

Keynote panel: The Next Generation's Vision for a Modern Parliament

Chair: Hon Nikki Kaye, Minister for Youth and Associate Minister of Education, New Zealand

Panel: Youth MPs—Kieren Gera, Jay Èvett, Henry Thompson, Patrick Savill, and Daisy Cadigan, New Zealand

Kura Moeahu (Kaiwhakarite): Mōrena koutou. Just before you start your day's proceedings, we will open in the appropriate way in terms of Māori protocol—opening with an incantation for guidance. This particular incantation is about seeking out the knowledge in terms of how Tāne-Nui-a-Rangi, one of our Māori gods, ascended into the uppermost heavens to ascertain the three baskets of knowledge and bring them down to Earth so that we could learn from them. So I would just like to open up with that, and then, following that, I will leave you to get on with your proceedings. Nō reira, mōrena koutou.

W'akarongo mai, w'akarongo mai! I kake ai a Tāne ki Tikitiki-ō-Rangi, pupuke te hi'iri, pupuke te ma'ara, pupuke te wānanga, te wānanga nui o Te Kore mō te wā nuku, mō te wā rangi matua ki te w'akatūpu, matua ki te w'akatāpitonga. Tū panuku, tū parangi, e Rongo w'akairi'ia ki runga, turuturu w'akaw'iti, w'akamaua kia tīna, tīna, hui e tāiki e!

[Listen, listen! Tāne ascended the sky to the Uppermost Heaven as the desire and recollection welled up within him in his pursuit of higher and greater learnings from the Realm of Potential. Stand to and firm, Rongo. Suspend it up there for us to affirm and cling to. It is done!]

Just before I leave I would just like to do one waiata, which I think is appropriate in terms of the kaupapa here. We sang it yesterday. It is Te Aroha. If you have your books, you are welcome to join along. If not, kei te pai.

[A waiata was sung]

I will just to share with you what that particular waiata is about: "Te aroha, te whanapono, me te rangimārie"—through love, hope, and faith. "Tātou, tātou e"—together, we will achieve things. Nō reira, tēnā koutou, tēnā koutou, mōrena tātou katoa.

Therese Arseneau: Thank you very much. My name is Therese Arseneau and I am President of the New Zealand branch of the ASPG, and I am absolutely delighted and proud to welcome you here to New Zealand's Parliament. New Zealand has had Parliament since 1854. We have assembled; we have represented people since that time, which makes us, actually, one of the oldest continuous parliamentary democracies in the world. In 2015, this year, we have actually celebrated another landmark, and that is 150 years since Parliament became housed in Wellington. I am really delighted to be able to welcome you to this beautiful chamber, the Legislative Council Chamber, which housed New Zealand's Upper House until it was abolished in 1951.

It has been 9 years since we hosted this annual gathering of the ASPG, and we really do want to welcome you back to our Parliament. ASPG is a special organisation, I believe. I particularly love the mix of people whom we attract to conferences and who appear on our programme. I think that if you have a look through the programme, that will be really evident. We have a mix of members and parliamentary officers and staff. We also have people who study and watch Parliament very closely. We are a non-partisan organisation, and I am so pleased, because if you look at our programme you will see we have seven parties represented in Parliament, and all seven of them appear on our programme. We have a mix of people from Australia, New Zealand, the Solomon Islands, and Canada. We have got delegates here, including representatives from the Cook Islands High Commission, the Canadian High Commission, and the British High Commission, as well. In particular, we are really pleased about having a bit of an age mix as well at this conference, and I will let the Minister speak a bit more to that in a second.

But before we get started, I do have some housekeeping that I have to go through. You will note that the programme is indeed jam-packed, and we have a lot to get through. So thank you for being here on time, and we will keep to time as the session goes on. In front here we have Sammy—Sammy is going to stand up. She is our timer and she will give a nice Zen chime when you have about 5 minutes left to go, and a more emphatic ring when you have only 1 minute left to speak. It is actually the original Hansard bell here, so you are getting a bit of history as well.

In terms of housekeeping, toilets are just outside here, and we also have Wi-Fi access. If you check in your handbook it will let you know how to access that. We have also set up an internet cafe for you, and, again, the map and the details are in your handbook. In the case of an emergency, we have security and staff who will advise you of what to do. We actually have the Minister of Civil Defence here at the moment—she is the person who is in charge of all this. As I was saying to her, I live in Christchurch and we have been shaken around a fair bit over the last few years in Christchurch. But I always feel so happy when I am in this building because it really is one of the leading buildings in terms of being specially protected from earthquakes. If you go on the tour at lunchtime, you will see the base isolation, which is really quite an interesting thing to see.

The media have been invited to this conference. We are not sure whether any will turn up, but indeed they have been invited. Also, refreshments will be served in the Grand Hall, but you will see a very big sign saying that because of the historic character of this building you are not to bring any food or drink in here, so you will have to be sustained on water and mints.

Just before I hand over to the Minister, I just want to say that this is New Zealand's House, and we would like to welcome you to our home. If there is anything we can do for you while you are here visiting us, visiting our House of Parliament, please come and see us. See me, Lesley, Sammy, Louise Upston—I will not make her stand up, because she is in a wheelchair—or Louisa Wall, who is also on the executive. If there is anything we can do for you, please just come and see us.

I would like to hand over to our Minister, who is here to chair our opening session. Nikki Kaye is the Minister for Youth, the Minister for ACC, the Minister of Civil Defence, and the Associate Minister of Education.

Hon Nikki Kaye: Tēnā koutou, tēnā koutou, tēnā koutou katoa. Kia orana. Malo e lelei. Namaste. Ni hao. Good morning, or to the Australians, Giddyay. Firstly, can I just start by acknowledging iwi. We had a beautiful karakia this morning, and I think that when I reflect on everybody who has come to be here today, I think of the beautiful words that we heard this morning. The words that were uttered were: love, hope, and faith. I think that anyone who is involved with democracy has to have a fair amount of that, because we are all coming together to make the country, or the world, a better place. I think that it was a beautiful karakia, so can I just acknowledge local iwi.

There are a number of members of Parliament here. I can see a couple in the room, but there is definitely the Hon Louise Upston, Louisa Wall, and Tracey Martin from New Zealand First. Meka, I think that you are here, so I just acknowledge you. To all of you who have come from different parts of the world, thank you. This is a special place. This is our place, and we are incredibly proud of our democracy. The fact that you have seven political parties on your programme is, again, something that we think is a strength of New Zealand—that we have had one of the longest continuous and uninterrupted democracies in the world, and we have real diversity, I think, compared with some other Parliaments in the world. We have got to do better in terms of women, but in terms of a mixed-member proportional system, there is a real diversity of views, and there is a cut and thrust that we are very proud of in New Zealand.

Can I acknowledge the young people who are here today. I am the Minister for Youth Affairs, but sometimes I often say that if we were being true in terms of representation, it would probably be one of you standing here. It is significant that we have chosen to have these young people here today giving their vision for a modern Parliament. At this point, can I acknowledge Louisa, the Hon Louise Upston, and Therese, because you, really, made this

happen. You wanted to ensure that this was not just about politicians speaking, but that it was also about us hearing from some young New Zealanders and their views of what a modern Parliament or democracy looks like.

I thought that I would take a moment, firstly, to acknowledge that many of you are staff and many of you are practitioners, and as a parliamentarian, on behalf of all the parliamentarians who are here, I do not think that we ever underestimate—or most of us do not—the role that you play and the importance of the role that you play. I know that there are some New Zealand staff here. Often Parliaments work long hours, and one thing that I have learnt as a Cabinet Minister is that I certainly could not do my job without the huge amount of commitment and the hours that people put in, and to have people dedicated and committed to making the system better and to making it more accessible is an extraordinary thing, and I thank you again for coming to New Zealand to have those debates and to be able to be here today.

When we think about a modern Parliament—and I know that each of the speakers here will get 10 minutes, and at 8 minutes, you will get a zen chime, I understand—I think of a couple of things. The first is technology. Last night I had the fortune of being in Auckland at a major youth technology launch, and I think the themes are actually quite similar in terms of what the opportunities are and what the challenges are.

We live in a world where there is no excuse, actually, for people not to have access, and, unfortunately, in my view, Parliaments and institutions across the world have not been able to adequately open up and use technology to ensure that more people have access. I think that we are going to hear from some of the young people today about how we can do that. We have come a little bit of a way in New Zealand. In fact, I think we want to acknowledge Gareth Hughes and Clare Curran. We sat on a select committee. We stream various select committees now. We have had a range of rules that have been updated around social media.

If you think of the amount of time that young people spend online and where they are, very few of them are ever going to turn up to a select committee physically. Many of them, if you asked them how they would post something, even back to Parliament, in terms of a submission, they are not going to do it. They want absolute access, and not necessarily a 15-page document, to be able to make their views heard in an accessible and quick way. So there is a theme here in terms of technology and in terms of access and the opportunity to have more young people being involved and having their say.

I think the other thing about technology is equity. If you think of people who, traditionally, have not had access to the political process—and I think that in New Zealand we have got still quite a way to go in terms of Māori representation—I think this would be similar to other nations in the world with new immigrants, ensuring that they have the confidence to have that access. The thing is, technology can transcend many cultural boundaries, and that ability to provide equitable access is, I think, another opportunity in terms of technology.

The other thing that you are going to hear, I think, from just talking to some of our panellists today is that issue of other barriers—things like language. The many young New Zealanders whom I talk to who either do not watch Parliament TV or who are not that interested says a couple of things to me: that the nature of what they see—and sometimes, because we have broadcast, really, question time—is very conflict driven and quite adversarial. A lot of them say to me: “Well, we’re not interested”—and, again, this would not be unusual across the world—“in watching all of that conflict.”

But I say to them that where some of the great collaboration happens is actually at the select committee level. And I do not think that would be unique to young people, but how do we show some of the more positive parts of the political process to engage more people? I think that that is going to be quite crucial in the future.

The other part that you will hear a little bit about—and it touches on the theme of language—is that grassroots participation. There is no better way for young people across the world to be involved than through social media, and I think this is where I would acknowledge that while we are here talking about what the mechanisms are to make our Parliament more modern—whether that is diversity or whether that is technology—I do not

think that we should underestimate that there are, and this is what I say to my parliamentary and Cabinet colleagues, more people participating in the political process. That does not mean that they are putting in submissions. If you go to Facebook or if you go to Twitter or Instagram, you will find a lot of political debate happening, but they do not necessarily call it "political debate". They are much happier to sign a Facebook page that says "We want to stop set-net fishing in New Zealand." But they will not necessarily do that if it has the word "Parliament" on it. So being able to understand those other mechanisms that are already occurring in terms of political debate and being able to hook into that is, I think, a very key theme in the future in terms of citizenship and democracy.

So there is my 2 cents' worth in terms of a couple of themes. Again, can I acknowledge all of you for being here today. We are very proud of this chamber as well. It is part of New Zealand's history. We want you to have a fabulous time here, and I think that we are very privileged to have the panellists that we have here today. I have no doubt that you might say a little bit about your background, but afterwards, there will be an opportunity to ask questions from the floor. So I will invite our first speaker. Would you like to come up? Thank you.

Kieren Gera: Ahiahi mārie koutou, and thank you, Minister, Kaye for that lovely introduction to the day. My name is Kieren Gera. I am 22 years old. I grew up in Rotorua—from Wellington—pretty much lived there for 14 years, here for 8, so I am pretty much a Wellingtonian.

It is great to be here among you all, united by our keen interest in political organisation. To think, only 15 years ago, in 2015 people were in this very room talking about how to modernise Parliament—refresh it for the next generation. And here we are now, in the year 2030, facing not only a modern but a more fun Parliament than ever. Just the other day I was walking down the street and saw a protester proclaiming that young people were dictating policy and having far too much influence on the Government's affairs, and yesterday Stuff's top news headline read "No longer a need for equal opportunity policies in political parties."

Our Parliament is a stellar role model for a number of other countries whose youth engagement is low and political representation harks back to *Mad Men* times. It did not happen overnight, of course, and it did not happen organically, but eventually people saw value in modernising Parliament and started to make it happen—people like you and I.

Looking back from 2015 when changes began to occur, I have identified three themes from the modernising Parliament movement that I will talk to today. They are: consultation, community, and continuity. As former US President Kanye West once wisely proclaimed: "One can only lead if others forgo some of their power and transfer it to you. It is thus only right that we distribute power back to them in the form of meaningful opportunities to have a say in political affairs." Wise words, President Kanye. Indeed, it can make decision makers' jobs harder. We have found that you can face more objection and accountability when a large body of people are aware of, and engaged in, what you do, but it is worth it when most Kiwis are interacting with our Parliament in a regular and meaningful way.

I know some of my fellow panel members are going to talk about what effective consultation looks like, but I will gloss over the general approach now. In 2016 select committees led a change in Parliament's interaction with the wider public by actively reaching out into the mainstream bubble. Facebook, Twitter, Instagram, and other social media platforms became strategic tools for targeting topics to those who showed particular interest.

My first experience of this was in late 2016. The Social Services Committee had used Facebook to promote the opportunity to make a submission on changes to family violence support services—an issue I was clearly interested in due to the fact that I had liked the Women's Refuge and the It's not OK campaign Facebook pages. The opportunity to make a submission popped up on my newsfeed as a sponsored post. It used plain and captivating language and was designed in a way that made it appealing in a social media environment. I am sorry to have to say, but it also did not appear to have come from the Government, due to largely ambiguous branding. I wrote a submission right there and then before sharing it on my own page. What is more, I received regular and simple updates on

the consultation, deliberations, and ultimate decisions made in Parliament. This process validated my engagement and made me excited and ready to engage with further political issues of interest. And the ongoing communication made it feel as if I deserved to know what the outcome of the issue was.

You see, before then I felt as if political engagement was exclusive to elite middle-aged aliens from "Planet Politics". My point here is that Parliament needs to come to us and sneak into our cluttered and busy lives as opposed to using traditional forms of consultation. Things like releasing screeds of press releases every day in the hope that they make it into news stories, Parliament TV on a weird channel no one watches, and town hall meetings did not really have a place any more.

What is more, New Zealand politics was seeing a slow shift from traditional partisan politics, particularly for the under-30s towards issue-focused campaigns. Climate change, inequality, the flag referendum, housing, milk prices, and so on engaged large groups of Kiwis from across the political spectrum. We had shown that we could sink our teeth into meaty issues through a good campaign and targeted and well-designed marketing. In this sense, Parliament was light years behind private business, which had been pulling at Kiwis' heartstrings and igniting reaction through clever, targeted social media and advertising campaigns for years.

When Parliament eventually began to catch up, some interesting things happened. Over the next decade New Zealanders' political literacy improved dramatically. Young people, especially, began to show an entitlement to be engaged in political affairs, further validated by meaningful interaction from decision makers. And for the first time in decades, the turnout of eligible voters at elections increased—the largest increase seen in the 18 to 24-year cohort.

The rise in youth voting could also be attributed to the shift in Parliament's make-up, which began to rapidly change following a bold move by an Opposition party in 2017. It decided to implement a 6-year goal in which the party would look more like the make-up of New Zealand—multicultural, varying in ages, sexual orientation, gender, and background, with and without disabilities. Sure enough, by 2020 they became a much more accurate representation of Aotearoa purely by checking their biases and actively seeking and developing new leaders. Their success showed that not only could it be done but that it increased their political appeal and improved their party's leadership as a whole. Not long after, other parties followed suit, and now I am proud to say that we have a representative House of Representatives.

With diversity has come a broader frame of reference informed by many perspectives, backgrounds, and skillsets, and with gender balance we have witnessed more effective political leadership than ever before. But in regard to my earlier point, a Parliament that reflects our community also engages our young people. When looking at politicians now, one does not have to search long before finding someone similar to them. For example, we now have over 30 MPs under 35.

I will not go too far into the importance of role models and the power of seeing people like yourself in positions of influence, but I can say, as a young Māori woman myself, that seeing people like me made the political sphere more accessible. It seemed like a world I could navigate confidently because I knew others had done so before.

As well as becoming more diverse and consultative the New Zealand Parliament saw a move from reactionary short-termism to a new and much-needed focus on continuity. Long-term, complex issues finally began to get their day in the sun, supported by cross-party cooperation and a longer parliamentary term. In policy we call them wicked issues, meaning they are insistent, complex, and ultimately difficult to address. Often this means they end up in the too-hard basket. Of course, we might take a peep into that basket every now and then, maybe even reach our fingers in to test their malleability, but rarely do we tip them out for all to see. And by "all" I mean everyone, not just Government and their officials. We need to collectively poke and prod at these wicked issues and, through this, collectively own the solutions that come out the other end.

Continuity has been supported by cross-party collaboration, which while great on short-term issues is doubly important on long-term issues like inequality, mental health, and constitutional change, because, if you think about it, these problems linger far beyond a 4-year term into those of future coalition Governments. Every political party has an interest in how we are going to tackle the wicked problems of our time.

With climate change it was nearly too late. By 2025 successive Governments' loose commitments meant we were completely unprepared for a shift to clean, green energy and even more unprepared for the effects of climate change. But four key things happened that saw New Zealand take a strong stance on climate action. First was a powerful campaign led by Pasifika youth protestors about the reality of climate change in the Pacific Islands; second was a change in electoral cycles from a 3-year to a 4-year term; third involved some devolution of power to local bodies, which had the tools and levers to make real change in their communities; and fourth was cross-party collaboration. Once the electorate had an understanding of the issue at hand, parties across the spectrum were given the mandate to get behind a strong plan to address climate change.

I struggle to believe that this would have been as bold or as effective if one of those four key factors was not present. You see, a modern Parliament cannot be born out of a simple quick fix. As we have witnessed over the past decade and a half, dramatic and sustained change in a number of areas has brought our Parliament out of the dark ages, meeting the expectations of Kiwis and, particularly, younger Kiwis.

A Parliament that consults with its people in a regular and meaningful way, accurately reflects the diversity of the wider community, and tackles long-term wicked issues is one I am proud to be witness to in the year 2030. And it is to people like you and I, standing here 15 years ago, that I extend my thanks for creating the modern Parliament we see today. Thank you, and ngā mihi mahana ki a koutou katoa.

Henry Thompson: Kia ora tātou. Ko Hēnare ahau, e noho ana ahau i Wellington. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

[Greetings. I am Henry, and I live in Wellington. Acknowledgments, salutations and glad tidings to us all.]

Thank you, Kieren, for that excellent introduction, which I now have to follow. I will do my best. Excellent—so, good morning. My name is Henry Thompson. I am 19 years old. I am officially a full-time student. In my spare time I am the Wellington regional president for UN Youth, the national civics charity. In my spare spare time I am the director of the international programme for the Aotearoa Youth Leadership Institute, and in my spare, spare, spare time I am a consultant for the Ministry of Youth Development. Somewhere in the mix I am a teenager as well, I promise.

To start off this speech, when I was writing this I went through—I was a bit stuck, and I thought: “You know what, let us start this off with a clichéd speech technique. I will go to the definition.” So, according to the *Oxford Dictionary*, “modern” means “relating to the present or recent times, as opposed to the more distant past”, and in the *Merriam-Webster Dictionary* it is “characterised by or using the most up-to-date techniques, ideas, or equipment”. It is the latter definition that really got to me, and that is the one that I will be basing my speech on today.

For me, global society at present is at a really critical point. Significant and widespread scientific research indicates that we have about 10 years to drastically change our emissions and environmental degradation before the impact of climate change becomes catastrophic and irreversible. That is what I am going to be talking about today—how to make our modern Parliament more sustainable. In the UN Millennium Ecosystem Assessment in 2005 there was a quote that stated: “Human activity is putting such a strain on the natural functions of Earth that the ability of the planet’s ecosystems to sustain future generations can no longer be taken for granted.” Kofi Annan said the study “shows how human activities are causing environmental damage on a massive scale throughout the world, and how ... the very basis of human life on earth ... is declining at an alarming rate.”—got there in the end. Obviously, within my various commitments, I deal with youth on a fairly regular basis, and there is a consensus amongst young people that that is really our big issue for the next 10 to

20 years. We are at a critical point now, where we need to make change now as opposed to later. As Kieren alluded to before, it is going to be very, very crucial.

In order to write this speech, I thought: "Well, the easiest place to start is I will start with our current Parliament's environmental sustainability policy." So I had a quick google. This google turned into a sustained 30-minute search, scouring the internet trying to find, desperately, something that indicated that our Parliament was even environmentally aware. Alas, I could not find it, which was of great concern to me. I thought that, as the symbol of democracy, the leader of our nation, the institution from which we all draw great leadership and role models, surely somewhere in this grand building there would be someone or something that was environmentally sustainable. But I could not find it. This lack of even acknowledgment that we should be operating in an eco-friendly way is, for me, really backward. I think New Zealand really needs to embrace a modern approach to sustainability and environmentalism so that we can sustain the future.

Referring back to the definitions—and the classic speech technique—this is not of the present, and is not of the most up-to-date techniques in our current practice. To be fair, especially here in New Zealand, sustainability is not in our greater mind-set. We are the only OECD country in the world apart from the US not to have a national sustainable development strategy. In terms of the Kyoto Protocol commitments, the global aim was 5 percent less than 1990. New Zealand committed to a little bit less than that, at 1990 levels. The reality is that we have increased by 25 percent. We have the sixth-highest ecological footprint in the world and we are the twelfth-highest ranked in greenhouse gas emissions. So New Zealand under-performs in a lot of areas in this regard.

I am going to stop whining about emissions now, and also provide a little bit about what Parliament can do. I had a bit of a look around the internet a bit more to find out if there was anywhere that really had made a long-term commitment to sustainability, and I found the EU. The EU is really a world leader in this sense. It has provided a really long-term, sustained goal of cutting its Parliament's emissions by 30 percent in the next 5 years. This has filtered down to the respective Parliaments within the EU as well—Germany, the UK, Sweden, France, and a myriad of other Parliaments within the EU have also released policies targeting sustainability.

Some of the things that the EU implemented in its 2009 eco-management and audit system include a full overhaul of its buildings, making them environmentally friendly—simple things like low-energy light bulbs, photovoltaic energy, thermal energy to heat the water in the buildings. They use low-energy windows, smart metering and energy management systems, and a coordinated printing strategy. The amount of paper that comes out of this building—for those of you, as workers of Parliament, you obviously know—it is absurd. As I think my friend Patrick is going to talk a bit about later, embracing simple things like iPads—they are a really easy way to get started. Increased video conferencing—encouraging people to travel less and to Skype in more. They have incentives for car pooling and cycling. They even had an internal website dedicated to car pooling and incentives for those who were on board. They had eco-driving courses, a low-emissions car fleet, and shuttle buses as opposed to cars to the airport. They had carbon-offsetting flights, and they invested in carbon credits as well. This is truly a world-leading policy, which really has not been reflected around the world outside of the eurozone.

