *Risk:* That the public engagement process, or the Consideration of Constitutional Issues more generally, is perceived as being controlled by Wellington.

Mitigation: We will demonstrate, by the openness of our process and the design of our materials, that the process is public-driven and taking place across the regions of New Zealand. We will demonstrate this same commitment through our attendance at engagement events across the country.

Budget

56. We will deliver our independent engagement programme and advice to Ministers within the funding allocated to our work. We understand this funding is managed for us by the Ministry of Justice.
57. We understand the Consideration has been allocated funding of \$2.1 million within Vote Justice baseline. We understand that in addition, the Ministry of Justice has indicated a cost pressure for this work of \$1 million in each of the 2012/13 and 2013/14 financial years.
58. We understand that Ministers have agreed to allocate \$2 million within Vote Māori Affairs to support robust and inclusive engagement on constitutional issues. We understand access to these funds involves Vote Māori Affairs accountabilities.
59. The proposed budget for the engagement activities and the work of the Panel is presented below.

	Financial year 2011-2012	Financial year 2012-2013	Financial year 2013-2014	TOTAL
Secretariat	\$90,000	\$288,000	\$72,000	\$450,000.00
Panel meetings	\$179,000	\$140,000	\$40,000	\$359,000.00
Communications and engagement	\$206,000	\$471,500	\$103,000	\$780,500.00
Website and social media	\$392,000	\$144,000	\$36,000	\$572,000.00
Information Resources	\$315,600	\$162,700	\$69,520	\$505,120.00
Public events and meetings	\$87,420	\$1,061,500	\$205,855	\$1,354,775.00
TOTAL	\$1,270,020.00	\$2,225,000.00	\$526,375.00	\$4,021,395.00

CONSTITUTIONAL ADVISORY PANEL

12 March 2012

Hon Bill English
Deputy Prime Minister
Parliament Buildings
Wellington

Hon Dr Pita Sharples
Minister of Māori Affairs
Parliament Buildings
Wellington

Dear Ministers/Tēnā kōrua

Proposed Engagement Strategy for the Consideration of Constitutional Issues

Thank you for your letter of 24 February seeking further information to inform Cabinet's consideration of the proposed strategy and its budget. We trust the following information will answer your questions.

Use of media

Within our budget, the Panel hopes to engage as many people as possible in a constitutional conversation. In particular we propose to use the mainstream media and social media to reach people who are not connected to active networks, and who may or may not be interested. We aim to use media to give publicity to our website and to direct people to it.

We have yet to develop a media strategy. Once we have received Cabinet's approval to commence the engagement programme, one of our first steps will be to engage an expert adviser to help us develop that strategy. Our media strategy will include the way we will work with media (both traditional and new media) to promote the engagement programme, as well as the way in which we will respond to issues raised by the media.

We want to identify key journalists and bloggers who are likely to be interested in following and discussing the constitutional topics. These people will help us reach a wider audience than we could reach on our own. We also want to develop relationships with these people, to help us in disseminating accurate information about potentially contentious issues.

We have already started developing key messages to help us respond to media enquiries, and will continue to do so as our work progresses. We think it helpful that all members give consistent messages about process and timing issues.

C/- Ministry of Justice SX10088 Wellington

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Community-wide conversations

You have asked about the mechanisms we will use to encourage conversations across communities during stages 3 (Wānanga / Thinking together) and 4 (Wānanga / Deliberation). We understand the concern is that conducting conversations within people's active networks, which are presumably groups of like-minded people, might simply elicit already-established views.

We appreciate the concern. We see our brief as being to advise you based on a rich, deliberative and informed conversation with New Zealanders. We hope to elicit part of that conversation through active networks because, while people will have something in common with others in their networks, they may still hold diverse views on constitutional and political matters. We will also seek comments from people outside social networks through the website.

We have largely focused on constitutional conversations within existing networks because we feel people are more likely to participate actively when they know the people around them. Many people are unwilling to speak up at a large meeting of strangers. Such meetings risk being dominated by a few people, and we believe they may not give a representative sample of views within the community.

The Panel members will meet with and hear from as many people as possible, within the funding available, through these active networks. However, where it makes more sense to meet with combined groups, or to provide wider community meeting opportunities, we will do that. We believe our strategy gives us the latitude to be flexible in our approach.

Many of the networks, and the discussions hosted by them, will be large, and will include within them many diverse views. For example, most professional groups, student groups, and church groups are unlikely to be captured by the proponent of any particular view. Smaller groups potentially may have more focussed interests, but their views will be balanced by those of other small groups.

