

# **CONSTITUTIONAL ADVISORY PANEL**

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## **ENGAGEMENT STRATEGY FOR THE CONSIDERATION OF CONSTITUTIONAL ISSUES**

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**May 2012**

## TABLE OF CONTENTS

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SECTION ONE: INTRODUCTION.....	3
SECTION TWO: PRINCIPLES AND GOALS.....	4
SECTION THREE: ENGAGEMENT FOCUS .....	5
SECTION FOUR: ENGAGEMENT WITH MĀORI .....	9
SECTION FIVE: ENGAGEMENT PHASES .....	10
SECTION SIX: COMMUNICATION STRATEGIES .....	14

## SECTION ONE: INTRODUCTION

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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

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### Strategy principles

4. Our engagement strategy is 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 tāngata/empower the people – we will inform and be informed by others, paying respectful attention of their views; and will communicate to people how their input will be used by the Panel.
  - Rangatira ki te rangatira – we will engage chief-to-chief.
  - Kanohi ki te kanohi – we will engage face-to-face.
  - Manaakitanga – we will care for others and ensure they feel welcome and included in the conversation.

### Engagement goals

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

## SECTION THREE: WHAKAWHITKŌRERO/ENGAGEMENT FOCUS

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### 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
<b>Stage One</b> <i>Whakaoho i te tāngata/ Preparing the Ground</i>	<ul style="list-style-type: none"> <li>• Prepare resources, tools and plans for the engagement process, including the website.</li> <li>• Test with individuals and groups the engagement questions and approaches the Panel has developed.</li> <li>• Build relationships with partners and experts.</li> </ul>	March 2012 to July 2012
<b>Stage Two</b> <i>Whakamārama/ Understanding</i>	<ul style="list-style-type: none"> <li>• Start building understanding of the current constitutional arrangements and issues.</li> <li>• Build participation in the conversation about constitutional arrangements.</li> </ul>	July 2012 to November 2012
<b>Stage Three</b> <i>Wānanga/ Thinking Together</i>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	December 2012 to June 2013
<b>Stage Four</b> <i>Wānanga/ Deliberation</i>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	July and August 2013
<b>Stage Five</b> <i>Whakapūrongo/ Reporting</i>	<ul style="list-style-type: none"> <li>• Keep the responsible Ministers informed at regular intervals throughout the engagement process.</li> <li>• Provide feedback to the public so they are able to see the contribution of others.</li> <li>• Present the final report to the responsible Ministers.</li> </ul>	September-December 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
<b>Whakamārama Understanding</b>	<ul style="list-style-type: none"> <li>Context: think about New Zealand in the future.</li> <li>What opportunities does the Treaty of Waitangi offer for our country?</li> </ul>	<ul style="list-style-type: none"> <li>What is important to you?</li> <li>What makes our country work?</li> <li>What values reflect the spirit of our country?</li> <li>How would you like New Zealand to look in 2050?</li> </ul>
<b>Wānanga Thinking together</b>	<ul style="list-style-type: none"> <li>How are our values reflected in our constitutional arrangements?</li> <li>What opportunities does the Treaty of Waitangi provide for our future constitutional arrangements?</li> <li>In our constitutional arrangements for future generations, what are the key elements to keep, change or create?</li> </ul>	<ul style="list-style-type: none"> <li>What are the most critical elements to have in our constitutional arrangements?</li> </ul> <p><i>Electoral matters</i></p> <ul style="list-style-type: none"> <li>Size of Parliament?</li> <li>Length of term of Parliament?</li> <li>Size and number of electorates?</li> <li>Electoral integrity legislation?</li> </ul> <p><i>Crown-Māori relationship matters</i></p> <ul style="list-style-type: none"> <li>Māori representation, including Māori Electoral Option, Māori electoral participation, Māori seats in Parliament and local government?</li> </ul> <p><i>Other constitutional matters</i></p> <ul style="list-style-type: none"> <li>Written constitution?</li> <li>New Zealand Bill of Rights Act 1990?</li> <li>Other constitutional issues raised by New Zealanders?</li> </ul>
<b>Wānanga Deliberation</b>	<ul style="list-style-type: none"> <li>What are our reflections on the contributions we have received from people across New Zealand?</li> </ul>	<ul style="list-style-type: none"> <li>How do our constitutional arrangements reflect our values?</li> <li>What are the key elements of the constitutional arrangements we should keep, change or create for the future?</li> </ul>



## 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
<b>Stage One</b> <b><i>Whakaoho i te tāngata Preparing the Ground</i></b>	<ul style="list-style-type: none"> <li>Focus on early conversations with iwi and Māori leaders, iwi and Māori groups and networks, Māori constitutional academics and commentators, and educators.</li> <li>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.</li> <li>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.</li> <li>Key information resources will be translated into te reo Māori.</li> </ul>
<b>Stage Two</b> <b><i>Whakamārama Understanding</i></b>	<ul style="list-style-type: none"> <li>Participation opportunities highlighted in media, including Māori radio stations and Māori panui.</li> <li>Key online and hard copy resources will be published in te reo Māori.</li> </ul>
<b>Stage Three</b> <b><i>Wānanga Thinking together</i></b>	<ul style="list-style-type: none"> <li>We will invite New Zealanders, including Māori, to participate in deeper conversations.</li> <li>We will engage with iwi and Māori through: <ul style="list-style-type: none"> <li>engagement hui, which may include hui in association with iwi and Urban Authority leaders</li> <li>seeking involvement in iwi and Māori events, such as the Ratana annual celebrations, Koroneihana celebrations, iwi Hui ā-Tau and Te Matatini</li> <li>meeting with Urban Māori Authorities, community and lobby groups, sports clubs and specific interest groups</li> <li>contributions to iwi and urban Māori radio stations and other Māori media, such as Mana, Tū Mai and Spasifik</li> <li>online discussions, blogs and social networking sites.</li> </ul> </li> </ul>
<b>Stage Four</b> <b><i>Wānanga Deliberation</i></b>	<ul style="list-style-type: none"> <li>Iwi and Māori citizens will be invited to participate in wānanga/deliberative fora hosted by the Panel.</li> </ul>
<b>Stage Five</b> <b><i>Whakapūrongo Reporting</i></b>	<ul style="list-style-type: none"> <li>The Panel's final report will be informed by the public-driven engagement process, including the public-driven engagement with Māori.</li> </ul>

## SECTION FIVE: ENGAGEMENT PHASES

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### 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 July 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.<sup>1</sup>
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
  - how best to achieve engagement in practice in diverse settings.

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

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-December 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 the period September 2013 to 14 December 2013 (depending on the level of demand for engagement).

## SECTION SIX: COMMUNICATION STRATEGIES

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### Inviting New Zealanders to engage

51. The engagement approach is designed to:
- aromai – 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, and that Ministers have agreed to allocate \$2 million within Vote Māori Affairs to support robust and inclusive engagement on constitutional issues.