These are some of the things that I think New Zealand could do a little bit better—to start with, it is carbon-offsetting. I know for a fact that our Ministers and our members of Parliament fly a lot; it is just the nature of the job. But a simple policy of saying that every flight that comes out of this building is to be carbon-offset would make a massive difference; it really would. Environmentally-friendly vehicles—a sustained push for those as opposed to the big-litre V8s that we currently drive around in would be another massive change. Like I said before, reduction in paper resources—even here today, a PDF digital version of our programme would have been a much more sustainable solution than the booklet. Obviously, car pooling would be a big one, for getting around Wellington for staff and staffers. It is a really simple way of reducing emissions, and a really easy way to get on board with this as well.

I do not really have much more to say than that, but whoever complained about a speech being too short? Just to conclude it, we all really need to be acutely aware of our carbon footprints so that, when I am in your position and my kids are standing up here as the ones who are considered youth, they still have a future as well. It is a real concern for young people, not just in New Zealand but around the world as well. I will be joining approximately 30,000 of them in Paris later this year for the climate change conferences.

Parliament really needs to get with the times and modernise its sustainability practices and environmental policy so that it can lead the country in the way that it leads it in policy. It is possible, and it is attainable, as shown by the European Union, which is one of the most respected Parliaments in the world. If New Zealand wants to stay true to its persona of world leadership, then this is an essential first step in order to catch up to the rest. Thank you very much.

Patrick Savill: The Hon Nikki Kaye, distinguished guests, ladies and gentlemen. The highest voter turnout this nation ever saw was on 14 July 1984, when 93.7 percent of the enrolled population voted. Yet, since the turn of the century we have had an average of 77.9 percent voter turnout. All the cultural diversity, snowy mountain ranges, and victories we have had as a nation will not redeem us should this trend continue. However, I do have reason to believe this statistic will be an embarrassing memory in decades to come.

I am Patrick Savill. I am an engineering student at Victoria University. I must be honest and say that I do not have any qualifications in political study, nor do I have any experience in the analysis of political campaigns. But I do have access to the publicly released statistics, and so my talk today will be based on them and my opinions therein.

In the last election, of the 3.1 million enrolled voters only 2.4 million voted. That means that 23 percent of them did not vote. Furthermore, of the enrolled population the 18 to 24-year-old and 25 to 29-year-old age bands have the lowest voting rate. Less than two-thirds of them voted. Finally, more than a quarter of the 18 to 24-year-olds are not enrolled to vote as of August this year. So what makes my demographic less involved? Why are my peers and I taking less of an interest in the political process? Elections are won and lost via the public perception, and the flow of information each party produces directly influences this, and yet the most proficient users of information are not the most involved.

It is incredibly easy to ignore these figures. Why focus on this small outlier, when 90 percent of the rest of our nation actively votes and engages? Surely, this negative is outweighed by the massive positive in the older age bands. Sadly, I do not see turning a blind eye as a viable option. By 2017 there will be a quarter of a million New Zealand adolescents who have just been enrolled to vote. So if we fail to engage them, what will happen to our voting statistics? We will have a population that no longer cares about voting.

As it stands, citizens do have the right to vote, and they also have the right to choose not to exercise this if they deem, but the Parliament, and the Government, consequently, have a responsibility to represent this nation, and this cannot be achieved if an entire demographic is not being represented. So if the status quo does remain unchanged, the youth will not deem voting as worthy of their time and will become more disinterested, and should this be not addressed, they may end up stopping voting altogether, which would undermine our democratic system.

So they are not beyond the reach of politics. They are, by far, the most accessible group within our nation. With every teenager, there is now at least one social media account and phone number. The ease of communication they have is truly astounding, and yet almost none of it is related to policy. I think this is the largest part of the issue, because in the run-up to the last election there was a brief fountain of activity, where everybody got engaged with politics as youth and felt intrigue because there were selfies over here and free food over there, and then online streams of pertinent content, but after the election, there was nothing to keep me engaged.

I enrolled in November of 2013, and I waited for somebody to come and talk to me about policy. That only happened in August 2014, when I started to feel engaged, when local MPs came to my hall of residence and spoke to me. Coverage started to ramp up, and I began to feel like my vote was worth something in this nation.

I would talk every day about the party's policy and how it would affect me as a student, with my fellow students, and I thought, yes, I can make a difference. Yet even in the week before the election, it was clear to see how disinterested some of my peers were. The common complaint of, "National will win again, so why bother?" was very common. "My vote won't change anything" was also a very common opinion. I understand this, because if you do the maths, one person's vote is unlikely to change an election. However, if the mind-set of "one person's vote won't matter" spreads, then a lot of people will not vote, and this is incredibly negative.

Anyway, election day came and went, and I eagerly waited for the count to be finalised. When it was released, the most common emotion I heard was "Well, there goes another 3 years." This should never be the response to any election. Regardless of which party is the majority, all citizens should remain feeling represented and interested in the political process. This country is run collaboratively, as neither side of the House intends to ruin our nation. Every party has the best interests at heart as they see fit, and the public has to know this; otherwise we will have what we have today.

So in a modern Parliament, we see that the youngest demographics would be the most up-to-date and conversing group in society about the politic. Their preferred party may not have won, but that will be no reason to disengage with the proceedings. The election is not a beauty pageant, yet it is perceived to be so. The winner every year is crowned, their party hosts a party, and we all go home and try to forget about it for the next 3 years. This is a terrible perception and must be quelled if we are going to have any positive change.

However, talking about what a couple in Hollywood did is more important to most of my friends than currently keeping up to date with policy. We have the most intimate knowledge of technology and how to use it efficiently, and yet we devote no time to keeping up with policy. Why is this? Why are we so disengaged and not interested in what you are talking about, which changes the country?

The current Parliament is not blind to this disinterest. Indeed, 105 of 121 MPs have Twitter accounts—Hon Nikki Kaye included. This, however, is not working, but the Privileges Committee this year released a report in September trying to address this, and the following is an excerpt from that report:

A healthy democracy relies on public participation, and all communication channels need to be fully used to promote the work that occurs in the House of Representatives.

For many members of Parliament, social media has become an essential tool for engaging with people and constituencies.

[It] offers a unique opportunity for members to share news and information about aspects of their work with the public. It can instantly bring Parliament to a much larger audience than other forms of communication. It also enables members to engage with sections of the community who might not otherwise be interested

Given that report, there is obviously a deep understanding of the importance of communication via a technological medium. Indeed, in matters of representation, I believe it will be the only way forward. To demonstrate this, imagine if every member of our Parliament was divvied up part of the population instead of just their electorate. They would represent 36,000 people each. To know what these constituents felt, they would have to consult 100 of them every day for a year, with 5 days off. Obviously, that is not in any way feasible, given the time commitments of a member of Parliament, but it is only not feasible if it takes place in person. What if there was a tool based in the cloud or in other realms of social media that allowed you to contact your constituents? I am talking about a Facebook group, a Google circle, perhaps a subreddit, or a LinkedIn profile. What if there was a polling tool to gauge what your constituents felt about what you are talking about in Parliament this week, such as a dedicated app?

What I am saying is imagine all the ways a politician can talk to their electorate in real time. Imagine how this would affect people. If I could talk to my MP throughout the week about what was being talked about in Parliament very quickly, I would be far more engaged

than I am now, and this would also engage the youngest generations. They are the only group to have grown up in this world where instantaneous communication is not new, it is not a necessity, but it is how you talk. If you have to wait for anything, there is no point going about it, because everything else is so much easier to access.

So when it comes to a modern Parliament, I see new tools being created and used to lessen the distance for me between politics and the youth. The current mediums are not working; as such, I do not know where the solution will come from, but I believe it will become second nature for a politician to ask in real time for people's opinions, and then to update the population on what they are doing.

As an individual, I have faith in our political system. I have faith that we are a democratic country and we are going in the right direction, and I have faith that we will address the issues of under-representation with the new use of technologies. However, my faith can only be validated in the forthcoming years, and, as such, I challenge all of you to get used to using technology in your everyday lives. Thank you.

Jay Èvett: Kia ora koutou, nau mai, haere mai! Ko Takitaki tōku maunga, ko Te Awakairangi tōku awa, ko Te Āti Roira tōku āti, ko Awakairangi ahau.

[Greetings to you collectively, welcome, draw hither! Takitaki is my mountain, Te Awakairangi is my river, Te Āti Roira is my clan, and I am Awakairangi.]

Good morning, ladies and gentlemen. My name is Jay Èvett. I am your final panellist today. They generally say you save the best till last, but listening to those whom I am speaking after, I highly doubt that.

I am going to be a bit more informal, just because that is the way that I like to roll. In saying that, it also means that I had an assignment due this morning and I did not write my speech. So we will see how that goes. Thank you, Minister Kaye, and I am sorry to be embarrassing you.

So, more about where I come from. I am a student at Victoria University of Wellington. I am studying international relations, Italian, and religious studies, which are three very unemployable subjects, and when you mix them together are even more unemployable, but I have hope in the future. In my spare time—what spare time—I direct Voice. Voice is a youth advisory. It is the leading youth advisory in Lower Hutt, which is the city across the harbour, for all you Aussies in the room. So it is the thing you see on the other side of that big stretch of water. It is pretty great. I am the founding director, I love my job, I put about 30 hours a week into it, so it is a lot for an unpaid position, but we are starting to make a difference. I am also the president of New Zealand's only university-level Italian society here at Victoria, which is great fun. The Italians love everything, which is why I speak a lot with my hands. It has kind of rubbed off a bit.

What I am actually here to talk about today is something—and I told Minister Kaye it was not going to be too controversial—that is actually talking about, and I could not find the right way to phrase it, taking the “old” out of political threshold. It is removing that ageist understanding of politics, and I say this to a room of people who are significantly older than me, which is very possibly dangerous, but it is removing the ageist and that gerontocratic understanding of government in the way that we talk, in the way that we think, and it is something that can be achieved very easily from the bottom up. A lot of these have been top-down approaches, which are great—we do need those—but we also need bottom up, and it is something that you yourselves can actively get involved in and actually start to make a difference for us.

So it is all about changing the way we think. It is about the rhetoric that we use, and I am going to draw a lot on examples from over the stretch of water that I am from, namely because they are actually really good examples, but also from inside the House.

Voice, as a body, deals primarily with the way that people in the Hutt Valley, particularly councillors, think and deal with youth affairs, and the whole point for us is to be pointing out that there is no separate category of youth affairs. The fact we have a ministry is more of a representative than a definitive. So youth have a stake in all issues in our city or in our nation. We need to recognise that, and that is one of the first areas that we can start thinking through—starting to realise that youth need to be consulted on all issues, not just on issues

that might pertain to them. Currently, our mayor is overseas on a political junket in Menor, which is wonderful. He has also taken the deputy mayor and a tonne of council officers with him, which has left, unfortunately, a non-named councillor as acting mayor, and this is quite concerning to us because she is very, very anti-youth—does not like us whatsoever—and that is an issue for us, particularly when we have got some really big youth issues about to sit before council within the next week. Unfortunately, she has the deciding vote, which is not looking positive, particularly when we have done 9 months' worth of work on some of these issues.

We also have a certain councillor on there who last night had a go at another councillor. This particular councillor is 21. The other one is 65, and she told him that his opinion was invalid because he was too young and did not know what he was talking about. That is not an acceptable response from anybody, let alone somebody in government, and let alone to another councillor. So, again, it is about changing the way we think. Young people, just because we have not been on this Earth as long, does not mean that we do not know as much, or it does not mean that our ideas are any less valid than somebody who is older than us. Sometimes we actually come up with better ideas, I am sorry to say. Sometimes we have got great ideas. Laser kiwi in the flag referendum—not such a great idea. But we do sometimes come up with great ones.

So it is about moving our rhetoric and our thought process away from treating youth as a tokenistic sort of “we've just got to tick that box”. We are not a box to tick; we are actually quite important. Just because we cannot vote as a majority does not mean that our opinions are any less valid. Somehow my opinions became a lot more valid when I had the ability to vote, which was actually quite frustrating for me because it was like: “Why, because I was 17, could I not?”. You know, my opinions were just like: “Oh yeah, that's cute he's come to see the mayor, or he's come to submit to the Government.” And it's like: “No. These are actually real opinions.”

Ageism is a big issue, and it sounds a bit funny. It is laughed at because it is just racism but with age, but that is actually what it is. It is not really that laughable. You can have serious issues. Running for Government and running for council is not as accessible as it could be. A lot of things are not accessible. We have talked about Parliament TV. The Minister pointed out that a lot of youth do not watch it. I, ashamedly, do, but I am in a very small minority there. I should feel really bad about that. It is about making things more accessible, and it is about making things more relevant.

We are very lucky to have moved away from that nationwide sort of understanding that the answer to all youth problems is a skate park, which we had about 10 years ago. There are no job opportunities for us in the city—do you want a skate park? No, there are no jobs—so you want a bigger skate park? And it is like, “No.” Eventually—and this did happen in Hutt City—they did build a skate park. It did not work. Also, the jobs that were used to create that skate park did not go to youth. So it completely wiped out the issue. And now that skate park is a massive, massive issue for us, particularly because it floods every year.

It is about your commitment to youth. It is about showing us that it is a meaningful commitment—that it is not laissez-faire or a bit “meh”. I could choose a better word for that, but that noise is sometimes the noise that you get when you go and see a member of Parliament. It is really hard to get into a councillor's, a mayor's, or a member's office. Goodness knows how many times I have tried to get in touch with Nikki Kaye in my spare time and have never been able to get through. I say that knowing that I have now got her staffers staring at me aggressively up the front. But, again, it is this sort of issue—that we need to be accessible, and Patrick talked about the necessity of having that sort of technology available to us, which is really, really awesome. We do need that.

He also talked about Parliament being some sort of beauty pageant. It must be quite a reverse beauty pageant when you look at the leaders of our parties—I am sorry. I love all our political parties. They are wonderful people. Uncle John—got to love him. When you do look at our leaders, they are not young, with the exception of a few. They are not young, and you see resistance in the upper echelons of these parties to youth and to bringing in a bit of youth. I am not going to refer to the parties; I am just going to refer to a colour, but that gives

it away. You have got your red party—very resistant to this new guard coming through. The older guard are holding on desperately, trying not to let the new ones through.

I heard that zen chime. I am getting near the end. We have got our blue party, which generally places its younger candidates towards the end of its party list, which means that they do not always stand a chance of getting in, which is actually a bit of a shame, because we have got some great thinkers in the blue party. Luckily, if you did get in at this last election, that is definitely making a difference.

And then we have got the grey party here, which, as a colour and as the colour of people's hair, pretty much answers that whole point. It is there to advocate for that aged vote. I mean, they are a laugh. Sometimes their leader asking the Prime Minister whether the carpet matches the drapes—a really good laugh but not there to represent youth opinions sometimes. And we get drowned out in the House; we do not get heard. We have got nobody there to advocate for us, and it is not that we are disinterested; it is just that we are disenfranchised and we are not being engaged.

If there is something that I want you all to take away from my speech, other than “He has said some awful things today”, it is that I would really appreciate it if you could go back to wherever you work, whatever you do, and start thinking about the way that you think and consider whether or not what you are doing is meaningful, whether or not it is giving us as young people the opportunity to engage with you, and whether or not you mean what you say. You are going in there to advocate for all people, not just those who have the ability to vote you in.

This has been a huge thing in Hutt South—my home electorate. We campaigned to enrol and to have youth-friendly political events in the last election. Our youth vote actually went up, which was the first time in a very long time, which was really exciting for us, because it means that we are making a difference. And you can make this difference, too. It does not always need to be top-down; it can be bottom-up. Challenge those around you to start thinking about youth less as a special interest group but actually more as just people. We are just as relevant as everybody else. Thank you very much. Nau mai, haere mai. Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Hon Nikki Kaye: Tēnā koutou. Kia orana again. Can I just acknowledge all of our speakers here today. I think we have had a very thought-provoking group of speakers. We have had some great ideas, and I am going to give a little, brief summary of what I think we have heard, and then I am going to open the floor for questions. Can we just give them another round of applause, please.

I think one of the greatest things about all of the speakers was that they gave a very different perspective. In terms of diversity of views, I think that if you looked at each of them, and I am quickly going to run through them, we have had a really different group of perspectives here.

Firstly, we had Kieren—2030; I think we are looking back. Kanye has been President of the United States—I am not quite sure about that—but I think your presentation had extraordinary depth. If you think about some of the things that I took away from it: firstly, role models do matter. Actually, if you do not have diversity and if young people cannot look at Parliament and see people whom they can relate to, that means that we are less likely to reach them.

Secondly, the concept of social media, and not necessarily being so parliamentary about it—whether it is Instagram or Facebook, having clear simple language and being able to have that continuity in terms of updates. I think that is really important. From my perspective, one takeaway is about having it accessible and clear and simple and not necessarily being so parliamentary but being absolutely sure that we are going to have those regular updates. I think the complex issues—the wicked issues, if you like—are about being able to deal with those in a very cross-party way, and I think having a dedicated focus on those will attract a lot more young people, and I think that really brings me to our second speaker.

In terms of your presentation, again, taking an angle that is “How can you possibly”—this is how I took it—“engage a whole group of young people if one of the issues that they care most about, we are not even walking the talk as institutions across the world?”. You focused

on that particular issue, obviously acknowledging that climate change is a major issue but that if we do some things in terms of the way we operate personally, then we might actually engage a wider group of people, because they would believe more in us, because they would actually see us walking the talk. So I think that was a very unique and good perspective.

Patrick, we got the statistical rundown. Just sitting there, the thing that I noticed was—as Minister for Youth, I know the statistics, but when you start to reflect on the worldwide trend of younger people not voting and not being engaged, some of the themes that we have heard today, it sort of becomes quite logical. If we are not, if you like, in the same space, being able to converse—whether it is in social media, whether it is in an accessible way—then people will be disinterested.

Hearing your story that you were engaged before the election for a couple of weeks when the parliamentarians turned up to your hall of residence, but not having that regular engagement in terms of the issues. Again, I think social media is an opportunity, and technology provides a greater opportunity for young people to be engaged. I think, just coming back to your key points in terms of virtual communities and how we might tap into that in the future—and I think we heard that as well from Kieren around much more issues-based politics.

Jay—yours was very thought-provoking. Mate, if I can help you with your councillor in the Hutt. Not so sure about whether you had been touch, but I think one thing I would say, though, and it sort of made me reflect, and I was talking to Kieren about it on the panel there: one of the challenges that we have as politicians is—I get 12,000 constituency cases a year as the MP for Auckland Central, and, obviously, I am a Cabinet Minister with four portfolios, so I have got about 12,000 Facebook and Twitter followers. So one of the challenges that we have—and I think this has got to be part of the conversation in the future—is the number of contacts I would get as one politician with a small group of staff, and trying to work out what is a comment versus what is something that you need to respond to. And there is no way—it would be in the tens of thousands of contacts that I would have. That is something to think about in the future, I think.

But, obviously, I think your basic point was that if you treat young people as tokenism out here, and you think that they are this separate group, then you will not get it. You actually have to say: “They are citizens, we will engage on the issues.” It is not going to be the case of a skate park; it is actually treating young people as citizens. It is not just about those who are over 18; it is actually about a whole group of other young people having access to the process. There is my summary. Questions?

Hon Ruth Forrest: I am Ruth Forrest, I am a member of Parliament in Tasmania in the Upper House, and I want to thank you all. That was just really brilliant, but also very challenging, and I think one of the challenges as identified by the Minister is the number of contacts you get. I think, unfortunately, young people sometimes find it hard to know how to approach. So I am really interested to hear from you all on how you think we can make ourselves more available.

I get one staff member—that is all I have. I made a deliberate decision to engage young people straight out of university. I fought some resistance from the establishment in doing that, who wanted me to employ 50-year-old plus people, and I said: “No, I want this young man.” They said: “He has never run an office.” I said: “Well, he can learn. He is a smart young man—he will be right.” He has been brilliant. So how do we make ourselves accessible? I have a lot of young friends on Facebook too, and that sort of thing, but if I start inviting all of these young people in my electorate to be my Facebook friends, is that almost inappropriate?

Patrick Savill: OK, I will speak to this point. I think structured time to talk to them is very useful. I do not know if any of you are aware of a thing called Reddit, but it is an online forum group, and there is a subreddit called AMA, which is Ask Me Anything, and people of note go there and prescribe time to answer questions from users around the internet. So if you had a similar thing in your electorate, where you had a hangout online on Facebook where you answered people's posts for, say, an hour, it would be very useful, because it is a

structured time, they know to prepare themselves for it, and they can think up their questions. And out of your day it would be very little time, because you would say: "Ok, I have got an hour to deal with this and then I can go back to my normal work." Because, as you say, if you added them on Facebook during the day, then they could attack you at any time with questions, which would break your workflow. So I think having a structured time to do it—but as I said, I think there should be some more tools to help you, because obviously it is quite hard to do that with Instagram or Twitter—it is just infeasible.

Kieren Gera: I just want to make a further addition to that point. It is not just politicians who get a lot of interaction on social media. I do not know if you have heard of John Campbell, who is a famous broadcaster here in New Zealand. He is quite well known on Twitter, and he gets thousands and thousands of interactions every week from people because they just want John Campbell to reply to them. Well, I want John Campbell to reply to me. He does not reply to all of them. I think it is a matter of being quite strategic in how you interact with a large audience like that. So you might pick and choose to only respond to one or two comments a day, or you might see that the nature of comments fits within certain themes in one day, and maybe do some tweets that respond to those themes that have come through that day.

Henry Thompson: I think, also touching on technology, there is some really fantastic start-up technology coming out in terms of policy engagement. There is an organisation called Loomio, which is an online forum, a policy development platform, which is very inclusive. Members can post and share things and share ideas, edit them, and then vote on them. It was trialled in a practical sense in our last election, the Internet Party—[*Interruption*]

Hon Nikki Kaye: Sorry, I am not sure what that is, but I am Minister of Civil Defence so it is all going to be all right. I have not received a message.

Henry Thompson: Yes, the Internet Party, which—think of it what you will—did a fantastic job of really engaging its constituents by engaging them in an online forum. They developed all of their policy through that as well. There are other technologies as well that are out there. They are not hard to find but are really, really effective ways of engaging as well.

Tracey Martin: Sorry, we are jammed in here like sardines—it is a bit hard to stand up. Thank you very much; it was really enlightening. As the ICT spokesperson, and also working with Clare Curran and Gareth Hughes, I think what we tried to do in the last Parliament was actually get some older people in about how to educate our MPs on how to use technology. And yet, what you have just said, with regard to Reddit and the other technology, I am hoping that perhaps I can have a conversation across party and we can get either of you guys back, or somebody else back, to run an education session for those MPs who want to actually start to step up their game and use it more.