We also intend to promote conversation toolkits to enable communities to discuss the issues amongst themselves in a way that provides us with the outcomes we desire, without Panel members always needing to be present. We will encourage individual members of groups to make their own submissions in addition to participating in the group discussions.

The stage 4 conversations will include wānanga/deliberative forums whose members will be selected from a range of groups. Also, our website will include updated summaries of what other New Zealanders are saying. In this way, we do anticipate cross-community discussion informing our advice to you.

A balanced programme of engagement

We acknowledge Ministers' concern that it is important for the programme of engagement to be seen as providing an equal opportunity for all communities within New Zealand society.

We have interpreted our terms of reference as requiring us to engage with Māori in a way that is reflective of Māori consultation preferences. For that reason, we have sought to make our approach to Māori engagement explicit in our proposed strategy. However, we would like to make it clear that the Panel considers that all its members are responsible for engaging with Māori. As Co-Chairs, we have both made it clear that consultation with Māori should not be undertaken solely by Māori, or Pakeha solely by Pakeha. The process should be as inclusive as possible, and some meetings will include a mix of cultures.

Our focus is on providing opportunities for all New Zealanders to participate in this conversation. If we find that some groups take up the opportunity more than others, we shall renew the attempts to engage the others. The same range of engagement tools and techniques will be made available for all communities. Through that, we hope to ensure that engagement with Māori and engagement with other New Zealanders proceeds together in a balanced way.

The issues to be discussed at hui with iwi will be the same as those discussed at other forums. Our aim is to encourage New Zealanders to consider all of the topics, not just those of particular interest to particular groups. We expect that some Māori will prefer to attend meetings through other social networks, and that some of our hui will be public events, to which anyone will be welcome. We hope, through this, to encourage a cross-fertilisation of ideas.

In part, our concern to make explicit the engagement process with Māori stems from the two funding streams for the Consideration of Constitutional Issues. We understand that there are some limitations on how the Vote Māori Affairs funding can be used, and our draft budget in the strategy reflects our understanding of those limitations.

Our secretariat is currently working with Te Puni Kōkiri to identify precisely what we can fund from the Vote Māori Affairs funding. Once that process is complete, we will be able to confirm our budgets and demonstrate that all communities will have an equal opportunity to participate. We hope that this will resolve any lingering concerns about perceptions of imbalance. If it does not, however, we would like to revisit this issue with you.

Focus on the constitutional topics

Part of the Panel's challenge is to encourage New Zealanders to have a conversation they do not know they want to have. The hard part will be capturing their interest. That is our reason for asking very open-ended questions, particularly in stage 2 (Whakamārama - Understanding). The idea is that these open-ended questions will draw people in and start them thinking about constitutional issues. This way, we are more likely to retain their attention when we start considering the topics in stage 3 (Wānanga - Thinking together). We are, therefore, confident that the topics outlined in the Terms of Reference will be given adequate consideration during the engagement programme.

Additional constitutional issues raised during the engagement programme

We expect that New Zealanders will raise many issues outside those listed in our terms of reference. Some are likely not to be "constitutional" issues at all. The Panel will develop criteria for determining which issues are constitutional. We are comfortable with undertaking to notify you promptly if constitutional issues are raised that are outside the terms of reference and appear to generate widespread interest.

We will look to your officials to keep the secretariat informed of any government projects that raise constitutional issues, and to discuss how to ensure we keep clear boundaries between those projects and our engagement programme.

Options for reducing costs by \$125,000

We are committed to delivering the engagement programme within the funding allocated to our work. In the course of developing the strategy, our secretariat developed some high level costings. If the strategy is approved, we will do more detailed planning and costing.

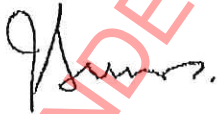
Our secretariat advises that some of our preliminary budget estimates are scalable. Revising our assumptions will have flow-on effects for the costs. For example, the estimates assume that a website would need to be built from scratch and at short notice. The secretariat estimated \$300,000 for that work based on our understanding of the cost of the Christchurch City Council's "Have your say" website. Our secretariat advises that off-the-shelf products and less expensive bespoke options are likely to be available, which could reduce the initial costs by up to two-thirds.

We are, therefore, confident that we can reduce our estimated costs by the \$125,000 you have requested, while still undertaking a suitable engagement programme.

We trust that this information answers your queries, and we look forward to Cabinet's consideration of our proposed strategy.

Best regards

Heoi anō, nā



Professor John Burrows

Co-chair, Constitutional Advisory Panel



Sir Tipene O'Regan

Co-chair, Constitutional Advisory Panel