But my question was around Twitter. I think it was the young man at the end who said: "There are this many politicians who have a Twitter account." I have been tweeting live what you have been saying, not necessarily well, but just doing it. But you made the comment—at the end of that comment, you said: "But it is not working." I am interested in why it is not working, and the other thing I am interested in is the problem with trolling, and the problem with trying to engage in a reasonable political dialogue, whether it be on Facebook or Twitter or whatever, and then just being smashed over the head constantly by the people who do not like your particular politics, so therefore, your opinion—they do not want it to get out there. So those two things I would like a comment on, please—why is Twitter not working when I am trying to do the best we can, and, two, how are we going to handle trolling?

Patrick Savill: So, for Twitter, it obviously has the 140 character limit, and it is very hard to facilitate debate in a very short sentence. So I think it is very useful for keeping people up to date with news, but not engaging them. I could know that they are talking in Parliament about this policy, but I am not necessarily engaged. It is just a little notification saying: "Oh, this is happening." I might think to myself: "Oh, well that is nice. I am going to go and cook dinner." So it does not really engage you, because there is nothing substantive there, but also you do not want to make it too long. The press releases, which are 15 pages—we do not really have the time or interest to read all of that, but Twitter then is too short, so something in between.

With trolling, it is very hard, because there are a lot of people who have negative thoughts and just want to jump online, but if you have moderators—so, back to Reddit, sorry to keep pushing this point, but they have moderators who moderate the subreddits. Their job is to spend 6 hours a day watching every comment, and if it is against the guidelines, which you can set out, they delete it. So if that was to be interfaced with a parliamentary thing, you would need one person who just moderates the social media. On Facebook that does not really happen because you cannot delete somebody else's comment. So you need to have somebody who has that power in a medium where they can—they should be hired—see whether this is useful; is it going to help debate, or is it just hate speech, or is it trolling? And then you can delete it. It is very hard to do, but you need moderation. Or, if you could just have faith in political kindness, and human people being nice, that would be great. But that currently is not seen. So a respect needs to be built up, and moderation, would be my answer.

Jay Èvett: Sorry to jump on the end there, Pat—we have also seen recently how it can go wrong. Donald Trump's live-tweeting question session in New York went horrendously wrong. He did that with video. If you have seen some of the tweets that he got sent, he was setting himself up for a complete failure there because he answered very few, and most of them were very, very aggressive questions. The few that he did answer, once again, he did in typical Trump fashion by not actually addressing anything and just repeating the words "jobs" or "China" over and over and over.

So it is always about making sure that what you are saying in that very small amount of words—because, again, people's ability to pay attention to things is quite short. Even I get lost sometimes. It is important to make sure that what you are saying is easy to understand and, even if there is that bit of negativity, it is good to just engage with it either way just to show that you are not going to just delete people because they are saying things that you are concerned about. If it is completely out of line, sure. But it is about facilitating that free speech as well.

Henry Thompson: And trolling is also indicative of a wider mind-set, right? Granted that trolling is an internet-wide phenomenon, and it does happen in various forums and things, but I feel for a lot of youth the online engagement that we currently practise in our parliamentary systems is tokenistic, and it is not really there to make any genuine engagement with young people. And I think that mentality is expressed through that trolling mentality as well.

So if there was genuine buy-in and engagement and a feeling that young people were actually being consulted and the conversation was meaningful and had some policy impact, then you would see that mentality change as well. But, currently, as Jay talked about before, being treated like a tick in a box, you do kind of get that negative response because we do not feel like we are valued. So that will change as well, as our mind-set changes.

Kieren Gera: And I have got two things to add on top of that. The first is that sometimes it does not work if you are an MP and you are interacting with the public via Twitter, because if your approach is coming from a partisan angle, then young people are going to interact with that in a certain way. But if you come at it from an issues-based angle—"This is what we believe in, in association with a certain issue, and this is what we think should happen."—I think people are more likely to interact with that in a meaningful way, rather than saying: "Our policy is this and we believe in this." Take away the partisanship, even though that may not necessarily look great in terms of pushing your party and increasing its popularity, but more and more so I think young people are trying to distance themselves from partisanship.

The second thing is I think we completely undervalue the importance of digital communications people—people who actually know how to interact with the public via social media. We think that we can hire a young person because they know how to operate Facebook but, actually, there is a whole science to social media and a science to social media marketing that is not—we could deliver a workshop to MPs, but I actually think that people who have studied the science and really understand what is involved in that world

are really valuable. If you look at most successful private businesses, they have dedicated digital communications staff.

Hon Ruth Forrest: So I got Tracey Martin's tweet, but there is no hashtag for this conference, and I am wondering what difference that makes in any event—to have a hashtag. I have never really understood hashtags, and I thought this was a good panel for me to ask that question to. Thanks.

Henry Thompson: When people put something up online and it is on a web space and you tag it as a tag, which is a common thing, right, that is what a hashtag is for Twitter. You are creating a common theme. So when a bunch of people get together and tweet about the same thing, it gains traction and popularity, and it starts trending. The more it trends, the more people see it, and the more people engage with it. So if you look at various times around the clock and around the globe, when something big happens—more often than not it is an American sports game—that hashtag is used to, really, collate information.

There are some really fantastic examples of when a hashtag has started trending and people have gotten on board with it. One that I was personally interested in was—I have a few friends who live in Turkey, and during the Turkish students' riot, Twitter was used, through the hashtag #occupystanbul, to coordinate first-aid responses for the protestors. Young people who were nurses and students with first-aid training and kits and things, they really coordinated their effort of giving first aid to those protestors via Twitter, which is amazing. That was all done through that collaborative hashtag.

It also allows people to search out what that hashtag is and to engage with all of what is being talked about, and the varying perspectives and things. It just sort of puts it into one space, like a tag would in another online forum.

Hon Ruth Forrest: So what hashtag should we use for this?

Hon Nikki Kaye: #ASPGNZ?

Henry Thompson: #ASPG would work fine.

Hon Nikki Kaye: #ASPG? OK. So the hashtag for this is going to be #ASPG.

Henry Thompson: Or, for this forum, #moderniseparliament.

Hon Nikki Kaye: Yeah.

Kieren Gera: Oh, I like that one.

Hon Nikki Kaye: Or both. Use both. #ASPG and #moderniseparliament. We have run out of time. I know there are a lot more questions, but I have no doubt that you will have an opportunity, and some of you will be sticking around.

Delegate: There is a 20-minute pause right? Is it a 20-minute session? Is there a bit of a break?

Therese Arseneau: There is tea for 20 minutes.

Hon Nikki Kaye: That is right. So there is going to be an opportunity—

Delegate: We will be around.

Hon Nikki Kaye: There is going to be an opportunity to have a chat with these guys, but can I just thank everybody and just actually reiterate what Kieren said. As a parliamentarian, I am sure Louisa and these guys would feed into that. I think some of the things that have been discussed today are just about using social media effectively, and not having heaps of text. That is one thing where my staff are constantly saying to me: "No one will read your press releases. You need to sum it up in about 140 characters.", the use of visual—so video, photos, that is quite significant—understanding the different mediums. Tracey, on your question, understanding that Twitter is, effectively, a newsfeed, and that there will be trolls and there will be different mediums that will have more activists and more non-activists. That is something that I think about quite a lot, which is ensuring that if you have got something like Reddit, there are a lot of people who know about it and you have not just got the activists turning up to kick you.

So it has been a great session. Thank you so much. We are very grateful. You have given us huge food for thought, and each of you, I think, are very passionate and have huge futures, and it has just been a privilege to have you here on our panel. Thank you very much.

Therese Arseneau: There will be morning tea back in the Grand Hall, and our panellists are definitely invited, and I am sure lots of people still have questions and would like to have a chat with you, especially since so many Australians in the room, of course, have compulsory voting and probably have some questions. So I am sure that that may well be a topic that comes up.

Thank you to Minister Kaye for helping us to organise this. The other thing that links these four is that they have all been Youth MPs, and they have all been Youth MPs for a different party. So, again, this is a theme that, hopefully, you will see going through in this conference: diversity, great ideas, and challenging ideas on how to modernise Parliament.

Representing Women in a Modern Parliament

Chair: Tracey Martin, Member of Parliament, New Zealand

Panel: Hon Catherine Cusack, Member of Parliament, New South Wales Legislative Council, Australia; Ana Gilling, Teaching Fellow, Victoria University, New Zealand; Louisa Wall, Member of Parliament and co-Chair of the Commonwealth Women Parliamentarians New Zealand Group, New Zealand; and Wendy Hart, Secretary of the Commonwealth Women Parliamentarians, New Zealand

Chair: Kia ora, good morning. My name is Tracey Martin. I am a list MP for New Zealand First, and I have been asked to chair this session, so thank you very much for the invitation. Thank you very much and welcome to all the delegates, particularly those who have come from Australia. We are really pleased to see you here.

This session is on representing women in a modern Parliament, which I am really looking forward to listening to myself and to listening to the contribution of these women, because it is a topic that I think that, after a hundred-and-so years of women having the vote or whatever here in New Zealand, actually is still very, very relevant. It is becoming more relevant every day, and I believe that the topic of equality, women inside the workplace, women inside the Parliament, and women inside the voice that represents them is, strangely enough, on the rise again here in New Zealand. Well, that is my feeling.

We have some incredible ladies sitting here before us today. We have the Hon Catherine Cusack from the New South Wales Legislative Chamber in Australia; we have Ana Gilling, teaching fellow from Victoria University; Louisa Wall, an outstanding member of the New Zealand Parliament; and Wendy Hart, secretary of the CWP. I am not going to jump up every single time these ladies stop. We will applaud because they will deserve it, and then we will move on to the next lady. I do not want to take any more of their time. We will take questions at the end. They have larger sections of time than the last presenters because they are talking specifically around papers that they have placed. Kia ora, thank you.

Hon Catherine Cusack: Thank you so much for the introduction and the opportunity. I would like to begin by saying I am actually a bit of a technology devotee. I have got an Apple Watch that I am wearing at the moment, and I am trying to get our Parliament to use it to replace our paging system. I am getting Twitter and phone messages, and I am telling you all of this in order to convince you that I am not stupid about technology, because this morning I had a major technology malfunction, and my presentation and my slides, to cut a long story short, are actually not available. So for my Australian colleagues on Twitter, it is #awkward what has happened to me, and I think what I may do is, perhaps, organise, when I can and when I have restored power, to circulate that separately. So please bear with me, but I thank you for the chance.

Look, in terms of the scene setting that I have been invited to do, I guess the main thesis of my presentation is that the kind of struggle for improved female participation in public life is actually a symptom of just what I see as a generic struggle that Parliament is having with all forms of reform. And I actually want to talk about the difficulty that Parliament seems to be having, in my eyes, in reforming itself.

I think one of the titles of my talk that I have been given is "Do what is difficult while it's easy". It is a reflection of my frustration that Parliament does have opportunities and that windows open and close for reform. We do not seem to be able to do anything. We seem to choose that "do nothing" option, not fully understanding that doing nothing is not an option at all. What then happens is the reform that is needed defaults to people outside the Parliament—others—and then they impose change, and often we do not very much like it.

So, in that context, I obviously do want to talk about women and a little bit about the CPA. I want to talk about why I believe reform is urgent and imperative, and that is in the context of declining trust in our political system. I am going to prove what a risk taker I am and give a little case study in parliamentary superannuation, which we failed to reform in Australia and we had reform imposed on us. That is a topic that has been a bit of a taboo

topic to talk about, but I think the fact that we cannot talk about it is actually what caused us to have such a problem in the first place. Then, finally, I have six ideas that I think may be worth exploring in the context of things that, actually, are not that difficult—we let them get difficult—and maybe some suggestions as to how we can improve things while it is easy to do so.

First of all, just about the CWP—that is, the Commonwealth Women Parliamentarians, which I chair. It is an organisation within CPA in Australia, and I would like to acknowledge Poto Williams, who is my regional-chair equivalent in New Zealand, and also my female Australian colleagues who are here as well.

We have, in the last 12 months, tried to narrow the focus of CWP, if I can put it like that, from an organisation that attempts to do everything to just really focusing on our core mission, which is to increase female participation in public life. We have had a lot of success in the media, and I think Australians would generally echo my sentiment that we have managed to get a huge conversation happening about women in politics. It is in our media. All our political parties now have got big inquiries into it, and our new Prime Minister, Malcolm Turnbull, has just increased the number of women in the Cabinet by five, which is seen as a big improvement. All these things are happening, I believe, because of the way that we have worked as a CWP to contribute to change that environment, and make us have that conversation, particularly inside my own party, which is the Liberal Party.

We have done that. Some of the strategies we have used: our website is cwpaaustralia.com and it is the only website that has accurate, up-to-date figures on female representation in politics. We have made a huge effort in that regard. Not only do we have the live figures of how many women MPs there are in Australian parliaments, but it has also got analysis of election results progressively so you can see what the change was as parliaments have elections. We have set up that format, and we believe that will be the gold standard. We really aim to dominate that space and assist our thousands and thousands of constituents, particularly schoolgirls, who really need to access that information.

We offer self-development opportunities for our members. We have established an alumni organisation, which Helen Coonan and Rosemary Crowley from South Australia have agreed to be patrons of, and we are hoping to get a database established with the Australian Institute of Company Directors, where former women MPs' details can be put on and the wider community can have greater access to them and their services after they have retired from politics.

But, most important, and I think this is the key of my talk, I have tried to get women MPs around Australia to embrace each other across parties on the basis that we wear two hats: one as politicians, and the other as parliamentarians, and it is as parliamentarians that we have this great opportunity to work together. So it is OK for us to stand in the Chamber and scream abuse at each other across the Table, because that is when we are wearing our politicians' hats, that is what our parties expect us to do, and we respect the fact that they put us into Parliament to undertake this work. There is nothing shameful or in conflict with that by, at the same time, having that duality of being good parliamentarians, having a drink after work, sharing issues, and actually setting up an agenda. In New South Wales, in my own branch, that has happened very effectively. I am pleased with their progress. I am going to have to speed up a bit.

In terms of getting more women into politics, we have recognised that it is actually beyond the scope of Parliament to do that. Everyone is going "What's Parliament doing about getting more women into politics?" Well, the reality is it is externalities and, in particular, political parties who are the pipeline into Parliament. What we can do is offer the leadership, but reform is very complicated because we have to engage media, parties, and governments, and I would say we talk about governments, but, actually, it is increasingly becoming simpler or distilled from governments to leaders, because leaders now have so much power in our political process.

On the issue of parliamentary superannuation, I just wanted to briefly allude to it. My own great grandfather was a Labor Member of Parliament in New South Wales. He retired after one of the Labor Party splits and was absolutely penniless when he left, and then had to go

back to being a blacksmith. He was very angry and covered his blacksmith in graffiti abusing his opponents and embarrassed his family and got himself disowned by the family. I tell his story because he was not the only one. Henry Parkes, the Father of Federation, was bankrupt when he left politics, and Robert Menzies in *Afternoon Light* thanks his brother, commenting that he would have been absolutely penniless had his brother not looked after his finances prudently while he was working as a politician.

We had a huge a problem in Australian politics of people not being able to leave the system because there was no financial means to do so, and parliamentary superannuation was introduced as a means to do that. What was happening was people would not leave unless they were thrown out, but in the safer seats where we get our Ministers and Premiers, they were just not going. We had many. The Parliament in New South Wales was becoming very elderly. A new patronage crept in where to get rid of someone and to free up a seat you might appoint them as the Agent-General in London. This became one of the few means of getting people to move on so we could renew.

Parliamentary superannuation, when it was introduced, was meant to not only give a dignified exit strategy, but it was actually a big means of refreshing the Parliament. In New South Wales we certainly did have the much-needed turnover when it came in. Our system was designed so that after 20 years it maxed out and you started to get penalised for staying longer. So that reflects the objective.

Anyway, over the years we failed to reform it. As the rest of the world changed, as superannuation laws changed, as pension policy changed, and the rules changed for the public, we did not evolve the parliamentary superannuation scheme. It increasingly became seen as a rot and it became very vulnerable and unsustainable. It fascinates me that Parliament and MPs all knew this, but we did nothing about it. It all came down in 2004 when Mark Latham attacked it and, to just show how vulnerable it was, it was literally a matter of days for it to fall down in virtually every jurisdiction in Australia. So that is how badly we had let things go. We had not maintained it.

Then, of course, what happened was we lost it altogether. So now in my own state we actually have a system that I think is almost as bad as where we were previously whereby we have got MPs with no superannuation at all. Their ability to leave politics is, yet again, very constrained, and I predict that in another 10 or 20 years in New South Wales we will have gone full circle and will be needing to find some means of getting people to turn over. So I am saying: do what is difficult while it is easy.

In terms of the window for reform, if you do not access it when it is open, others will step in and do it for you. I think that the lack of capacity for parliaments to reform themselves and be masters of their own destiny is one of the most disappointing things I have experienced in public life. I actually had not understood how constrained we are.

I think there is a big problem we have in that the public perception is that the Government is the Parliament, and I really think that parliaments have not really protected themselves very well from being tarred with that brush, and that may be something that we could focus on. I think the power of the executive, and, really, as I said, the power of the leader, has become too disproportionate and this has very much damaged the Parliament. For example, we only reform things like superannuation when the leader makes an announcement, followed by support from the Opposition leader. This is not the Parliament actually doing its own thing; this is the party system in Government doing reform for it.

I think it is very important—and I love this group, although it is my first time here—that we should be reasserting our role as genuine parliamentarians, which is very much the mission of the CWP in how we have been building that case for reform. I am telling you that it works. There is an opportunity for that. Many new people coming into Parliament do not even understand that there is the opportunity in that role because it has been so shrunk down.

The CWP is trying to collaborate, as I have said, across parties. But you do not just sit down and say: "OK everybody, let's collaborate." You do not just use Twitter and say: "OK, let's Twitter." This is a means to an end, so we collaborate through self-development opportunities, like we did at our Sydney conference. It is about learning together and having

those conversations together and creating that safe space and opportunity to do that. The appetite for it has been really quite stunning.

We have also looked at how we talk to men, recognising that, really, it is going to be when the guys want change and about how we persuade the guys to take up our cause. What is it about how we are communicating with men that, quite frankly—at our conference in Sydney we had a male champions forum, and I just sat there and listened to these really great guys from all parties. I would describe them as the best we have who were doing their best, and I was really stunned at their lack of understanding of where the barriers are and where the opportunities are for improvement.

It was actually one of the best things I have done, because I had been sitting there talking at them and not really understanding that they are clearly not quite hearing our message. So we are looking at ways that we can communicate better with the guys—not presenting increased female participation as a threat to them personally but recognising that everybody who is in Parliament has worked hard and earned their seat in Parliament. But let us see what we can do for the future in creating that space, again, as parliamentarians.

I just want to throw a couple of ideas at you, because it is such a great opportunity. I think that our committee systems need to reclaim their power. We really are all sitting there just being party people far too much, and we have undermined the power of our own committees. This is because of the expectation of our political leaders. I know this is complicated, but I would love our political leaders to have more understanding of how they are diminishing good governance in our system by undermining committees.

The example I will give is the many watchdogs we have: the Privacy Commissioner, the Ombudsman, and in New South Wales we have got the Crime Commission and numerous agencies, which are all independent of the executive. They all report to the Parliament, and, of course, when the committee system is actually being controlled by the elected Government, the executive, which is, really, what occurs, really undermines the ability of those watchdogs to have confidence in Parliament as the place they are reporting to when they know that their mandate and their resources and their legislation are all really being engineered by the executive and that what goes on in the committee is more of a rubber stamp for what the executive wants.

You can see how this changes the dynamic and the attitude of the watchdogs, who are now suddenly reporting to Parliament because that is what it says in the legislation but are actually recognising that while it is in their best interests to have these relationships, their real masters are in the executive. So now, all of a sudden, the whole point has been thwarted. I really believe that is a great shame. I have seen in Scotland that the Ombudsman is appointed by the Parliament—literally, an all-party committee—and the difference that makes to the governance framework is fantastic.

In terms of ballot papers, we do have compulsory voting in Australia. I am just going to put my idea out there. I think that we need the names on the ballot paper and we need everyone to be given the option of “none of the above”. Voting is compulsory, but you do not have to vote for a person, so people are spoiling their ballot papers, and all sorts of things are going on. If we actually had an option of “none of the above” it would give us a fantastic barometer of how the public is measuring confidence in our system, and I would love that. Over the years I think that would become a big issue in an election, and so it ought to be.

I am nearly there. I think we need to review our titles. I am the Hon Catherine Cusack, MLC because I got elected to Parliament. I did not earn that title, and, to be honest with you, I felt quite embarrassed about having that title. There are people in politics who have earned those titles. That was not a very popular suggestion in my Chamber, I have to admit, but I do think we need to review that language.

I think we need to apply more workplace laws to our parliaments to protect staff and MPs and to improve standards, and this will be a great improvement for the environment in which women operate. I think parliaments need to engage more directly with political parties and not pretend that just because they are not in our constitution they are not important. They are hugely important, and by pretending they do not exist we have actually ceded too

much decision making to them. They are serving their party interests, and, then, every time we lose a little bit of power, that is a loss of public interest, in my view. I think that we need to engage those parties in reform, because, actually, the parties are quite interested in reforming themselves too.

So in conclusion, as I have argued, organisations like CWP, which I am proud to lead, can show leadership and we can set the agenda. I think we are demonstrating that in Australia with the way the debate and the outcomes are going. But the means of reform are complex and challenging. It is a journey that I believe is well worth taking, because doing nothing is not an option. It means that we default to outsiders who do not have the best interests of the Parliament or even, necessarily, the best interest of the public at heart. So if we do nothing, others will come in and do it for us.

I believe, for example, we have a really suboptimal parliamentary superannuation scheme. I am just giving you that as a case study, where that was not a thoughtful change. That all happened in the context of an election campaign. It is not the way we should be designing our system of governance. If we do not make those changes, they will be imposed on us—they will be coming.

Can I again thank you all for the opportunity. I hope that setting out those challenges and the approaches we are taking sets the scene, perhaps, for a few more gendered statements. I have got statistics coming out my ears. Can I finally do that last ad for our website, cwpaustralia.com. It is one word. Please feel free to hang out on our website and look at the progress that we are making. Thank you again.

Ana Gilling: Kia ora tātou. Thank you very much for the opportunity to speak to a subject that is very close to my heart and the basis of my academic work and career. I would like to look today at engendering the New Zealand Parliament and what it would take. I want to start with some propositions that I do not think are particularly controversial but that I have been told by others may be considered controversial. To start with, I will say that for most women in most Western countries, Parliament is neither representative nor democratic. For the most part, Parliament does not take into account, either in number or substance, the views of women, either as MPs or as members of the public.

What I would like to do is, basically, set the scene of why I think we have a problem—and particularly in the New Zealand Parliament—in terms of a lack of women's representation. Then I will offer you up four propositions that have been taken from other jurisdictions and see whether they would be applicable in the New Zealand context.

These are the most up-to-date statistics from the New Zealand Parliamentary Library. I think there are two important features to take away. One is the jump between 1993 and 1996, when we moved to MMP. But the second feature, I think, to take away is the fact that we have basically remained static. The 2008 figure of 41 percent is an aberration, and it is because the overhang was larger in 2008, so the percentage actually stays the same.

There is something in the idea that 30 percent is what we think of, both in theory and in practice, as a model minority. We look at a diverse group of people with 30 percent of one group and we say: "Yep. They are present, but not enough to actually challenge the basic power structures." So you would not walk in and see 10 people on a committee, 3 being women, and say: "Well, we need to change this immediately." Women are present, but it is neither fair nor democratic to stay at 30 percent.

This slide shows what we get. This is a recent photo taken at the annual debate of the National Council of Women of New Zealand on the economic costs of domestic violence. The National Council of Women went out of its way to find women speakers, and it ended up with this lot. Every single man got up and said "Well, I am not really qualified to speak on this issue.", but then each proceeded to speak for about half an hour. This occurs a great deal, but it is not actually the real problem, I would suggest.

This is the real problem: at its core, the New Zealand Parliament is based on a set of masculine norms that we have inherited from the 19th century, and we have not actually changed or challenged them. All we have done is add women into the system. The reason I have chosen Massey is because I did my PhD in Belfast, and Massey was actually born in

Limavady, which is just north of Belfast, Northern Ireland. There is actually a statue of Massey outside the Northern Irish parliament buildings, which I found quite ironic.

Marilyn Waring once said that the New Zealand Parliament's calendar was based on the mating habits of sheep, and there is something to that idea, that our original set-up of Parliament—in terms of diary, calendar, culture, and the subjects we perceive to be more important than others—are based on those 19th century norms. For example, we have implicit recruitment ideals on the left and the right. On the left: unions, union leaders, and teachers. On the right: business people and farmers. That is straight from the 19th century. That has not actually changed in the last 150 years.

What we have, I would suggest, is—not just in New Zealand but around the world, as we have seen an increase in women in parliaments—we have moved to what some people have described as gender-sensitive parliaments, but which I do not actually think is the same as actually having a truly gendered Parliament. Gender-sensitive parliaments are parliaments in which they report on the number of women present, but I do not actually think that doing an audit of numbers in any way challenges the power structures or in any way challenges the masculine norms upon which the system is based. Simply adding women into the system at no point challenges those structures. What we need to do is talk about how we can engender not just presence but power representation, culture, and parliamentary practice.

These are my propositions—what I would regard as the easy fixes: introduce gender quotas for recruitment, retention, or representation. We have something like 75 countries in the world that use quotas for women. This is not controversial around the world. They can be applied in any number of ways. Most of them have sunset clauses; they are not designed to be there for ever. They are designed as a mechanical fix to intervene in a system that is not producing a representative Parliament and then are withdrawn once the system rights itself. The Labour Party in New Zealand has a target of 40 percent, but has not outlined how it is going to achieve that. The Greens, obviously, do a system of male/female on their party list. But there is no rule anywhere in the New Zealand political system that we could not introduce quotas at any point in our system.

The difficulty for New Zealand, in terms of quotas, is that there is no significant groundswell of opinion for introducing quotas. In fact, some would say that we have actually seen quite a significant backlash, if you remember the debacle that was the “man ban”. Labour articulated its position particularly badly and allowed it to be characterised very quickly as a man ban instead of saying: “This is actually something we are doing internally to meet our representative and democratic requirements within our own party.”

Of course, around the world left-wing parties tend to do better in terms of the numbers of women, so, really, trying to get quotas is actually about trying to get quotas within right-wing parties. That is actually a much harder thing to achieve. The place they have been the most successful is in Africa. We now have four countries in Africa that now have a majority or women in the Parliament. In Rwanda after the last election 63 percent of its Parliament is now women.

The second thing that I think would be pretty straightforward to do is to engender parliamentary practice by normalising the sitting calendar. This has actually changed over time, but I would suggest that, in fact, most of the changes that have been conducive to getting more women into public life have been actually quite hard fought for. They have not been given, and they have not occurred naturally. They have been as a result of people campaigning for certain things, and they have taken far too long to achieve.

For example, in the 1980s New Zealand parliamentarians did not have paid electorate secretaries. The idea was that the men would be the MPs and their wives would be their secretaries in the electorates. A number of women MPs, both in Labour and National, actually paid out of their own salaries to hire women in their electorates to act as their secretaries. For example, Marilyn Waring paid for Katherine O'Regan to be her electorate agent in Waipā, and it was only when Marilyn Waring and some women in Labour campaigned to have paid electorate secretaries that the system responded. It was only last year that the Speaker allowed parental leave for MPs; it was not in the Standing Orders. The

parliamentary creche is only 15 years old. We have not changed fast enough and it is not organic and it does not happen naturally. It has to be fought for and we still have quite a long way to go.

There are some relatively controversial suggestions in terms of parliamentary practice. One suggestion is job sharing. The Green Party in Britain has just launched a legal challenge to allow, under Britain's electoral Act, for job sharing. The first judge at district level struck it down, saying that the relationship between a man and his constituents was too special to allow for job sharing. The two Green women who wanted to job share pointed out that in his very language that was the problem.

One of the things that is being considered in Canada, and has actually been very successful, is to hold select committees in regions. It seems like such a straightforward kind of idea.

But I want to suggest two things that I think are far more difficult but would actually be a far greater challenge to our understanding of Parliament. The first one is to establish a women's select committee through which all significant legislation would pass. In 2014 the Speaker of the House of Commons in Britain launched a Speaker's Conference on Parliamentary Representation.

Britain's rate of women MPs moves between about 15 percent and 20 percent, and the Speaker's conference recommended the establishment of a women's select committee. It would be based on the Public Accounts Committee, which is the equivalent of our Finance and Expenditure Committee, and it would be chaired by an Opposition MP. It would have powers to compel witnesses to appear and defend their record on gender equality. It is a relatively controversial suggestion. It was picked up by the Conservative Party and by Labour, and it was established in 2015. They have just launched their first inquiry, which is into discrimination against transgender people. Their second inquiry is going to be into the use of quotas for public life.

The ironic thing when I was thinking about this—it is very hard to say at this stage how successful the British select committee will be—is that I found out that in 1975 the select committee on the role of women in New Zealand society recommended exactly this committee. So it was controversial in 1975. We then ignored it for 40 years, and I am recommending it today.

The other suggestion that came out of this committee's report was the development or establishment of a Government department, perhaps a Ministry for Women. It was picked up by women in the Labour Party and it was made one of the core election promises in 1984. But the select committee has never been discussed; in 40 years we have never talked about it.

I think this would be a fantastic idea. I think, however, that the applicability in the New Zealand situation would be an extraordinary opposition—that such a select committee would represent such a significant brake on the power of the executive or that it would take too much power away from other select committees, or, in the alternative, that if it did not have enough power, it would simply become a ghetto for women's issues, and all that would happen is that the Ministry of Women's Affairs would appear before it, make its complaints or make its pitches, and then those would be ignored. So there is some logic in trying to get women's issues into so-called mainstream select committees. So I think that would be the pushback against it.

But we have to remember that every select committee and every Cabinet paper that goes up to the New Zealand executive is meant to have a gender analysis statement and a gender equality statement attached to it. In practice, Government departments do not meet this obligation. They do a tick-off. They call the Ministry for Women the day before something is due. We do not have gender equality and gender analysis statements actually mainstreamed in our Public Service, and this would be a parliamentary response to that lack of concern and coverage of women's issues.

I think the most controversial proposition I would like to talk about, though, is getting rid of geographic MPs completely. The idea of geographic representation is at the core of the Westminster system, but it comes from the very start of the Westminster system whereby MPs

were, as British political scientists would describe, attorneys who were intermediaries between constituents—and their paying moneys to the Government to spend it. That is no longer the case. There is no reason we should still be clinging to geographic representation, particularly in New Zealand.

The concept of Parliament being a group of local MPs who bring local issues to Parliament was eclipsed in the 19th century in Britain by the notion that Parliament represented a national interest and would only debate national-level issues. That was then superseded in the 20th century by the development of modern political parties, and it seems to me that it is simply just recognition of the nature of modern politics to say we no longer have geographic constituencies that have issues that need to be dealt with by geographic MPs and that instead we have political constituencies—people who group themselves by class or occupation, socio-economic, ethnicity or gender—and that the parties should respond by representing those political constituencies via a party list that is centrally constructed.

There is no country in the world that does this. There is no country in the world at the moment that is considering this, but I am going to make it my crusade to introduce it at every political science conference I go to, and see if I get any traction at all. I have a godfather who works for local government. We were discussing this proposal, and I said the flip side of what I am suggesting is that in New Zealand we need to re-energise and empower local government to take over those issues that you would have to naturally lose if you got rid of geographic representation. There is no reason that the New Zealand Parliament should be discussing in legislation how much salt is used in Otago on icy roads. That should be an issue for local government, and then at central government, we should be talking about why it is that New Zealand women are less safe in their own homes than they are on the streets and in cars. These are national issues for women in New Zealand. Salt on roads? Otago, go for your life.

These are my propositions. I would love to have some feedback. I do not think the proposition that we need to engender the New Zealand Parliament and engender parliaments is particularly controversial, but some of these responses may well be. Thank you very much.

Louisa Wall: E ngā mana, e ngā reo, e rau rangatira mā, ngā manuhiri tūārangi, tēnā koutou, tēnā koutou, tēnā tātou katoa. Ngā mihi ki ngā mana whenua, Te Ātiawa, Ngāti Toa, tēnā tātou, nō reira, tēnā koutou! Ko wai au? Ko Tongariro te maunga, ko Taupō te moana, ko Waikato te awa, ko Ngāti Tūwharetoa me Waikato ngā iwi.

[To the powers, voices and visitors from afar, greetings, acknowledgements and compliments to you and to us all collectively. So accolades to us and to you the mandated ones of the land here Te Ātiawa and Ngāti Toa, greetings! Who am I! Tongariro is the mountain, Taupō is the lake, Waikato is the river, Ngāti Tūwharetoa and Waikato are the tribes]—and the “Wall” comes from Northern Ireland.

I am very proud to stand here today as the co-chair of the Commonwealth Women Parliamentarians group here in New Zealand. I want to acknowledge my co-chair, Joanne Hayes, who is a member of the National Party and who is not here today, unfortunately—and introduce Wendy Hart, who is the secretary of CWP. I would also like to acknowledge Poto Williams, who is one of our executive members and is our regional representative, and all the other colleagues in the room, including the wonderful Tracey Martin. I very much enjoy working with her. But thank you very much for our opportunity to contribute to what modernising Parliament looks like from a practical perspective.

Wendy and I are going to kind of job share this, and she is going to handle the technology.

Wendy Hart: No pressure!

Louisa Wall: The photo that you see here was from our most recent Pacific Women's Parliamentary Partnerships initiative meeting or forum, which was held in Fiji. By rights of being a member of CPA, and Australian colleagues very generously ensuring that New Zealand is always represented, we are now part of a Pacific network that is trying to build the capacity for women to stand for office and be elected to office. That is our primary objective.

Wendy is going to run through the history, and then I am going to talk about some of the crunchy stuff, like what we have decided to do in this particular parliamentary term.

Wendy Hart: I just thought I would background this with a quote from our Speaker, the Rt Hon David Carter. He stated in 2015, before the New Zealand delegates departed for Sydney to attend the inaugural CWP Australia conference, that the representation and participation of women in Parliament is one of the indicators of a healthy and highly functioning representative democracy. It is very important that we invest time in considering and acting on the factors that have inhibited women's representation.

OK, let us go back to 1893. New Zealand became the first country in the world to extend the vote to women. It now seems inconceivable that New Zealand women were actively shut out of the democratic process until that date. To 2015—New Zealand has never exceeded 35 percent in terms of women's representation in Parliament. It is extremely slow going.

The New Zealand Parliament is a member of two key international parliamentary bodies: the Inter-Parliamentary Union, and the Commonwealth Parliamentary Association, both of which have strategic objectives to increase the participation of women in politics. Why does it matter? It matters that women are represented in our parliaments. Parliaments embody democracy and are the central institutions through which the will of the people is expressed. Laws are passed and the Government is held to account. For Parliament to play its role effectively, it must be elected by, and representative of, all parts of our society, including women.

Ana referred to the term "gender-sensitive parliaments". It is a bit of a magical mystery term to some in the audience, I am sure. It was to me until a couple of years ago. I thought I would just give you the Inter-Parliamentary Union's definition of a gender-sensitive parliament. It is: "that which responds to the needs and interests of both men and women in its structures, operations, methods, and works." The IPU also notes that gender equality is not simply guaranteed by the presence of women, and we referred to the numbers game before—we are all drowning in statistics. It also depends on a Parliament's gender sensitivity and awareness in its policies and infrastructure, not least in our Standing Orders.

The Commonwealth Women Parliamentarians is fairly nascent in the New Zealand Parliament. Louisa and I were discussing this before. We think it has been in existence formally for about three terms—perhaps in 2008 it came about. The CWP is part of the Commonwealth Parliamentary Association, which is made up of around 185 national and sub-national parliaments and legislatures, comprising about 17,000 members. As I referred to, the New Zealand Parliament is a member of both the IPU and the CPA. The CWP came about in about 1989. It was founded by women delegates to look at ways to increase women's participation in Parliament into mainstream gender considerations.

Coming forward to 2015, part of the CWP's strategic plan, in its advocacy section, is to map areas where there are particular problems, concerns, and opportunities affecting women, such as intimate-partner violence, domestic violence, female genital mutilation, and under-representation in politics. The CWP is organised into about nine regions, and I apologise to the British Isles for the typo in the slide there—I have made you into the British islands. The CWP is governed by a steering committee. Poto Williams is our current chair for the Pacific region, as CWP New Zealand is part of the Pacific region.

Ana mentioned the idea of a women's select committee. In my personal opinion, it is a fabulous idea. The CWP might fill the gap there a little. Louisa and Jo share a unique forum for women across the political spectrum. There is a lovely photo of them in front of the National Council of Women quilt in Parliament. Women parliamentarians from across the political spectrum come together to work together and for gender equality. All financial women members of the CPA are entitled to join the New Zealand group.

About two-thirds of women MPs in the New Zealand Parliament are members of the group, and they come from a range of political parties. CWP New Zealand is also exploring associate male membership for male members of Parliament who support the aims and objectives of the CWP. That is to be looked at down the track.

Louisa Wall: Can I just speak to that?

Wendy Hart: Sure.

Louisa Wall: The reality for us is that we are not the majority, and I think part of the gender mainstreaming philosophy is actually working on issues that we can agree on. One of the things we did early in this parliamentary term was decide as a CWP group what our legislative programme would be. We have got 3 years to implement something, and so one of the challenges for us was to try to find something.

We found two issues, and I will talk to those a bit later, but part of us being able to achieve any legislative reform is actually having male champions. So I will talk a bit more about how we have enabled that and how we do have male champions across the House. Associate membership really is a recognition that women and men have to work together if we actually want to enact the legislative reform we have identified.

Wendy Hart: As I referred to, and Louisa introduced, the CWP group in New Zealand is co-chaired by members of two main political parties—in this case, the National Party's Jo Hayes and the Labour Party's Louisa Wall. I think this give it a pretty unique parliamentary flavour, and it is something that other CWP groups around the world are looking at doing to ensure that parliamentary flavour. As I said, Poto also represents New Zealand on the Pacific region's steering committee. I think Ana—or was it Catherine—referred to members screaming across the Chamber at each other. They may be divided across the Chamber floor, but when it comes to sitting in the CPA room, women parliamentarians come together in the CWP to promote parliamentary service for women and to represent women parliamentarians' views and concerns across party lines.

One of the key aspects of the group's rules sets out the objective as being to foster closer relationships within the Pacific region, and I think the Pacific Women's Parliamentary Partnerships Forum, funded by the Australian Government, has been absolutely key in bringing women together from across the region. Also, as I said, an objective is to provide an opportunity for members to discuss and act on gender-related issues across party lines in New Zealand, the Pacific region, and across the Commonwealth, and provide opportunities for those strategic discussions, and also to talk about gender-related policy and legislative developments. Louisa will continue on with the innovative ways in which the CWP has been contributing to the legislative agenda.

Louisa Wall: Essentially, what we have decided to do as a CWP group is, as I said before, decide on what our legislative priorities are. The PWPP work will continue. It is now an annual event that we attend. The first forum was in Sydney in 2013, and, in fact, the guest at that forum was Professor Pippa Norris. She outlined the six-step process and talked a lot about some of the mechanisms that Ana has highlighted today. For us at CWP, however, we do not have that as a legislative agenda.

We do think that our political parties have to be more responsive. In fact, when I look across our Parliament—and I have to acknowledge the Greens, because they have a zebra list; it is in their constitution. In fact, when Russel Norman leaves, eight of their 14 MPs are going to be women. So they are actually going to have nearly 58 percent women in their caucus. I think the rest of us have some challenges, and we do have some aspirations. I speak on behalf of the Labour Party. We have actually committed to 50:50 by 2017. Unfortunately, at the last election, we ended up with 37.5, because all of our projections were based on us getting 35 percent of the vote, which we did not get.

I think that some of the challenges that we have—and Poto is the chair of our Labour women's caucus—is actually how we make these aspirations a reality. We may have them in our constitutions, but do they work from 20 percent of the vote, actually? That is where we need to make sure that we project from.

The areas that we could agree on were done after inviting Dr Jackie Blue to our first CWP meeting earlier this year. Dr Blue was the inaugural co-chair of CWP in 2008, with my colleague Carmel Sepuloni. In 2011 Dr Blue remained in the chair and I became her co-chair. Since then, she has left Parliament and she now works for the Human Rights Commission, and she has got the specific designation of EEO Commissioner. So we asked Jackie to come back, because, from my perspective, having somebody who was in Parliament and who is not now in Parliament to talk about what we should be looking at

collaboratively seemed like a really good idea. Her No. 1 point is that we have to find things that we can agree on, and once we agree on those things, then let us work together.

One of the areas that we have been able to find some consensus around is family and domestic violence. Actually, we have just written a submission as CWP to the process that our Minister of Justice, Amy Adams, has asked the public to contribute to. We have high rates of family and domestic violence and so she wants some ideas about how we can address that.

One of the ideas that we have had, and I have talked to Catherine about this already, is that we actually have our refuges doing a lot of work moving women between New Zealand and Australia. And who would know? Because they do it organically. They have done that in response to women who have had to flee particular situations because if they did not, they, literally, would be killed by their partners, who were either incarcerated—so they have got the histories of domestic violence.

Our NGO sector has really been leading a lot of the work, but one of the things that we would like to explore is reciprocal immigration policies where, in fact, we do move women, but it is done very strategically and it is done very deliberately and women will enter each of our countries and become permanent residents, not temporary residents, and they and their children will have the opportunity to have full and productive lives.

What I am hoping is that CWP New Zealand and CWP Australia will end up jointly writing to the Prime Ministers of our respective countries. There is a little bit of a window of opportunity to put something on their joint agenda because of the change of the Prime Minister in Australia. We are already looking for opportunities where we can collaborate and work together, and, obviously, put issues such as this on the agenda.

The issue of protecting girls from under-age and forced marriage—I want to acknowledge again Dr Jackie Blue. She had a member's bill in the ballot, and it was actually through her work with the National Council of Women that that issue was highlighted and it became a priority for her and her National Party colleagues. So I want to acknowledge the National Party for allowing Dr Blue to prioritise that particular issue and to put a bill in the ballot. My colleague Jo Hayes—that bill remains in the ballot under her name. We received—probably only a couple of months ago—an email from the Parliamentarians for Global Action.

There is a petition around child early enforced marriages, and so one of the things that we did really early was to have a meeting within CWP. We all committed to signing the petition, and I have got to say that I was really pleased because New Zealand First—and it is their policy; 100 percent of their MPs signed the petition. Labour—100 percent. Greens—100 percent. Māori Party, United Future, ACT—100 percent. And the National caucus—46 of their 59 members signed the petition. So at the moment 106 New Zealand parliamentarians have signed the petition to end child forced and early marriages. I am incredibly proud of our ability to collaborate on an issue that we could agree on. The intention is to get to 100 percent.

We will work with the Hon Louise Upston, and I am sorry that I did not acknowledge you earlier, Louise. She is our Minister for Women. This is an issue that, as I said, we have agreed is a priority for us, so if 100 percent of our Parliament commits to it, I think the next step is—we have a member's bill in a ballot waiting for a bit of serendipity to pull it out. The challenge then is: should it become a Government bill or actually are there opportunities to explore a multi-member bill? It has never been done in our Parliament before, but, actually, I think that if this is an area where 100 percent of us agree that we need to do something and there is some legislative reform that we can undertake that will contribute to ending child early enforced marriages, then it is incumbent upon us to do it.

I also know that female genital mutilation, for example, is happening in our country, and so we have a lot of work to do with our ethnic communities—and our national NGO Shakti has been incredibly involved with highlighting this as a problem, so we are working with them.

Building relationships with NGOs and women's groups—this has been a really interesting process because we have not actually formally engaged with our women NGO sector very strategically at all, and so, for the first time, we had the National Council of Women come and make a presentation to us. It is doing some strategic planning at the moment. We are

now, hopefully, about to send letters of invitation to all of the national women's organisations and either invite them to come to us or we will go to them.

One of the things that I do want to highlight is that the Māori Women's Welfare League, Te Rōpū Wāhine Māori Toko i te Ora, which has been going since 1951, will have a women's political panel at its national conference in a couple of weeks, and every political party is represented at that forum. So the picture that Ana showed with all the men fronting these women's issues—actually, the men are not invited. We are invited—the women are invited—and so it is an opportunity for us to talk about how we can collaborate and actually look at what the priorities of our NGOs are and how we can add value or support them in some of the aspirations that they have. So that is quite an exciting opportunity for us, and we are really looking forward to it.

Promoting human rights and the Convention on the Elimination of All Forms of Discrimination—the Pacific Island Forum had a process where we could identify regional priorities. We as a CWP group chose to write a submission to that process. What we did not do was focus just on women's issues. What we thought would be the best was to create a regional human rights institution that actually had responsibility for monitoring all the UN conventions, and, of course, one of them was women. But for us, we were also interested in disability rights, LGBTI rights, etc., and so the concept of having a regional human rights institution made sense to us.

We were, along with the UN High Commission for Human Rights, the only group that submitted on such a proposal, and what we are trying to do is actually work actively with our ambassadors in New Zealand to promote the concept, because part of the issue is who is going to fund it. I think that it should be within the Pacific Island Forum. They should own it and lead it. We do not want an external group coming in and monitoring their human rights, but I think that if we can find the resourcing, then that, for me, is a better mechanism, moving forward.

I know that we have got only 2 minutes—is that right? Have you got some concluding comments, Wendy? I'll let Wendy end our presentation, but, obviously, I am happy to answer questions.

Wendy Hart: Thanks, Louisa. I referred to it before—the Pacific Women's Parliamentary Partnerships Forum. It is funded by the Australian Government. I think it is a very unique opportunity for women from across the region—and I should say men, because they were invited for the first time in 2015.

Women from across the Pacific Islands, Australia, and New Zealand come together with a lot of specialist expertise. The forum is for about 3 days to discuss a range of issues. This year the forum focused on violence against women and children. I think—this is an external view, a personal view—it can be desperately lonely when you are the only woman in your Parliament, and these forums are invaluable. I am very proud of the contribution of our co-chairs. It has been fabulous to be involved in the forum. Here is a shot from the inaugural forum in Sydney 3 years ago, I think it was.

Louisa Wall: Just to conclude, thank you very much for the opportunity to share some of our practices. We think that through our practice we are modernising Parliament. It is quite radical that women from different political parties can actually work together constructively with our male colleagues, but I think that is the type of philosophy that our young people were actually calling for earlier, because it should be about what we can do to address some of those wicked issues, possibly. I know through working on another piece of legislation in the last term, that cross-party groups that are focused on the same outcome, the greater good, the national good, can make a contribution both now and in the future. Nō reira, tēnā koutou, tēnā koutou, tēnā tātou katoa. Kia ora.

Chair: Well, that did not disappoint. Thank you very much, ladies. I am taking my notes from what Nikki Kaye did earlier. She has much more experience than I. So I will just mention a couple of the key messages that I got out of it before we open the floor.

With regard to Catherine, she was, just again, displaying the resilience of women. Technology completely failed. This morning—I guarantee it was this morning—probably half an hour before she had to get up here, she had to recall everything she said, make sure it

made sense, and hit the key points, all off little notes. So that showed the resilience of women. Well done. Thank you very much.

There are a lot of things that resonated, but there was one single sentence, Catherine, that resonated with me. You said it is beyond the scope of Parliament to increase the number of women. We cannot just take responsibility for it. It cannot just be our burden, as such, or our responsibility. It was interesting that the same topic came up at the climate change event that I was at on Friday—I have just seen Don, who I was in Tuvalu with; kia ora Don—where it was noted that the Parliament must show leadership, but the door to Parliament is through a political party. The door for the political party is through the voting public. So the responsibility cannot lie just in one place. So that is what resonated with me, anyway.

Ana, I have tweeted that you are one of my most favourite people. I was not tweeting any more of what you said, because I needed to listen carefully. I just thought that was the most brilliant presentation. I hope I can get it off the internet or whatever, because I am going to put myself out on a limb and send it to all my male colleagues. In Rwanda 63 percent of its Parliament are women and we keep saying how wonderful we are to have given women the vote all those years ago! Crikey.

It will be really fascinating to see how the women's select committee works out. It would be really fascinating to watch that. As a list MP, the notion of removing geographical political representation certainly peaks my interest. It is interesting that there is still a two-tier system here, and electorate MPs believe themselves, quite rightly or wrongly, to be more important than list MPs. I think that if you have a look at women's representation, you will see, from an electorate to a list perspective, the MMP system did give us some shift, but, as we have seen, it is stagnant now.

Louisa Wall and Wendy—first of all, Louisa Wall is one of the bravest people I know inside this Parliament. We always say this; we always put a little cursor on it— we may not always agree, but she is a brave woman, particularly with regard to the marriage amendment legislation. It was a brave thing. She and I were on different sides of that vote at the end of the day, but not necessarily on different sides of the conversation. So I want to acknowledge that.

I acknowledge Poto, Jo, Louisa, and Louise, and all the other women who are here and who make a difference—and it is not often that easy to continue to do that. So I recognise that and what the CWP is doing with regard to, I think, exactly what those young people asked us to do. If we get lucky enough to have the bill on forced marriages pulled from the ballot, if we could have it that it was cross-membership, and if it had many members' names on it from across the Parliament, what a statement that would make. It would not be just because it is a women's issue, because it came from a women's group, but because it is something that affects young people, 16 and 17-year-olds, who are being forced into marriages. It would be a statement that this was the whole of the Parliament dealing with an issue affecting a large group of people. The majority of that group are women, but there are young men being forced into marriage as well.

So those are the things that I got from the panel. I would like you to show your appreciation again and then we will start taking questions. So, again, to these ladies, please.

I did not mention Wendy, and Wendy probably does masses of hard work—not probably; I know she does. She does masses of hard work, and it is a passion for her. We appreciate people with passion who do all the hard work in the CWP. Now, questions from the floor for these ladies, please.

Delegate: Thank you very much for some really thought-provoking presentations. I really enjoyed those. I have three quick questions really, and they are all for Ana. You may want to take your time in coming back to them.

You mentioned normalising the sitting calendar. I was not sure whether you have any specific ideas about that. What I just noted was that during the 1990s something Parliament did was it aligned the parliamentary sitting calendar with the school holidays. It was quite a big change, and I think it has made quite a big difference, but I would be really interested to know whether you have any more thoughts.

You also mentioned in your slides something about holding committees in the regions. I was curious again, because I know our committees do go out into the country quite a lot. So do you think we need to do that more, or do you have any new ideas? I would be quite interested in that. Also, you made a comment on the list system. I was a Victoria University graduate as well and I spent a lot of time with Nigel Roberts. I am by no means an electoral systems expert, but I think both Israel and Fiji have systems where they are entirely one country—there are no electorates. I am not saying we need to follow those countries specifically, but I would like to hear your comments. Thanks.

Ana Gilling: Thank you very much. In terms of the sitting calendar, I think that aligning it with the school holidays was a fantastic move, not just for women but for MPs who are parents. In terms of the debate in places like Australia, the United Kingdom, and Canada about normalising the sitting calendar, there is always a tension. If you have to go to London to be an MP, then there is value in having really long sitting days on, say, Monday, Tuesday, and Wednesday, and then you are home on Thursday, Friday, Saturday, and Sunday. Other people say: "Actually, I don't want to work past 6 o'clock at night, so, actually, I'd prefer to have a so-called normal work week of Monday to Friday." There is always this tension, and every election the Business Committee in the House of Commons has this debate. I am not a practitioner, so I would leave it to current sitting MPs to work out what would work best for them.

The issue of select committees meeting in the regions often comes up as an answer to disaffection or alienation from the political process. I know we have a number of select committees in New Zealand that go out to the regions. That is just a standard response to improving or modernising parliamentary practice.

In terms of Israel and Fiji, I do not know about the Fiji Parliament but in terms of the Knesset they do have local representatives, but you end up with tier systems. So it is an interesting example. Thank you very much for that.

Clinton White: Good morning. My name is Clinton White, I am from Canberra. I have a comment and a question, if I may. First of all, I am very lucky because I work for an awesome boss, a female boss, who is the Speaker of the legislative assembly in Canberra—elected to that position from the Opposition, which is quite an interesting feature just in itself.

My comment relates to gender quotas. I disagree with gender quotas. I think they are superficial and patronising. I think there are much better ways of getting gender equality into parliaments, and the work that everybody at this table is doing is very much going towards those sorts of things, and I think some of Ana's rather radical ideas are really interesting and worth looking at further.

My question is this, though: this morning we heard from four young people who talked about parliamentary representation across a whole range of different groups, including multi-cultural. Is parliamentary representation just about gender equality or is it more about a broader representation?

Louisa Wall: Thank you for the question. I think that the reform that we are seeking is representative democracy in its purer sense. It will mean that 51.3 percent of New Zealand's Parliament would be women who are representative of ethnicity, age, geography, sexual orientation, and gender identity.

I think some political parties are better at being representative than others, and, again, I have to use the Greens as the example. They are the ones who make sure that they have women in their caucus, Māori, Pacific—oh, actually, I think Pacific is the one area where they have not, but disability—

Chair: Ethnic minorities is low—is none.

Louisa Wall: No ethnic minorities. The aspiration, I believe, for a democratic system is to reflect the society within which we serve. The reason we do that is we want people from those different groups in society to actually have their own place at the table. I think we have moved beyond other people being "spokespersons on behalf of"—I mean, in the electorate that I come from, 32 percent are Pacific and 28 percent are Māori. Before me, there were white men, so I am the first to actually not only, I guess, challenge which gender is most appropriate to reflect that community, but also I am a member of an ethnic

community that is significant in that community. So I believe that the aspiration is true representative democracy, which would mean that we would have to make sure that young people have a voice.

You can go to really formal systems. The system that I was really intrigued about was Uganda's, because they do ensure specific voices of women, youth, people from the military—cohorts whom they believe should be represented in their Parliament. But that is a really formal quota-based system in its purer sense where they are making sure that they have specific voices. What we would try to encourage, actually, is a movement from within our political parties—that we do it because we truly want to reflect and engage and have better relationships with, and collaboratively work with, the NGO sector and different communities of interest, which I think is part of a broader strategy about cohesion and inclusiveness and tolerance and all that type of thing.

Ana Gilling: Thank you very much. I do not think it will surprise you that I would like to disagree with you about quotas. You made the point that you thought they were superficial and patronising. I would argue that quotas are not superficial in so far as you can actually adopt them and implement them in different ways, and that one of the effects of quotas is that you get a virtual cycle over time, and you get women who get political experience and they become role models for newer groups, and so on and so forth.

The other thing about being patronising—a women politician from New Zealand told me the other day that she felt that we would have achieved true equality in the New Zealand Parliament when we could have as many mediocre women as we have mediocre men.

The issues in terms of patronising—I think the first one is the idea that you would introduce a quota for women and then you would literally have John Key on the street, on Lambton Quay, going “You, I want you. You come in.” and that you would just somehow randomly choose women on the street who were not in any way suited for Parliament. Just because they would come through a quota system—you would still want to pick particular kinds of women with particular kinds of skills. It is just that instead of the onus being on women to put their hand up, you would actually put the onus on the party to go out and find them. So that is the first thing.

The second thing is also the idea that you would have a group of women who came in through a quota, and they would be the tokens, and then you would have the ones who came in on merit. I think we need to have a debate about merit. I am actually writing a chapter for a British book at the moment, on the very notion of what is meritorious. Because when I teach first-year university students, and I say “What is a politician?” very stereotypical tropes come up. It is not just women who do not meet those tropes, it is Māori and Pacific Islanders and young people and disabled people and older people. We are talking about—and it is my theory about 19th century norms—when we think “politician” we still think of a lawyer, a businessman, in his 50s, representing a sort of middle-class and relatively urban constituency. That is a really narrow section of our democracy and our demography. The idea is that the way they behave is meritorious, and every way that anyone else behaves is strange.

And my bottom line, I guess, with quotas, is that they work. They absolutely work, and the one in Rwanda, which I found very interesting, is that in 1994 Rwanda went through a genocide. When they went through the peace process and they rewrote their constitution, written into the introduction of their constitution is the comment that “Men took us to the brink of evil; only women can bring us back. We must recognise the special place of women as peacemakers.” So they not only have quotas for women, but they also have a group of MPs who can only be voted on by women—so they have to be accountable to their own women's voting bloc. But they also have, I think similarly, in the Uganda situation—they also have a quota for disabled people who were disabled as a result of the genocide. So, I mean—you can adapt it in all sorts of ways. But thank you for the question.

Hon Catherine Cusack: I think a number of these words that we use, that we think we understand, are actually quite opaque. “Representative democracy”—that actually can mean very different things to different people. The suggestion that representative

democracy, which I think a lot of us assume is inclusive democracy—actually they are not the same at all. They are quite different concepts.

I agree with everything you have said about merit. I have actually written about what I call “merit myth”, whereby the definition of “merit” is only used exclusively in relation to females coming into politics. I think that is for obvious reasons: we do not talk about it in relation to men coming into politics, because there is a fairly brutal numbers game that they are all very open about.

In terms of quotas, I think the point Louisa made about going forward with ideas that everyone agrees on—we are kind of taking that approach. The idea of quotas is not agreed, particularly on my side of politics. But I would say that we actually have a system that is already riddled with quotas. For example, I am in a coalition Government, Liberal-Nationals. We have a certain number of Cabinet positions that are allocated to the National Party in Australia. The Deputy Prime Minister, Warren Truss—he has that role because he is the leader of the National Party. I am not saying that he does not have merit, but a lot of people might think Julie Bishop may have merit, too, but that is just not available to her, to hold that position, because the quota system we have has allocated that to the National Party. I am not allowed to run for my local seat at Ballina. We have quotas of Upper House and Lower House. We have quotas of states in our Federal Government.

I think the only people who do not seem to have a quota is women, and why do we not have quotas for women? “Oh, no, no, no—because we believe in merit.” But all these other decisions are being made on other criteria, so I think the word “merit” has been one of the most unhelpful terms that is used in this issue in relation to women. I do not think that Mr Truss is humiliated by being the Deputy Prime Minister of Australia. I have never had that sense from him, so when these positions become available the assertion that it will be embarrassing for the office holder is incorrect.

I would just make the other observation—the idea of the quotas as being suggestive that somehow we are going to be fair to some people but be unfair to other people—again, I do not agree with that. I just want to give you a humorous example of how opaque some of the terminology is. When we were at the Pacific Islands Forum, there was a man from one of the Pacific Islands, the Speaker of his Parliament, who stood up and gave a marvellous speech on how he supported quotas for women, which really surprised all of the rest of us in the room because we were not expecting it. His sole female colleague, who was sitting next to me, whispered in my ear: “When he says he supports quotas for women, what he means is that we should have five seats for women and only women can vote for those five seats, and then the other 25 seats—they’re the quota for men and they vote on all those 25.” It kind of highlighted to me how elastic those terms can be.

Chair: I want to make a comment on it, and I can, because I have got a microphone. Don and I were in Tuvalu, and we were talking about this very thing. They have actually got special temporary measures in Tuvalu because they have got one female MP, and she is only the third in the history of their nation. However, then you have got to implement them—it is one thing to have them and another thing to implement them. I spoke against them, and I have been thinking about it since. I spoke against them because I hate the concept that we need them. I have been struggling with that since we went to Tuvalu, because to support them I have to accept that I live in a nation where I require them. And it disappoints me.

I go to the concept of representation—I was a stay-at-home mother for 15 years before I was elected to Parliament in 2011. The television crew showed up at my house, not because I was anything special, necessarily, but because it was absolutely unbelievable that a stay-at-home mother had gone to Parliament. The *New Zealand Herald* rang me up the day of the election and said: “So how are you going to manage your housework and your children?”.

So I guess that is my comment about special temporary measures and quota systems—I am saddened if that is what it is going to take for us to actually change this, but I am tending towards the reality of our existence here, anyway, which is that I think we may just need them. Kia ora, does anybody else have a question?

Hon Ruth Forrest: Ruth Forrest, Tasmania. I find it is an interesting discussion. I started from the viewpoint that we should not need quotas because it is wrong, wrong, wrong to even think we have to have a discussion. But I have moved, and I moved some time ago, to recognise that we absolutely do need to do something like that. Whether it is really hard and fast targets or they are quotas—I am not really sure what the difference is, and maybe someone might like to contemplate that question, but either way we do need to do something. The sad reality is that we do.

The problem is, unfortunately, even when we get women into Parliament—and in our Tasmanian Parliament we have got quite a few women now. Our Greens members are all women now—there are only three of them, mind you—in the Lower House, not in the Upper House. And the two women who have come in have come in with countbacks from retiring male members during the election period. So it remains to be seen what happens with the election. But sometimes I am finding in our Parliament that some of the women, particularly in the Upper House, are very conservative and they do not support other women. They may be there themselves, they have gotten there, but then when a position of leadership comes up, they vote for men over women who, I would say, are better placed to hold the positions that they are voting for.

I am declaring that I have been a victim of this, I guess, in seeking the chair of a committee where there were four women on that committee and two men. I put my hand up for chair, as did another man who, really, was not the most suitable for that position in any regard. The three other women voted for him and the one man voted for me. So I think we, as women, are often our own worst enemies in this regard. I think we do need to pay some attention to that, as well as to this issue of how getting women there is one thing—and I absolutely agree with the comments about merit, absolutely—but how do we address this issue that women do not always support each other, as women?

Ana Gilling: Thank you very much. I do not know, I guess, is the basic answer. I am currently working on a new draft of a training programme for women candidates for the National Democratic Institute, and one of the position points that I always start with is that you never put up one woman candidate for anything—you always put up a slate, because of your comment about how lonely it is to be the one woman.

One of the features research tells us about women in male-dominated work spaces is that they start to take on the behaviour and the patterns and the norms of those institutions and organisations. So it is very easy, I think, to dismiss some women politicians as not being friendly to other women, where it is more a case that they are just fighting every day for their own survival and trying to keep their heads above water in an environment that is determined to be as brutal to them as it is to any newcomers, which is not to say that women should not take a responsibility for helping other women. I interviewed Ruth Richardson for my PhD and she said that one of the greatest relationships she ever had in Parliament was with Whetu Tirikātene-Sullivan from across the House. And it was simply because both of them had had children while being an MP. That experience had bonded them together, and they felt that they got more support from each other than they did from their own parties. I have also interviewed some women MPs from the last Parliament, and I do not think things have changed particularly.

Chair: I am sorry, but I am going to have to wind it up. One final comment, though: John Key has been a Prime Minister for three terms and has had the same male staff members in his office for much of that time. Helen Clark was a Prime Minister for three terms and had a particularly successful and strong member of her staff who happened to be a woman. John Key's sexuality has never been questioned, but Helen Clark's always was. And I think that is a really interesting—I am going to leave that statement out there hanging, because I just think that is worthy of some thought. What happened there, and why?

Hon Catherine Cusack: This is an example of where I believe Parliament is reflecting the problem; it is not causing the problem. Women MPs have a duty to support the party line, just like the men do. When I was shadow Minister for Women, I was being asked to attack women for not voting for a member's bill on prostitution to say "You do not care about prostitutes", whereas all they had done was vote for the party line, like all their male

colleagues had. I just think we are all in there as professionals and we need to pursue our party line. The problem, in relation to the nominations and the support, is what is coming into that party line, which is then being reflected in the Parliament.

Chair: Kia ora, I am calling it a day. Thank you very much, Therese.

Workshop 1A: Representing Indigenous Peoples in a Modern Parliament

Chair: Kaiāwhina Matua mō Marama Fox, Māori Party Co-Leader, Member of Parliament, New Zealand

Presenters: Morgan Godfery, Communications and Media Officer, FIRST Union, and Columnist at Overland Literary Journal, Wellington, New Zealand; Veronica Tawhai, Lecturer in Māori development, Massey University, Palmerston North, New Zealand

Chair: Ā, otirā, tēnā tātau katoa. Anei rā te mihi atu ki a koutou e hui nei i tenei wā, ā, kua tuwhera ngā tataui ki tēnei kōrero e pā ana ki a ngāi tātau, ngā Iwi Taketake i roto i te ao tōrangapū, nā reira, koutou o tāwāhi kua tae ā-tinana mai, nei rā te mihi atu ki a koutou, koutou o tēnei tōpito o te ao, me kī, tēnā koutou. Hoi anō, tēnā mai tātau katoa.

[And so greetings to us all. I acknowledge you collectively assembled here at this time, the doors this contribution has opened in regards to us the indigenous people of the political world. And, in particular, those of you from overseas who have arrived here physically, I welcome you, as well as you from this end of the world, shall we say, come hither. And so good tidings to us all.]

Welcome, everybody. The doors have been opened to the indigenous portion of our discussion today as it pertains to politics, so it is going to be quite exciting. My name is Marama Fox. I am the co-leader of the Māori Party here in New Zealand, our indigenous voice for our people. That might be debatable. We will see what happens. Anyway, it is great to have you all here. Welcome to this session as part of the conference. It is my pleasure to be here.

I was asked to introduce myself, so I will just give you a little background. I am from a little place called Wairarapa, which is about two hours north of Wellington. I live in Masterton with my husband. We have nine children, and that is always a bit remarkable considering today's climate of costing far too much. My first son, in fact, said to me "Marama,"—actually, he called me "Mum", although my 4-year-old daughter has started calling me "Marama Fox", which is a bit distressing. But my oldest son said: "Mum, you know what? You got it right the first time. You really should have just stopped there." Anyway, we are from Ngāti Kahungunu ki Te Wairarapa, Rangitāne, and Ngāti Porou, so we pretty much cover the whole east coast of the North Island. That is where our people are from.

I have been in politics since last year—about one year and a few days ago, on 20 September last year, through the General Election. I came into the co-leadership of the Māori Party in October last year. It is fair to say that it has been a hit-the-ground-running, very fast and furious year. On the first vote in Parliament, I might have brought down the House accidentally—just about brought down the Government. I did correct the vote, though—twice. It is a long story.

Anyway, this afternoon we are going to hear from a couple of political analysts. First of all, to my left we have Morgan Godfery, Te Pahipoto—just checking; we googled— and Lalomanu (Samoa). He is an indigenous writer based in Wellington. Do not let his appearance fool you. Though he looks like a rangatahi, or a young person, he is very politically savvy and has a lot to say on the political agenda of the country, especially in regard to indigenous and Māori issues. Mostly he supports the Māori Party with his comments. Sometimes he has a dig, but that is OK. Though he does look very young, he has a lot of political smarts—and to be fair, anyone under 30 looks 12 years old to me.

On my right, I have Veronica Tawhai of Ngāti Porou. She is currently a lecturer at Massey University, another wahine toa who has strong focus on indigenous political engagement in citizenship and education. Her recent mahi involved working closely with Moana Jackson on the constitutional review.

E te uri o Porou, nei te mihi ki a koe. Ki a koe hoki e te parata, nau mai, haere mai!

[Greetings to you, the descendant of Porou. And to you as well, brother, welcome, come hither!]

In this session they are going to have 15 to 20 minutes each to express their views about the political engagement at the indigenous level, and then we are going to open the floor to questions. Nā reira, paper, rock, scissors? *[Interruption]* Ka pai, nā reira, ka huri te wā ki a koe e te parata.

[So, paper, rock scissors? [Interruption] That is fine. Accordingly, the time is yours now, brother.]

Morgan Godfery: Ngā mihi nui kia koutou. I might actually go up to the lectern. Acknowledgments to our distinguished chairpersons, greetings to this magnificent house, and peace to those who have passed.

It was not so long ago that I was standing in this room with the late Parekura Horomia. I was his intern at the time, and it was basically my job to follow him around and listen to his overblown stories. It is probably the best job I ever had. I do not want you to think it was a bad thing. The only problem was most of his stories were tall tales.

The point he made in this room is one that has always stuck with me. He went through the whakapapa of this House. The reason he did so was to make a political point: to say that this is a colonial institution and this House is a colonial House. He was not saying that to be defeatist or to say that we cannot achieve things. Instead, he was trying to make a pragmatic point. Although this institution has British roots and reflects British political and philosophical thought—even the very architecture is British—over the years Māori MPs have made progress. No matter how small, no matter how hard, and no matter how oppressive the history, there have been Māori MPs working within this institution making change.

The way they did that was through the Māori seats, and I think that is probably the first place to start. And also the end of this conversation, I would say, is talking about the fact that if we are going to talk about how to improve indigenous representation in New Zealand and Australia, we have to acknowledge that the first step is actually dedicated indigenous representation—something we have here in New Zealand, but something we do not have in Australia.

I guess that is where we immediately run into a problem. There are a number of reasons for it. The first is the colonisation of Australia proceeded on the basis of terra nullius—that there were no indigenous people, and whatever scattered tribes there were, they were “so savage that they could hold no claim to the soil”. To acknowledge dedicated indigenous representation would be to undermine that lie or to expose that lie for exactly what it was. The second reason is the way Australian policy then progressed. It was a strategy of assimilation. So rather than acknowledge that there was a pre-existing people with pre-existing political authority, the Australian State adopted this policy of saying: “These alien individuals need to be incorporated into our body politic.” Again, it is coming back to that idea of a colonial House. The third reason is actually a bit more subtle. We all know multiculturalism is actually official policy in Australia, but the way multiculturalism works in Australia, or the way that the State conceptualises it, is to integrate alien individuals, again. So it is assimilation for polite people, basically.

So we have those three reasons why dedicated indigenous representation has not worked up to this point, which is not meant to sound defeatist, because there is actually a new campaign emerging in Australia, a new campaign that we can actually learn from. Sometimes we like to think of ourselves in New Zealand as a few years ahead of Australia—we have got indigenous representation; we have actually had it for about 175 years. But the difference that Australia is taking, or perhaps the better road, is the way that they are beginning to conceptualise their arguments for indigenous representation. It is not based on affirmative action, which is how a lot of people tend to see the Māori seats in New Zealand: “Here we have a repressed minority who have been under-represented for over a century. We need an affirmative action measure; here are the Māori seats.”

But the way they are starting to conceptualise it in Australia is actually saying: “Well, it’s got nothing to do with affirmative action, because that repels a significant section of the white population, and it also implies that the indigenous population has problems and they’re too passive to help themselves.” They are actually trying to conceptualise the argument on the basis that they are the indigenous people, and they have pre-existing

political authority that is entitled to be recognised within the current Australian State. It is actually conceptualising the argument on the fact that they are an indigenous people rather than an oppressed racial minority. It is actually an important distinction that needs to be made, and I think a lot of ordinary New Zealanders and even a lot of academics and people who are actually working in the field tend to make the mistake of seeing the Māori seats as a sop to an oppressed racial minority, when actually it is about acknowledging the political authority of Māori and providing a space for a genuine kaupapa Māori voice in Parliament.

I guess that really covers the philosophical premises, or the way that we have to approach this issue—or I guess you could term it a problem, perhaps. The next question is: how do we actually improve the mechanics of indigenous representation? We have dedicated indigenous representation here. It appears to be a trend in Australia, and it is not inconceivable that it may happen. The RECOGNISE campaign is starting to pick up steam to recognise indigenous Australians in the constitution, so it is possible.

But where do you go from there? The problem in New Zealand is that the Māori seats operate under a representational framework, rather than a constitutional framework. They are part of the Electoral Act, which is part of our unwritten constitution, but, unlike the general electorates, the Māori electorates are un-entrenched, so they have not been elevated to that constitutional level. I guess my point, or my argument, is that we need a written constitution that entrenches the Māori seats and also clarifies those philosophical questions I was covering just before about the difference between indigenous peoples and an oppressed racial minority. The purpose of the Māori seats needs to be codified in those indigenous terms.

Probably the next philosophical step from there would actually be to shift the thinking again and to shift it away from the idea that the Māori seats are a right, per se, or just a right, and then shift the idea that the Māori seats and dedicated indigenous representation is actually a responsibility of the State, as well. You could have a constitution that says the Treaty is the founding document and it guarantees Māori representation, but then go a step further and actually be prescriptive about what that looks like: dedicated indigenous representation at all levels of the State.

I guess it is an argument for more prescriptive law, and it is not a new idea, as well. It is actually a very old idea in Europe itself. It is also a colonial idea. There is perfect consistency, I think, between the two. Simone Weil, the famous French philosopher, advocated that all her intellectual life: as a shift away from the language of rights to the language of responsibilities. Rather than “I have a right against the State and the State has a positive right to provide x or y.”, as she saw it rights had fuelled the expansion of colonialism, I guess, and the oppression of indigenous minorities. I am just wracking my brain for the next point. The implication of that was that a society based on responsibilities would be based around moral obligations, or a web of a sort of moral obligations. That is where the indigenous representation comes in—an obligation of the State, as well: positive right of Māori, a positive responsibility on the State.

To look at that in practice, when we have a right against the State that is just our claim. It is literally a claim, which there is no positive obligation on the State to recognise. But when there is a responsibility on the State, that is a positive claim that it must fulfil. This shift to the language of responsibilities—although it kind of abandons, I guess, the Western canon, where rights have provided its syntax since Hobson and Locke—will be immediately recognised by a lot of indigenous politicians and thinkers because it is much closer to the language of reciprocity, which underpins a lot of Māori thinking.

Having said all that, and having kind of waffled at you, there is probably a big proviso there. Any conversation that focuses solely on including indigenous peoples into institutions like Parliament is really only half of the conversation. When we conduct the conversation we need to think about traditional Māori political structures as well. The reason is that political structures build political networks, which build political participation.

To illustrate the point, there was an important theory to come out of the US called isolation theory, which basically held that structural barriers like economic exclusion and political oppression meant that black Americans of that era did not develop the political networks that were needed to spur things like voting or, as they termed it, to spur conditional decision-

makers. When you apply that to indigenous people it looks a bit different, because we are mostly talking about the suppression of traditional political structures. So in that sense, political networks still exist. There are still political networks that exist within the Māori seats, but they have probably failed to grow as well as they may have in other circumstances, perhaps in circumstances where the population base was tied to the number of Māori seats, which it was not for about 165 years.

The good news, I guess, on that point is that this has kind of been the trend of Māori development, actually, over the last 30 years: to strengthen our own institutions first and then to engage with institutions like Parliament from a position of cultural and political strength. It is also a developing trend in Australia as well. You see it with the RECOGNISE campaign, and you see it in other community initiatives as well. Perhaps it has not been running for as long as in New Zealand, but it is still happening.

I guess the grander point in all of this is that the best way to improve politics inside of Parliament is to build politics outside of it. Kia ora.

Chair: Thank you, Morgan. We are going to have the opportunity to be asking Morgan some questions to further tease out some of those points he was making, but politics outside of Parliament is something that I like a lot. We are going to hand the time over now to Veronica—you are going to have about 15 to 20 minutes. Following Veronica, we are going to open it up to some questions. Kia ora.

Veronica Tawhai: Hoi, ko Rangi ki runga, ko Papa ki raro, ā, ko ā raua tamariki ki waenganui nā rātau ka puta te ira tangata ki te whai ao, ki te ao mārama, tīhei mauri ora! Mauri ora ki roto i ngā tini āhuatanga o te wā, ā, nō reira, ki te hau kāinga o Te Ātiawa me ngā iwi e noho mai nei, nei rā te mihi nunui ki a rātau, ki a kōtou hoki ngā manuhiri kua tae mai i tawhiti, nau mai, haere mai! Mauria mai hoki ō kōtou mate, ngā mate o te wā, kia tangihia tahitia ki ō mātau mate, nā reira, ka poroporoaki tahi a au ki a rātau. Nō reira, rātau ki a rātau, tātau ki a tātau, tēnā tātau katoa. Ki a kōtou te hunga ora, āe, mauria mai hoki ō kōtou moemoeā mō tēnei kaupapa, kia whārikihia tahitia ērā ki ō mātau moemoeā hoki, nō reirā, i roto i te kotahitanga o tēnei hui, nei rā te mihi ki a kōtou katoa, tēnā tātau.

[And so Rangi above, Papa below, with their children between them from whom the chiefly genes of mankind emerged and released to the natural and enlightened world: behold the breath of life! Let there be life in the myriad of situations of the moment, and as a consequence, a really huge acknowledgment from me to you the local tribe, Te Ātiawa, and to the tribes living here. To you also, distant visitors who have arrived here from overseas, welcome, come hither! Bring forth your deaths and those of the moment as well to be mourned together with our deaths, and so I bid them farewell. Hence allow them the dead to be amongst themselves and us the living to be with us, so salutations to us all. Yes, greetings to you, the living, indeed; bring forth your dreams in terms of this event and lay those out together with our dreams, too, in terms of the unity of this conference. And so I pay a tribute to you collectively and to us all.]

Kia ora, everyone. This is just to welcome everyone: firstly, to acknowledge the home people of this place, the iwi of Te Ātiawa, and to say may I join with their voices in welcoming you who have come from afar. I just want to acknowledge all your ancestors whom you bring here with you to this place. May they join with our ancestors, and we will leave them up there doing their mahi so that then we may do our mahi together below. I want to thank you for coming to this panel and to thank the president of our chapter for organising this. Thank you so much. Ki a koe, kōkā, nei rā te mihi ki a koe mō te whakahaere i a mātau.

[And to you, aunty, I acknowledge you and how you have managed us.]

And, of course, to our brother: awesome talk, bro, choice. Very good.

Kia ora to everyone. So, as said, my name is Veronica Tawhai—Ronnie. I am a member of the Ngāti Porou Ngāti Uepōhatu nation, which is on the East Coast of this island, for those of you who have come from overseas. How many of you are from Australia? Oh, kia ora. It is lovely to meet you. The East Coast is a little bit famous, does anyone know why? Who can tell me? It is the first place to see the—

Chair: Bob Marley?

Veronica Tawhai: Ha, ha! Well, that was true. That is one of the reasons. It is the first place in the world to see the sun—the first place in the world to see the sun. Our people have a big focus on enlightenment, education, and conscientisation, and so I am from a long line of educationalists. Thank you, Therese, for inviting me to come and kōrero.

What I do most days is I engage in political education or citizenship education. In particular, my interests are what the implications of indigeneity are, the politics about being indigenous, and what that may have to do with education, in particular citizenship education. The purpose of all that being what? So that we might enhance and engage the way that we live politically—including, of course, the topics of representation, participation, and engagement.

Indigenous peoples and modern Parliament—I thought that I would talk a little bit about what I have learnt from our youth. Does anyone know where the photo on this slide is, first? Does anyone know where that photo was taken?

Chair: WOMAD.

Veronica Tawhai: Something as cool as WOMAD. It is the political forum tent at Waitangi. Every year, for those of you who have not yet been or for those of you from overseas, we hold a day to commemorate the signing of our Treaty of Waitangi—Te Tiriti o Waitangi. Most of you probably see just what is on TV, and that is all the political happenings for the marae. Well, a few metres away from the marae is actually where it is also really happening, and this is what is called the “open forum tent”.

This is a shot that we took just this year, actually, when I was with a group of rangatahi—the youth whom I am going to talk about, who are presenting their findings. Firstly, just to say, because everything I know about what our people aspire to in terms of indigenous representation has come from sitting in this tent, the first point that I would say, for all of you who want to connect with what the dreams might be of the tangata whenua—the indigenous people—where you are, is: go to where they are. Because, as I said—and thank you for the introduction, too, whaea—degrees and all that are really great, but, honestly, most of what I know has come from here, listening to my mentors and to those great people who have educated me, such as Moana Jackson, Mereana Pitman, and Whaea Margaret Mutu. Because this is where our people are, and this is, literally, a free forum where any single person in that space can pick up the mike and have a kōrero and lay out what is important to them—so just to acknowledge that, firstly.

As part of this year at Waitangi, when we took this photo, I have been working with a group of rangatahi over the past 3 years—Kōkā Marama's boy is a part of our group—called Matike Mai Aotearoa Rangatahi. We are the Independent Iwi Constitutional Working Group, and for the past 3 or 4 years we have had a national project run by these young people. These are just representatives of our national group who have gone out into schools, into alternative education centres, into youth justice centres—youth prisons—into teen pregnancy units, into our communities and our marae, and wherever our youth are, to engage them on the topic of constitutional transformation. One question, of course, is: “What might be a constitution?”. That's where the kōrero starts. And then question two: “What might be their dreams and aspirations?”.

What this rōpū did—of course, knowing what a momentous task that is—is spend some time, first, developing a workshop around what a constitution might be. Because, of course, if you just go out to our people, anyone on the street—you might drag someone just from out there and say: “So can you please tell me what your definition is of a constitution?” Of course, especially for many of our young people still in school, the state of our political and citizenship education in Aotearoa is another lecture completely, which I will save for some other time, thanks, Therese! But for this time, just know that our rangatahi are very aware of what they do not know. We had a smaller rōpū that got together and it developed a constitutional workshop around what a constitution might be, all for the purpose of then laying out something so that our young people in our schools, in our jails, in our alternative education places, in our community centres felt a sense of confidence to then be able to share what their aspirations might be.

If they were actually in a place where they could share that, what would they say? This is what they said. [Slide shown] When actually given the space to have a look and say "What is it that you would like our future constitution to look like?", very, very interestingly in terms of that, not one of our young people actually focused on—does anybody know what I am going to say? It begins with 's'.

Chair: Sovereignty?

Veronica Tawhai: Yes, that is definitely one. It is what adults are obsessed with whenever it comes to parliamentary things: structure. Our young people did not talk about structure at all. What came out—oh, aroha mai; you can just about see it. What they talked about was actually what the values are that they find important, in terms of understanding what a constitutional structure, a representative structure, a governance structure's purpose is and what its point is.

These are some of the things that they talked about. Even under the purple there: "The rights of all people based on peace and mutual respect". "Kotahi aroha". Can anyone tell me what "kotahi aroha" means? It's connected to Bob Marley.

Delegate: One love?

Veronica Tawhai: One love—one love. It was one of them. Constitutional recognition and protection is what they talked about in terms of these values, Māori knowledge, systems, and institutions. An example of that might be Māori languages—different dialects in the Māori language. "Mana Motuhake of tangata whenua through kawa and tikanga"—the idea that they would like recognition of, actually, Māori law—that there are Māori laws. The health and well-being of our natural environment—Ranginui and Papatūānuku—and access to education and healthcare for all.

The thing is that lots and lots of people assume that our young people are quite passive or do not have an interest in politics, whereas what we found is that they were incredibly astute in their ability to communicate what it is that they would like Parliament to look like in the time of their children, as they grow older. In terms of these findings, literally really briefly—this is from all over Aotearoa, as well—after the development of the workshop what we had was a regional team that went out. The only region that these findings do not represent is Christchurch. That is because we did not manage to establish a team in Christchurch, just because of everything that is going on there. But, certainly, we hope to revisit it.

In terms of getting our young people engaged more and in terms of getting young people engaged—and I believe this is what that other workshop is about right now—people think that social media is the answer. [Slide shown] They do. They think that this is the answer, right? Why might people think that? What is it? There are lots and lots of opportunities in those things.

Chair: Because that's where they are all the time.

Veronica Tawhai: That's where they are all the time. That's where they spend the majority of their time—good. What else? What is it about these things that means that they might be the answer?

Chair: Immediate and far-reaching.

Veronica Tawhai: Immediate and far-reaching, yes—so definitely exposure.

Henry Thompson: Interactive.

Veronica Tawhai: Interactive. Very good. That point about interactive—supposedly, as some of you will undoubtedly know, the big theory that is going around the world right now is that idea of participatory politics. Participatory politics—the idea that youth can become more engaged primarily because of that desire to want to be able to feed back. That, I would say, is absolutely true. We did find that with some of our rangatahi. In particular, their own movement, the Matike Mai Aotearoa Rangatahi movement—you know, it lives on Facebook. They are always tweeting. There are Instagrams of them with photos at Waitangi, etc., etc. So there are some opportunities in that.

However, what I did want to outline as well is some of the ongoing barriers and some of the things that might be holding them back. [Slide shown] I was going to say: it is not that secret. Does anyone know what these are examples of? [Interruption] Yes, good. What a lot

of these are is all the different things that Māori have tried—only some of them, but these are a range of the different things that Māori have tried in order to rebalance constitutional power since its assumption by the colonial Government. As you will see, 1808—before our Treaty was even signed—is when we had that first national grouping. There are examples such as those of Parihaka. They were about their right to maintain their autonomy. We have others such as the Paremata Māori and the Native Rights Act, which sought to partner with this Parliament.

Matike Mai Aotearoa is what our rangatahi are currently doing. But the point was that while it is great that there is all this technology that means that they are able to participate in Parliament, of course the huge looming question—this is what we definitely had from all the work we have done with rangatahi—is: why? Why would they? There is another level there in terms of the faith and trust and hope that they need to have in a system like this in order to be able to engage. The sad, sad reality is that they have a long, long history—and the rangatahi know this history—in terms of attempts by their families, their communities, and their iwi of engaging in way that is going to be meaningful for them and recognises their rights as indigenous peoples that in terms of actually getting that agreement have failed.

Also, when I say that rangatahi are aware—sorry, I have no idea how long. Just go like this at me, kōkā, when it is time for me to stop.

Chair: It is all right, you have got 5 minutes.

Veronica Tawhai: Thank you—5 minutes. So what I would say is that some rangatahi do not know this history. I know that, as I am sure you know that. My job is to go around and teach people about these things. But the thing is that even when they do not know it up here, they know it in a different way. They know it in the experiences they have as young Māori. They know it in the way they feel and they can see their families feel about engaging in society, full stop—Parliament being just one of those places. So, really, in terms of ensuring their participation or trying to engage them, there is this huge barrier to overcome in terms of what we do about this when we know this, OK?

So this is part of that. Could someone read this out? Do you want to read this out, whaea? Can you see it?

Chair: I will read it. It says: “[I]t was necessary either to exterminate the Natives”—oh, I know this off by heart—“or to civilize them. They could not go on fighting them any longer. Honourable members were now no doubt well up in the financial question, and all would, he was sure, agree that another serious war would not only cripple the Colony, but would actually break its back. The idea of exterminating the Natives could not for a moment be dreamt of in that House, and there was, therefore, no alternative but to vote for the measure then before the House.” That was Hugh Carleton, member for Bay of Islands, on the Native Schools Act, 1867.

Veronica Tawhai: Ka pai. So the Native Schools Act is what set up compulsory schooling for Māori, and, as you can see—and this is one of things about Hansard; it captures everything for our history—one of the underpinning arguments for introducing education is the lack of finances to actually be able to just wipe Māori out. There were not the finances there available to be able to, as they say, exterminate the natives. So as there was not the option of exterminating them—they did not have the finances—they needed to civilise them, and that led to the introducing of the Native Schools Act.

Does anyone know the other really important Act that was also introduced in the same year? Does anyone know what that is? It is the one that introduced the Māori seats. As McLean—the member who introduced the Māori seats—said, it was “a measure as would direct the minds of the Natives in the proper channel.”—in the proper channel. So what we have here is this history that our rangatahi know. If they do not know it up here, they feel it in terms of that. We know that often a comparison is made with other indigenous peoples, that we are lucky to have the Māori seats and that Māori are not using them to their fullest, and that we are ungrateful. I am sure you are aware of that discourse around that. So what I would say is yes, but the thing is that our rangatahi are fully aware of the roots from which this system that we currently have was set up, and the types of things that have been said in this House, and everything that some of our ancestors have been through.

What I really just wanted to say—and you have to excuse me for going back to my educational thing—is that this is just an example of one of the ways that Māori, our young people, might still feel that today. “Crime stats suggest rangatahi Māori”—Māori youth—“face institutional racism”. This is a news item from a few months ago—just a few months ago. While some people say that, for example, the quotes that we showed from the legislation are from years and years ago, this is this year. This is now. I have had only 15 minutes, but I would have loved to have a day with you to take you through our constitutional workshop. But we do only have this time. There is the idea that those things are in the past, but, just for you to know, for those wanting to engage with indigenous people, those things are not in the past, because we feel the effects today. You feel the effects today in terms of their non-participation.

What I really just wanted to end with—it is my brief, I believe, and the same for Morgan—is asking how it is that we can better engage indigenous peoples in a modern Parliament. What I have done is I have written a parliamentary education programme. [Slide shown] This is the curriculum—in that order, as well. Just like Morgan said, there is a lot about politics on the inside, and he is looking at our need to build politics on the outside. I also say it would be great to have politics on the inside as well, because lots and lots of the efforts trying to improve Māori political participation are laid solely at the feet of people like Kōkā Marama.

As the story about Pāpā Parekura shows, Māori MPs have made heaps of progress to try to get people engaged. What about the rest? There are however many Māori MPs in Parliament and the rest are wider New Zealand, so if we accept that Māori representation and engagement is not a Māori issue but a social justice issue, it is about doing what is right—really, the challenge is for other MPs to commit to doing what is right. So, Therese, I am happy at any time to come to run this programme with people.

It is not meant to be challenging in terms of a criticism. The people who work in Parliament and you who study Parliament are so important to us. You are so important to us in terms of the authority that you have, and things can only get better if we begin working with each other. As has been said, education is the absolute key to understanding, and also the key to underpinning unity. If anyone has any questions about this programme, I would be happy to answer them. Kia ora.

Chair: Ka pai. Kia ora mai tātou. Can we give our two speakers a round of applause. Thank you. Morgan spoke about a senior politician who passed away last year, called Parekura Horomia, speaking in this House. When I came in, on my very first day as a newly elected list MP, I walked through looking for the place where they discussed whether to exterminate the natives or to civilise them. The rest of that quote goes that if they were to do so they needed to do so through a language that was conducive to human thought. Thereby the Native Schools Act was implemented in New Zealand. The Māori language was outlawed, and you could speak only English in those native schools.

But they went on to say in that discussion that they needed to be careful not to hunt them into education the way they hunted them into the selling of their lands “for fear that it might engender a spirit of resistance.” Yep—fail. So I came in here looking for that place. I was disappointed to find—well, maybe not disappointed—that it had actually burnt down and this had been built as a replica at the time. I wanted to see where these people sat and stood and spoke about exterminating our people, and where they made a whole lot of laws. One of them was the Suppression of Rebellion Act, which meant that you were not allowed to speak up against the Government. The other was the Native Schools Act. They were now going to tell Māori how to be Pākehā and assimilate them. The last was the Tohunga Suppression Act, which said that Māori were not even allowed to gather with their chief or their tohunga, by law—thereby just completely obliterating a whole culture. We call that cultural genocide, and hence it is amazing to me that here in this place we still have indigenous representation.

I want to thank you for your comments. A point to note is that the Māori Parliament was established at Papawai Marae, and there are five descendants of Papawai Marae currently in our 51st Parliament: Joanne Hayes, from the National Party; Meka Whaitiri, from the Labour Party; Ron Mark, from New Zealand First—see, we are well-distributed; it is a takeover by

stealth—Metiria Turei, from the Greens; and myself, from the Māori Party. So we pretty much cover just about all parties except for ACT and United Future, but I have got daughters, and we can marry some into those, I am sure.

Anyway, it is no coincidence that Māori are politically aware, and Politics with a big “P” compared to politics with a little “p” is the difference between what we do and what happens outside of Government. It is interesting that your curriculum—it was an interesting curriculum—talked about Pākehā privilege, because there was a very infamous speech that happened here in New Zealand a few years ago that talked about Māori privilege, saying that, in fact, Māori were privileged because they had all these programmes that were “just for Māori, and what about the rest of us?”. We all laughed and said: “Would you like some of our privilege? You can live 8 years less. Your young children can go to school and maybe only 60 percent of them are going to pass”—or at the time it was 48 percent would pass—“any qualification of note.” And so forth. We all laughed and thought, actually, that is not privilege at all.

I turned that around, and I thought that, actually, my privilege has been being born to a mother who taught me that I could do anything, being born to a mother who said: “You need to be better than your best, because you’ll always be stigmatised.” I thought: “Thanks, Mum.” But she also taught me to never allow myself to be treated as less than I deserve. That is my privilege living in this country, based on a foundation of tikanga Māori principles. Lastly, I just want to say that we could have more effect with the Māori seats if everyone voted for the Māori Party. Boom.

I am just going to throw the floor open—and these guys are happy to debate with me about that—but we are going to throw the floor open to questions. I am not sure if there is a roaming mike—yes, there is. Awesome.

David Bagnall: I am David Bagnall. I am one of the staff here in the Office of the Clerk, and as a fledgling committee clerk back in the early mid-90s we were doing resource management reform. I was the clerk of the local government—well, whatever the committee was called back then—and a number of submissions were of significance to Māori people. The committee felt that it was necessary to have some hearings on marae. For me that was a pretty scary experience. I did not know an awful lot of tikanga. Fortunately, we had Rose White-Tahupārae and John Tahupārae here at Parliament, who were able to give us a bit of coaching—some tips—but it was a bit of a voyage into the unknown.

I think that sometimes when people are really frustrated with the policy that then finds expression through, I guess, ways of expressing frustration about the process. So as committee clerk I had to wear that quite a lot, but it really did feel, though, as though there is a natural—there is actually a really good meeting point between the marae protocol and select committee procedures and so forth. I know that meetings have happened a lot more on marae these days, and they can be really successful. I just thought that I would throw that in there. I guess one of the things that I would be keen to hear about is any experience that you have had about select committee meetings on marae, and your observations.

The second point is that, as a Clerk at the Table more recently, I have been involved in some of the readings of Treaty of Waitangi claim settlement bills. These are bills that actually settle grievances that iwi have had because of the way they were treated—confiscations and so forth. These are bills to, I guess, give some sort of redress for that, to make apologies and to actually provide some sort of mana back to the iwi. That is an incredibly moving experience, to be in there, even for those of us who are not saying anything but are just sort of sitting there. One of the impressions that you get is about the way the iwi come. They sit in the gallery and they bring photos of people who have passed on and who probably were the people who initiated the claims in the first place, and, because the claims have taken so long to settle, a lot of those people have died. There is an amazing outpouring of emotion there. But it does occur to me that there is real cross-party support.

This morning one of the former youth MPs spoke about how there is a real future in finding parliamentary discussions about issues rather than about party politics, I guess you could say, and it really does seem to me as though that does seem to suit the Māori way of operating—that, actually, there is a lot of connection across the House on issues, and a lot of discussion.

People do not always agree, but there seems to be a cross-party way of working. I wonder about whether that sort of issues-focus is possibly a way to go that might make Parliament a bit more relevant for indigenous people. Those are my observations and questions.

Morgan Godfery: Yes, I think that is a very good point, David, about consensus politics, because Māori politics works on consensus, and when we have consensus issue to issue I think that would appeal to Māori. But there is probably also a danger in that. We do not want a kind of ideological capture, or we do not want ideological consensus, because Parliament, and even Māori politics, is still about having a debate. I think it would be a bit dangerous to kind of settle these issues. But yes, as a process, working towards consensus—I think that works. But as a kind of ideological or political endpoint, I think it might have a few problems.

Veronica Tawhai: Kia ora, David. Thank you for sharing those experiences with us. There is a lot in there, but I would first just say—probably the one thing that I would say is that it is great that we have expanded the meeting of each other on to marae. That is fantastic, that some people are feeling great about having done that, and I would say it is fabulous. What else? What else are we doing? Because, in particular, going to the marae as a physical space—that is wonderful. But knowing and acknowledging and engaging with that space as a spiritual space, as an economic space, as a community space, as a social space—if we are in fact going to have hui that are meaningful at all in those places, then those are all the layers of understanding that we have when we engage there.

As I said, that is wonderful that you had some people to help guide you around that—I think you said that they gave you a few tips. That is fantastic, but what I would say is that a real commitment to the outcomes or the actual achieving of anything positive from those types of hui will be that deep learning that comes before you even step foot on the marae ātea. While some people might get frustrated—they have the idea: “Oh, I don’t want to have to learn all this tikanga before I go there.”—in fact, all of that is what is going to lead to a greater quality outcome, in terms of whatever happens there. It is knowing all those levels of engagement, including that community, including the spiritual engagement. That is what is actually going to bring about better decisions from that process, because, obviously, that is not happening in some places.

Chair: Kia ora. Firstly, I think I refer to myself often as being “ambi-cultural”—ambidextrous, “ambi-cultural”—able to walk in both worlds. I have successfully been assimilated and colonised into New Zealand. I can walk in a Pākehā world. I can move in a Pākehā environment and in education and in business, but I can also walk in a Māori world and feel confident to do so. I speak my language, and I have had to learn that. That did not come when I was at high school and did French and Latin. That came when I was a mother of a child who went to kōhanga reo and then worked in kōhanga reo. So I had to go and find that for myself in this country.

I take that as part of growing up in New Zealand and being a Kiwi, being “ambi-cultural”. For me that means I can walk in both worlds, but that is not the same for every New Zealander. There is a fear, an irrational fear, of going into a Māori world, and it is because there is a lack of knowledge and understanding. That is all. If we can grow knowledge and understanding of one another’s culture, then the fear barriers are broken down and we can revolve in each other’s world without fear of doing the wrong things, saying the wrong thing, and annoying people—that might still happen. It happens when we all speak English. I am sure it happens when we all speak Māori too. So I think that is part of our own learning and growth and development. If we are going to move in those circles then it is requisite on us to come prepared.

Also, I think, political experience on the marae, taking ourselves out of our comfort zones—those people who are coming for Treaty processes have had 175 years of being oppressed and having things ripped away from them, so if we can go to their place when it is their moment to talk about their issues, then I think that is the least we can do. I think it is an amazing experience to do that. Unfortunately, given the combative nature of some of these Treaty claims and some people being left out of the claims process, they have taken now to

going to a neutral venue like a town hall so that there is not one iwi and one person's tikanga oppressing another's. That is a bit of a pain.

The other thing is that you talk about settling claims and the length of time it has taken. I want to remind us that it has actually been 175 years—that is the length of time. Māori have protested against the lack of recognition of the Treaty from the time it was signed all the way through to this day, and Māori Parliament was part of that.

As for cross-party consensus, we do endeavour to work cross-party across issues and get some consensus. Our party actually believes that we need to establish a different regime of politics, that the Westminster model does not necessarily have to be the only model, and that actually we can learn from indigenous models of politics. We would like to establish an Upper House of Parliament that is based on Treaty principles. That is in our constitution and that is something that we think is a reality that we can strive towards, but that might be in the next 50 years. There is a whole lot of legacy legislation that needs to be put down as a foundation to provide for that pathway. So we will see if that works.

Veronica Tawhai: That would be a great start.

Hon Janine Freeman: Hi. I will stand up. I am used to standing up when I speak. My name is Janine Freeman. I am from Western Australia. I am lucky to come from Whadjuk country in the Noongar nation. So *[speaks in Noongar]*. I actually am a member of Parliament there, for the seat of Mirrabooka, which is actually a Koori word, not a Noongar word, because when they decided they would name the suburbs Aboriginal names they were not wise enough to actually go and talk to the people in the area. But there are other areas and suburbs that I have that are based on Noongar names.

I am very privileged to listen to you today. It was great. It gives me great hope for Western Australia, although I sometimes worry that not as many of my Australian colleagues are here—although I do have a couple. My question is one for a process in Parliament. I was really interested to hear you talk about changing the Westminster system to make it look at some of the ways that indigenous communities resolved conflict, or talked or went forward and made policy for their community and laws. But in the current Parliament have there been any changes in your processes, in particular around Standing Orders, or those sorts of things, to change that culture? Or are there any discussions about doing that in terms of that very, very strict way that Parliament proceeds?

I have an issue with Standing Orders in terms of women's inclusion. I think they are made very—you know, around 19th century men, which we heard before, but I would be really interested to know whether there has been any sort of look at that ongoing structural debate and Standing Orders in this Parliament to make it more of 2015?

Chair: Kia ora. Do you guys have any knowledge about that? All right. I am brand new, but what I have noticed is that there are some allowances made for Māori cultural observance at different times for different reasons, but they are not standard things that happen at all times. We have a karakia—a prayer—at the beginning of each session of Parliament. But when a Parliament is held over, so it is suspended for the night, and starts again the next morning—and that is what happens for Treaty claims, right? We have an extended sitting of Parliament. It is suspended the night before and they come in early in the morning. Because they had karakia at the beginning of the session the day before, they do not then do one in the morning when our people come in. It seems odd to us not to start the day with a karakia.

At the last Treaty claim debate, on the Te Hiku Claims Settlement Bill, Pita Paraone stood up and said "Oh, Mr Speaker, you've not done a karakia.", and Mr Speaker explained it was because of the suspended nature. So then the very first Māori speaker who spoke—after the Minister, Chris Finlayson, spoke—stood up and did a karakia as part of his kōrero, as part of his speech. So sometimes there are allowances. At the end of that time they were given allowance to sing a song to support and to acknowledge what had happened. But at other times there is not that freedom of allowance to do something like start the day with a karakia, so we take those privileges and just do it in our speeches.

Those things have happened but they are small; they are minor. Who is to say that the Westminster model of politics is the way to do things? We have never challenged that. We

have just accepted that that is the way. And I guess in Australia you have state government—different to here. We just have one central government for everybody, and then local government does not have the same laws and abilities to rule in its own way. Actually, I would like to see us challenge that, but the environment, the political nature at the moment, is not such that that would happen immediately, and we would need to change. In fact, I have a 12-election, 36-year plan on how to do that, to change the actual thinking of a nation, because they would have to vote it in. Kia ora.

Therese Arseneau: David wanted to add something.

Chair: Thank you, David. Oh, you know stuff! That is right—because you are in the Clerk's office.

David Bagnall: Well, I am the clerk of the Standing Orders Committee, which is the committee that considers procedures. And I can say that I have been the clerk of that committee since 2002 and there has not really been a significant consideration of the incorporation of Māori protocol, or even just ways of working. Not just about karakia—well, actually, I would say karakia is one of the aspects of tikanga where there has been an attempt to address the issue. Last year the Speaker consulted about a possible new prayer for the start of sittings and proposed a new form that included, for example, acknowledgment of place—I guess this is the Australian equivalent—the recognition of the local iwi, and also acknowledgment of people who have passed on, which has a really strong focus for Māori people. So the Speaker did a survey of members and—

Chair: They rejected it.

David Bagnall: —that new form of prayer was not accepted. I guess that is one thing that actually is on the agenda. The prayer has been on the agenda since 1854, so that is always going to be an issue.

In terms of other things, the Standing Orders have been updated to at least recognise that members are able to speak in English or in Māori, or in New Zealand Sign Language. That is one thing, but the reality for many years was that that was very difficult because members would stand up, speak in Te Reo, and then they would have to sit down while an interpreter stood up and gave an interpretation, and then they would speak some more, and then the interpreter would stand up again. It was very stilted. We have had the addition of a simultaneous interpretation service, which I think has made a huge difference. That has been a really positive thing. There have been a few things like that.

In terms of the formal processes, I would say that there has been some—

Chair: Tiny.

David Bagnall: —evolution of other things, particularly around Treaty of Waitangi claims settlement bills and how they operate, and the meetings on marae. But as clerk of the Standing Orders Committee I would really like to invite people to bring ideas like—

Chair: [Inaudible] some declarations.

David Bagnall: —or suggestions to the committee. Then it is up to the committee to be persuaded.

[Inaudible]

Veronica Tawhai: But in terms of the faith that young people can have that if they were to ever bring something here and it actually meant anything—those types of things can be really important. For example, it was the early 2000s when the Government had just had the initial round of race-based funding cuts, and what had happened was that one of our scholarships, Manaaki Tauria—which was a needs-based scholarship to assist Māori to be able to buy things such as textbooks—was cut as part of the race-based funding cuts. It was hundreds of millions in terms of funding.

What happened is that we knew that Pāpā Te Ururoa was going to do a speech about it. One of the things about tikanga is that often that one person might be speaking, but it is the opportunity and the ability of the iwi, or the group, or whoever, to be able to stand up and support. And obviously, for something that was as devastating as this—the scholarship was only worth \$2 million, but it was not only about the cutting of that money, and people thinking: “Oh no, what am I going to do?”, but also about the gesture, in terms of taking

away of what we knew was a tiny little drop of funding. That was really hurtful. So our ability to be able to come and do a haka in support of his speech was really, really important to us because it meant that we could have the satisfaction that happens after you have been through a process where you have been able to lay down your hurt and then leave it there to be dealt with.

Undoubtedly, the hundreds—there were hundreds of us who came—who were able to release that anger, those people have been able to go away and then do things like vote, and come back and participate in other ways. Even just that one thing—and often it is those symbolic gestures, knowing that we have a space. That is despite the fact that afterwards the Māori Party got in big trouble for that. They got a letter that was sent to the—

Chair: We are used to that.

Veronica Tawhai: —they got a big thing saying that that was not supposed to happen, etc.

And the thing is that also, earlier this year—Kōkā Marama was out with them—my daughter turns on the TV and what do we see? A whole lot of our elders out in the rain because they have not been allowed to come in. This is just about one of our issues. One of our Māori boarding schools is in the process of being reviewed for closure. What happened was all the previous students, they came—lots of them are our nannies, our elders—and they literally were not allowed in. So they were out in the rain—in the rain. So it was the same thing, as well. Our children, my daughter, looking at me, saying: “Māmā, he aha te take ka noho rātau ki waho?”—why is it that they are being left outside? In terms of changing those things, they can actually have a huge impact in terms of the symbolic gesture in providing that space to us, that what we have to say is actually welcomed and valued.

Henry Thompson: Kia ora. First and foremost, I would like to thank you for your insight. It is so amazing having you here, and speaking so frankly to us, as well. I am involved in New Zealand civics education [*Inaudible*]

Veronica Tawhai: Boom! That is right. I think I won.

Henry Thompson: —yes. You killed it.

Veronica Tawhai: I killed it. There, you see?

Henry Thompson: But what I would like to express is, I am sitting here, hearing what you are saying, actively ashamed of sitting here and privileging from this context, but also ashamed that I do not know the context behind the system, behind what we tout as progressive and world-leading. I am ashamed that that knowledge, that full understanding, is not there. So from a civics education point of view, how do we make all New Zealand rangatahi aware that this is the context, this is where we come from—especially given the resistances to civic education?

Veronica Tawhai: Yes. Kia ora, sorry, what was your name?

Henry Thompson: Henry.

Veronica Tawhai: Oh, yes, sorry. Henry, did you say? Oh, kia ora, Henry. Thank you for that question. So this is what my current PhD research is on now. I am a student myself. But you are exactly right: the models that we have of civics and citizenship education are really, really limited. I was actually really encouraged by a question that I had heard about from the Australian curriculum that was asked—I am sorry, I am not sure what state, but the question that they ask young people as part of civics is: “Why is Australia Day sometimes called Invasion Day?” And I just thought: “Wow!” That is the type of thing that we want, even just in terms of having it as a question that is put out there. So you are exactly right, brother, in terms of the fact that what is needed is the development of a really strong civics and citizenship education programme here in Aotearoa.

What we need as well, though, is recognition that the very approach to civics and citizenship here in Aotearoa is specific to the ground where we come from. For example, where myself and Kōkā Marama are from, Sir Āpirana Ngata—there is actually a huge discourse on the price of citizenship. For someone like myself, we stand up and we teach about the Treaty, we teach about colonisation, we teach about structural Pākehā privilege. For me, all of those things were about citizenship. It is only when I encountered the literature

as a part of my study that I was like: "What? It is not?" So it is really about developing—we need to develop a curriculum that is specific to here, that is going to be meaningful for here. Yes, I would love to work with you on that.

Chair: There you go, you can come and get her card afterwards. Morgan, we are going to pass it to you and then I am going to wrap us up.

Morgan Godfery: I think that is a really good question. I think the problem with civics education in our country is that it happens in a vacuum. You do not actually learn history. It is civics education—here is why you should vote, you are a member of this society, etc., etc., but you are not really told why the society looks the way it does. I am not trying to say that we should indoctrinate everyone with Marxism and historical materialism. I am just saying you need to know history, because the ideas of the past rot down into the soil to fertilise the present. That is a real deficiency with New Zealand civics education.

We also do not learn any complexity. We had it at our school—because it is optional in the curriculum, schools do not have to teach it—but there was no complexity. They did not introduce ideas like differentiated citizenship, which is highly relevant to indigenous people. That is what a lot of indigenous people have been advocating for for decades. So, yes, I think there is a lot more we can do, and I am really encouraged to hear that you guys are working in that area and that Veronica has even got a PhD on it.

Veronica Tawhai: I've just about got one.

Chair: Thank you very much. I think I want to wrap up by talking a little bit about your question about civics. I talk with young people and say the politics I do is capital "P" Politics. The politics that you do is small "p" politics. It is standing up against injustice wherever you see it, and that does not have to be in a formal way. You do not have to be the leader of a programme or the principal of a school. It just means that when you see something happening you get up and you get involved.

We have discussed introducing a programme called the Passport to Adulthood or the Passport to Life, or something—we are throwing it around—where you get your passport, you get a bank account or make sure that you have got one, you get a tax number, you are enrolled to vote, you get a driver's licence, and you learn about participating and being a proactive member of our society. Get engaged and be present, instead of trying to stick it to the man. Oops! Tick.

In terms of the price of citizenship, when the Māori Battalion lost their lives on the battlefield—people say about this flag debate that we have to keep the flag. I say change the flag, and I am just going to take a bit of political licence as the chair, and this is why: because people say they died for that flag. They did not die for that flag. They died for each other, they died for their friends, and they died for their family and freedom and whenua. Our Māori Battalion went to war without a gun—like indigenous Aboriginal people, actually—and were asked to dig the trenches that others hid in. When they came home to New Zealand under that gun they were welcomed on to these shores with Union Jacks everywhere, not a New Zealand flag.

Then they were asked to go back to their lands, where they were not given a parcel of land like every other soldier under that flag. And under that flag they were not given an allowance like every other soldier, and they were treated as second-class citizens despite the price of citizenship that they paid. That is just part of being Māori in this country, actually, and that is the history that we need to learn and understand. It is not about making anybody feel guilty. It is just about growing understanding so that we can move on together as a nation and recognise our duality of nationhood. That is what I think it is about. That is why Pita Sharples introduced Māori history in schools, actually. We have a waiata. Thank you—just one song.

[A waiata was sung]

Chair: Now, that waiata was only half of it, but we will not do the other half. We have a couple of gifts for you all. Thank you. I just want to say that that waiata is sung when children are born, telling them all about their history and their whakapapa. I look forward to the day when all of us are gathered and know what that means when we sing. Kia ora.

Workshop 1B: Technology's Role in Modernising Parliament

Chair: David Seymour, Member for Epsom and Parliamentary Under-Secretary for Regulatory Reform and of Education, New Zealand

Presenters: Michael Middlemiss, Chief Information Officer, Parliamentary Service, New Zealand; David Farrar, political blogger, New Zealand

[Sound files for this session are unavailable]

Workshop 2A: Representing Multiculturalism in a Modern Parliament

Chair: Kris Faafoi, Member for Mana electorate, New Zealand

Presenters: Dr Kate McMillan, Senior Lecturer in Politics, Victoria University, Wellington, New Zealand; Dr Fiona Barker, Senior Lecturer in Politics, Victoria University, Wellington, New Zealand; Melissa Lee, Member of Parliament, New Zealand

Chair: Good afternoon, ladies and gentlemen, and welcome to the next session, which is Representing Multiculturalism in a Modern Parliament. My name is Kris Faafoi. I am the member of Parliament for Mana and also a former journalist in this august environment. We have got three presenters today. Can I first of all introduce, to my far left, Dr Kate McMillan. Closer to my left is Melissa Lee, the chair of the august Commerce Committee—hard-working Commerce Committee—and National list MP. To my right is Dr Fiona Barker, also a senior lecturer in politics from Victoria University, along with Dr McMillan.

To get the ball rolling, I think Kate is going to start. I think the format is pretty simple. The presentations amongst the three speakers will take roughly 40 minutes, and then we will have plenty of time for questions at the end.

Dr Kate McMillan: Thanks very much, Kris, and thank you to the organisers of the conference for inviting me to come and talk today about a Parliament that represents New Zealand's ethnic diversity. I understand that the previous panel focused specifically on Māori and indigenous representation, so I am going to focus my comments more on non-Māori ethnic representation. It is very nice to be invited and I am quite honoured to be here, so thank you.

I am going to try, if I have time in my 15 minutes, to get through this. I may not get through it, in which case I will leave the last bit until last. But, first of all, I want to make the argument—which I am sure most people will agree is not a difficult argument to make but is none the less sometimes contentious—that having an ethnically diverse Parliament is a good thing. Secondly, I want to just do a quick look at how New Zealand's demography is changing in terms of ethnicity. I hope that has not been covered in previous sessions. I want to look briefly also at the characteristics of current ethnic representation. Of course, we have two people on the panel already who fall into what is often described as a form of ethnic representation. Lastly—as I said, if I have time—I want to look at the question of how you ensure that there is a good supply of members of ethnic minority communities coming through to stand for election and also of how you ensure that members of those ethnic communities have a good chance of being selected for candidature and also that members of ethnic communities turn out and vote, which is a problem for some ethnic communities in New Zealand.

I want to begin by acknowledging that the concept, the theory, and the practice of ethnic representation are complicated and sometimes controversial. Every New Zealander has multiple interests and identities, and it is not always the case that they see their ethnicity as the most salient part of their identity or that they want others to see them as somehow different because they are ethnic—sorry about this. I will leave that out but you can just imply that from now on.

As voters, some may consider that their economic interests, their ideological convictions, their professional interests, and so forth are more salient factors in determining who they want to vote for. Migrants who come from societies in which ethnicity is a divisive element of politics may be wary of political representatives who emphasise their ethnicity. Members of ethnic minorities might want to resist the essentialising element of a discourse that emphasises their ethnic identity over other aspects of their identity. Similarly, members of both majority and minority ethnic groups may be wary of representatives who say they stand for a particular minority, fearing that the interests of that minority might be considered at the

expense of the broader population, and that the potential from a heavily ethnicised politics is to become divisive and, in a worst-case scenario, to lead to ethnic conflict.

Having acknowledged these concerns and the inevitable complications they introduce into questions of ethnic representation, I want to begin today by reminding us of three arguments as to why the New Zealand Parliament will be a better place and do a better job if it contains a diverse selection of MPs and if it mirrors the diversity that is evident in society today.

The first of these arguments is a general point about democratic legitimacy. The democratic principle that citizens should enjoy equal rights and that one person's vote should be of equal worth to another's is undermined when Parliament does not look approximately like the population it claims to represent. The absence or under-representation of particular ethnic groups in Parliament suggests that there are social, economic, political, or cultural inequalities that make it more difficult for members of those groups to get selected to stand and be elected to Parliament. This is particularly the case when such inequalities manifest in collections of individuals who share a non-voluntary aspect to their identity. A Parliament that is highly unrepresentative thus undermines the quality of democracy.

Secondly, a Parliament that looks more like the society it represents is seen as more legitimate by those it represents. Legitimacy is thought to have pay-offs in terms of electoral participation, levels of political and social trust, and acceptance in the population that politics is not a game that is stacked against those who do not belong to the majority group.

Lastly, better policy making—this is often called substantive representation. A Parliament that contains people who represent the views of a diverse range of constituents is likely to make better legislation—that is, it is likely to take into account a broader range of views when it considers legislation and it is aware of how issues affect a wider range of people. When people's interests are left out of consideration in the making of policies that affect them, the potential of those policies to have pernicious effects on them increases.

Existing structural inequality can be exacerbated by legislation that fails to understand its potential to impact differently on different ethnic groups. Where that impact is disproportionately negative Parliament becomes a place that marginalises minority populations and it can perpetrate historical inequalities. As we know from all around the world, highly marginalised populations themselves become a source of conflict. So 21st century Parliaments need to be aware both of the challenges and of the advantages that an ethnically diverse Parliament can provide to the New Zealand population, and to work to address the challenges and to increase and enhance the advantages.

I just want to say that there are a few things I think about with the New Zealand political culture and the institutions in New Zealand that give us an advantage in this respect. We have mixed-member proportional representation, so we have already got a system where it is much easier for people to get represented. We allow people to vote in New Zealand national elections after 1-years' permanent residency, which is unique internationally, so that is a way that we can integrate people into the political system and get them to feel as though they belong in the political system much more quickly than other countries. I think the absence of a highly anti-immigrant and populist media is another advantage that we have in this country. So we have quite a number of advantages that I think we can utilise as we go ahead and try to maintain and increase levels of ethnic representation.

Now I want to turn to some of the ways in which diversity and ethnic diversity are measured or discussed, because there are a range of markers of ethnicity, some of which get conflated in public discourse, but all of which might be seen as being relevant to political representation in one way or another.

First of all, we have got those who were not born in New Zealand, and that now constitutes over a quarter of our population, which is a pretty significant part of the population. Of course, this does not necessarily say anything about what we commonly think about ethnicity, because the largest group of those who were born overseas are still coming from the UK. So in terms of some of what are considered ethnic markers, they are very similar to the majority population of New Zealand. None the less, being born overseas might be

significant because it might imply a lack of familiarity with the New Zealand political system, potentially with the concept of representative government, and it might also shape political orientations and ideologies.

We can also look at this idea of ethnicity, which itself is, of course, a contested term and usually refers to some combination of ancestry, language, and culture, but that can, in other cases, be used to differentiate between those who look different to the mainstream and thus has a racial undertone. Many of those who belong to an ethnic minority will be born and bred New Zealanders, so the way that their ethnic identity affects their political interests might be quite different to the way being born overseas might affect one's identity.

Often these ethnic identities are lumped into these very broad categorisations, and at the broadest level of New Zealand's ethnic categorisations, we have people who are lumped together often because they come from a common geographical region, although they may not have an awful lot in common apart from the fact that historically someone from their family came from that region. So, for example, we employ the term "Asian" to refer to those from an entire and internally very diverse region. Our census statistics show that Asians were the largest proportion of those born abroad. I do not know that the categorisation of Asian really helps us understand the relationship between identity and political membership or identity and political representation, but it is being used by policy makers and by governments to try to get a grasp on who is in the country.

Then, lastly, we can look at countries of birth. That is a significant marker of identity. The international literature on political socialisation suggests that when someone has grown up in a different political culture, this can make a significant marker of political identity and affect their ideas about representation and participation. It may be significant for New Zealand that China, which is now our second-most common place of birth for New Zealanders, does not have a democratic political culture, and so, if it is true—and this is something that Fiona and I are doing research on at the moment; that political culture is an important socialisation of people—then this will have implications for New Zealand in the future. The third most common country of birth nowadays is India.

So let us now look at how these trends might play out in the future. On this slide are the population projections done by Statistics New Zealand. You can see—I hope—the figures there that show the Pākehā and Māori populations are decreasing as a proportion of the total population, and the Pasifika and Asian populations are growing as a proportion of the total population. In particular we see that the Asian population is due to increase quite substantially between now and 2038, which is the projection of the 2013 census figures. It is projected to go from what it is now, at 12.2 percent of the population, to 20.9 percent.

Three aspects to the Asian population growth are going to make it particularly challenging for them to be represented in the New Zealand Parliament in numbers proportional to their population. Firstly, the Asian population—and I am using that term recognising its internal diversity—is largely due to immigration. This means that many Asians are recent immigrants. New Zealand and international research indicates that immigrants tend to vote at levels significantly lower than the native born. Moreover, both New Zealand and international research have shown that migrants from some Asian countries vote at significantly lower rates than migrants from some other Asian countries. In particular, immigrants from what we in New Zealand call North Asia—that is China, Korea, and Taiwan, but also Japan and maybe one other, but we have virtually no immigrants from there—voted at much lower levels than other immigrant groups and the native born. So, for example, Indian immigrants have a higher rate of electoral participation than the Chinese. So if a situation continues in which Asian immigrants, who can vote after 1 year's permanent residency, vote in low numbers, we face a situation in which a very large proportion of our population is politically disengaged.

This slide shows the current representation of ethnic MPs in the New Zealand Parliament. The brown line is Māori MPs, the blue lines are Pasifika MPs, and the yellow line is Asian MPs. So we can see that as compared with their percentage of the total population, Asian MPs are a bit under-represented—they have got only 4 percent of total MPs, whereas they are 12.2 percent of the population. Pasifika are 7.4 percent of the population and 6 percent of

representatives in Parliament. There is room already for there to be an increase in the number of Asian migrants, if we think that it is a good idea for them to be absolutely representative of the numbers in Parliament.

I thought I would just quickly look at where the current non-Māori ethnic MPs are. So in this slide you can see that these are all of the ones—I hope I have not left anyone out; I could possibly have. We have only one Chinese MP at the moment—one person who comes from China—Melissa, who is from Korea, and three Indian MPs, all of whom are from National, except for one from New Zealand First, and all are list MPs. And then the Pasifika MPs are all Labour and have electorates—not on the list; they are representing actual electorates. So this just shows the ethnic composition of electorate with ethnic-minority MPs, and we can see that, for example, in Maungakiekie, the Pasifika population is 22 percent; Manukau East, 44.8 percent; Kelston, 23.9 percent; and Kris Faafoi's electorate, 20.7 percent. These are the June 2015 figures, which changed a little bit, actually, from the figures even a couple of years ago, which I will show you in a second. Māngere, though, is up there with 60 percent of the population being Pasifika.

Also really interesting is that Poto Williams is representing Christchurch East, where the Pasifika population is only 4.1 percent of the population. So that is another interesting development.

Thank you. If you would like it, I could show you later on some ideas about what needs to be done in the future to increase ethnic representation. Thank you.

Chair: Thank you, Kate. Also a senior lecturer from Victoria University is Dr Fiona Barker.

Dr Fiona Barker: Thank you for promoting me as well. I appreciate you promoting me to senior lecturer. I appreciate that.

Chair: It is a pay rise.

Dr Fiona Barker: Thanks to Kate. She set up really nicely the situation in New Zealand. I know this is not a conference about Belgium, but Belgium is a country where I have been doing research recently on representatives—members of Parliament at different levels and with an ethnic diversity background, either migration background or another ethnic minority background. What I want to do is share with you some of the insights and some of the experiences that they have talked about with me in my research so that we might then reflect on that case in the New Zealand Parliament—and perhaps Australia, if there are some of the Australian delegates here as well—just to think about what the issues are that representatives themselves face in their own experiences in their political careers. Kate has talked about, if you like, the feeder-in—the populations among voters and then coming into the MPs—and I am then thinking about their experiences as MPs and also on the campaign trail a little bit.

When we think about studying diversity in the political system, there are a few different ways in which recent scholars in the social sciences have thought about it. It is a relatively recent thing that people have paid attention to, in some ways mirroring the fact that ethnic diversification of Parliaments around the world is also relatively recent. As Kate mentioned, there has been quite a bit of attention paid to issues of what Safran calls descriptive representation: do the Parliaments start to mirror, start to look like, societies in terms of the numbers of MPs of ethnic background? A lot of people have followed in the traditions of the philosopher Hanna Pitkin and talked about the normative arguments for greater descriptive representation. Kate went through some of those about why we might want a more diverse Parliament.

Some people have also put caveats on that. Kate talked about many of the reasons why we might want more diversity. There are also caveats that people have put on in terms of normative arguments about the dangers of essentialisation. So it is one question to want the diversity in the Parliament but then the issue of how we get that diversity is something that some people have given attention to in terms of the dangers of tokenism or essentialisation, which, obviously, we would generally want to avoid.

What I have been turning to more recently in my work, and what I wanted to share with you today, is thinking about what the experiences are of representatives of migrant and

ethnic minority backgrounds themselves. This is something that has not been looked at a lot. I will discuss with you some work that has been done in Germany on this case as well. But what I want to think about is, if we are looking at Parliament—multiculturalism in Parliament and Parliament representing society—I think it is very difficult for us to think about the representatives in Parliament without also looking beyond the walls of Parliament to think about relationships with the party and relationships with the voters. Then I have separated out ethnic communities because I think that thinking about ethnic communities who might be represented by peak organisations and particular groups—and also have particular community leaders, which is also a different kettle of fish to individual voters who might be of migrant origin themselves. I am trying to think a little bit about what the relationships are among all of these people and organisations and how that is affecting the experience in parliaments.

Essentially, one thing I am thinking about, and what we might like to discuss later as well, is the tension that I think faces representatives of a migrant or ethnic minority background in a modern Parliament, which is a tension about who they are representing but also about demands from different groups. So, on one hand, many would say that there is a need to represent the ethnic communities. That might be a demand coming from voters or from the ethnic organisations that I talked about, and, in some ways, the MMP system, I think, promotes that view because we have list members where the group representation is then promoted by that system. There is also perhaps a need to secure electoral support from ethnic communities. That might be a demand that comes from the party. So those are two reasons or two drivers, perhaps, for candidates and representatives to be prioritising their ethnicity as their particular marker, as opposed to any of the other parts of their identity, when they are campaigning and also when they are representing.

But, on the other hand, they also need to be seen to represent all voters. I think this creates possibly a balancing act—and Melissa and Kris might also want to talk about this later—where, on one hand, they need to be representing their ethnic group but then also everyone, and that is perhaps a double balancing act that creates tensions and challenges. So we are thinking, then, about possible tensions between representatives' own goals and expectations of their parties and of voters. A German scholar has done some research on this in talking about negotiating the marker of difference. In some ways that then puts it in the realm of the way the media and the public see this marker of difference as well.

I have been talking to MPs in different Belgian parliaments—of receiving a federal system. There are multiple parliaments. Here in this slide is just a sketch of the diversity that we see in there. So we have got our own categorisation in New Zealand. In Belgium it tends to be Moroccan, Turkish, Sub-Saharan, African, other—the main groups that they break things down into. Looking by party you can see that in the different Parliaments in the system it is very much a socialist phenomenon in the main that representatives of a migrant or ethnic minority background have primarily been socialist until now. There is a lot of debate about this.

Here is a quote from one of the representatives whom I have been talking to, who say: “Well, our opponents say that the Socialist Party—they have Moroccan electorates and Turkish electorates, and that is communautariste, so sectarian—are being too ethnic in their behaviour.” *[Interruption]* No, it is just that it is a working class electorate. It also raises issues about who is being represented. Is it ethnicity that is being represented? Or is it just a class issue? And how do class and ethnic cleavages overlap?

If we look just more closely, it is the Brussels Parliament that has 25 percent of its members of migrant or ethnic background, and that is not quite mirror representation but it is one of the highest in the world. Belgium overall has one of the most diverse parliaments.

So I just wanted to share a few of the different reflections that the MPs have shared with me about balancing these competing pressures that I talked about before, and thinking about whether it is ethnic representation, whether it is representing everybody, and how they go about this. One main theme is that to avoid being pigeon-holed—obviously, we talked about that danger of being the ethnic MP—they seek to control for themselves if, when, and how they take on so-called ethnic issues, and I will discuss in a little bit which issues are ethnic.

If you look at the colour in this slide, you can see the partisanship of the MPs. One of them said: "Actually, I don't want to deal with issues related to my community. If the party agrees, it's stronger if someone else says things. It's not the job of the MP from this community to do things. So it's up to someone else in the party. It's more serious. It's more neutral." So we are then thinking about: in the Parliament, to what extent is it the responsibility or the appropriate place for the MPs of the migrant or the ethnic minority background to be addressing those issues in Parliament, in the media? There is a definite sense that, obviously, MPs would like to control that for themselves. Not all of them have that choice. So sometimes it is imposed upon them.

A couple of them talked about very strategic career planning. Obviously, every MP coming into a Parliament, hopefully, has some idea about career planning or how they would like to carry out their political career. The evidence seems to be here for the migrant origin MPs that it is a particularly careful thing that they do. It is an important thing. She says: "I chose my policy area. I was afraid to be put in the immigrant corner. So I wanted to first be recognised as the spokesperson in this other policy area. And if I had the feeling that the public, the media, accept that, then I'll do other issues like immigration or Islam. I had the feeling that that worked quite well. You have to be very much in control and be focused on what you want."

So there are definite tensions in some places about how the MPs would negotiate with their caucus, essentially, in relation to the issues that they were able to cover and that they chose to cover. Obviously, this becomes slightly easier when you have more of a critical mass in a Parliament or in a caucus. There is not the individual migrant MP who is seen as the person who will talk on all of those issues.

Another person says a similar thing—that she chose environmental policy strategically because it allows you to access people from across the spectrum. So it would put her in contact with the whole of society and not in contact only with people of her origin and her religion.

There is an issue around what we in New Zealand would perhaps call ethnic politics or the ethnicisation of politics. In the Belgian context it is called *communautarisme*, so there is sectarianism, and it is a very specific context in the, I guess, French or francophone notion that you should have a very republican universal idea of citizenship and that you should not be thinking in terms of group identities. So that is a particularly thorny issue in a place like Belgium.

The MPs were thinking through having to take account of the social reality, because it is true that when you are out and campaigning, the party is expecting you to get a certain class of votes. You need to take account of that social reality, and that might also be where you have your connections, so it is natural to be campaigning among certain communities. On the other hand, from the media perspective and from opposing political parties, there is the danger of always being labelled as sectarian or as playing the ethnic card. This is something that came up a lot when people talked about the campaign period before entering Parliament, which was then affecting the way they thought about their representation once inside Parliament. So when we are thinking about multiculturalism within the Parliament, we also need to be thinking about what goes on prior to that.

In the bottom quote on this slide there you can see an MP who had often tried to advance certain interests of her group and was told to put it away, shut it down, and not put her ethnic and religious identity forward. But if there were crises in the neighbourhood, she was the one who had to go out and be the bridge to that community and front up in the media. So there was, again, another tension there.

That one was about everyone playing the ethnic card—not the ethnic card but group interests. This particular MP said: "Well, everyone says that we're being religiously communitarian, sectarian, but what about the LGBT network?". She said that everyone—the farmers, the LGBT groups, etc.—pursues the interests of their groups. For her and for many others, in the media there was a framing that when ethnic MPs are doing it, it is somehow worse than when other representatives or other candidates are naturally connecting with their own groups of interest. In the particular Belgian context there is the struggle with the

question of religion, so it is about how to be a secular candidate in the face of religious communities. That becomes a struggle within parties as well.

I just want to focus because I think I am getting out of time here—

Chair: 2 minutes.

Dr Fiona Barker: One is about what I have called the normalisation process. Often when we talk about the diversification of parliaments, there is discussion about the process as if there is an evolution over time and as if there is some kind of normalisation that will occur when the parliament will be diverse, and that will be a very natural part of society. That might be normatively where we hope to end up, as Kate has pointed out, but I think that in the Belgian case we see some issues here around what we would think of as this normalisation.

Even as there is a very strong critical mass of MPs of different origins, there are periodic events in the media. Debates around the Armenian genocide are the most recent one, where, regardless of the particular connections or history of some of these candidates and representatives, because there is an issue in the media that relates somewhere to their origins, it comes up again and they are forced to take a position on it publicly. In this case the MP is saying “Because we’re of Turkish origin we are obligated to take a position on it. We are forced to take a position on a subject that doesn’t really concern us, doesn’t directly concern us.” The representative at the bottom right was, as you can see, excluded quite recently from her political party because she refused to recognise the Armenian genocide. So it is very much a live issue in the party politics of Belgium.

I think, for me, it pointed also to the ongoing balancing act that MPs of migrant or ethnic origin might have to play in the Parliament even as they become settled in their careers. There is a different kind of politics going out in the media sometimes that raises issues in a recurrent fashion so that they have to keep responding to those.

I will leave it there now. I have a few thoughts that perhaps we can have in discussion time, about bringing those experiences back to the New Zealand case as well.

Melissa Lee: Wow! I feel a bit overwhelmed, actually, to follow those two ladies, Kate and Fiona. I will bring it right down. I wrote some notes because I knew I would waffle—typical politician—and talk about lots of things. But before I begin I just want to make a couple of points. In terms of Kate’s presentation, she talked about better policy making from having ethnic diversity within Parliament. I have to say that it is in fact true and I feel very privileged to have actually contributed to changing immigration policy that brought about the centre of gravity—the change in that—which actually caused a lot of problems within the Korean community. Korean men who have two sisters in Korea were not able to bring their parents to New Zealand before that change happened. I lobbied the Government, when we became the Government, and said that in the Korean culture, those two ladies actually no longer belong to the family tree. They had been lifted out of the family tree so, technically, they were not part of the family and it was only the male child who was responsible for the parents.

In terms of Fiona’s talk about representing communities, sometimes representing my ethnic community means having to make really difficult choices, and we are often criticised for taking that stance. In terms of the marriage equality bill I took the stance of saying that as a list MP I had to represent my Korean community by going out and seeking their view before voting as I voted. I basically got lambasted for voting the way I did. I was one of 44 who voted against the bill, and that is because I spoke to the Korean community. I did not have one single voice that I talked to—I talked with the Korean community up and down the country. I actually consulted with the Korean societies—the youth groups and whatever—and the overwhelming majority wanted me to vote against the bill. I felt that having actually taken the stance saying that I would listen to the community, I could not vote against that stance.

Anyway, it is an absolute pleasure, and thank you so much for inviting me to take part. I feel, as I said, a little bit overwhelmed speaking after these learned academics here. Speaking in the modernising parliament forum in my capacity as the first Korean-born member of Parliament and as a Parliamentary Private Secretary for Ethnic Communities is a real pleasure. I think it is important when talking about representation to look at the history of

representation within the House of Representatives in New Zealand. In particular we should look at the members of Parliament from migrant backgrounds who have been elected since the implementation of MMP as our system of election in 1996 because, really, that is when it actually happened.

There was only one Asian MP in the 1996 to 1999 term, and that was the Hon Pansy Wong. It was not until the 2002 to 2005 term that there were four members elected, albeit two of them had very short tenures.

In 2005 the numbers actually dropped back to two due to the nature of party politics, before the surge of six representatives were elected in the 49th Parliament. I am sure that this slideshow is just going to be a rolling thing. I did not know what to put on it, so my assistant put in some pictures. I was elected in the 49th Parliament as the first Korean-born member of Parliament and as the 104th female member of this House. And if you include the Queen and the Upper House, I think I become No. 110.

In 2011 we saw a drop again, with the retirements and new MPs, when I was joined by my colleagues representing the Chinese community—Dr Jian Yang. And today, in 2015, we have still not got back to the 2008 level, despite my party doubling the number of its ethnic caucus in the 2014 election. So I will put big pressure on my Labour colleague over there. We actually work really well together in the Commerce Committee.

Today in our Parliament we have five MPs of Asian background, as Kate said, but only one can be considered as being in Opposition or across the cross benches, and this is a drop from six at the start of the 49th Parliament. It would be great to have a more diverse Parliament in the near future where I would find it impossible to read the names out in the duration of this talk. But I acknowledge those who have actually stepped up and were elected—and that is Pansy Wong, Ashraf Choudhary, Kanwaljit Bakshi, Rajen Prasad, Raymond Huo, Jian Yang, Parmjeet Parmar, and Mahesh Bindra, and the shorter term of Kenneth Wang. I do not know whether you actually remember Kenneth Wang, but he served a very short term here. An even shorter term was Kelly Chal, who was elected at the 2002 election, but she could not actually take her seat because it was found that she was not a citizen of New Zealand. So it was a very short term.

I also want to note that there are now more Asian New Zealanders running for election to our Parliament each electoral cycle. Migrant New Zealanders are now being nominated and elected to local government offices and serving the community in many other ways. In particular, I would like to note George Gee, the first Asian local body mayor and also the Mayor of Pētone from 1968 to 1980; former Dunedin mayor Peter Chin, who served from 2004 to 2010; and before him mayor Dame Sukhi Turner, who served from 1995 to 2004; and the current and fabulous Gisborne mayor Meng Foon. These individuals are representatives of different periods of migration to New Zealand. All generation New Zealanders are new, and I guess I am classified as the newer migrant to this country, and to have been able to reach public office is indeed a great big honour.

I would like to point out that my concern is that there is not wider representation across the political parties and across the House for ethnic and migrant New Zealanders. At this stage, the House has only 3 percent Asian representation, when the 2013 census indicated that the Asian population is roughly 12 percent. I think this shows that there is still much growth in migrant participation in our democracy. The Opposition needs to do better. For now it falls to the Government and my parliamentary colleagues Kanwaljit Bakshi, Jian Yang, and Parmjeet Parmar on the Government benches and Mahesh Bindra from New Zealand First to become the diversity leaders in these premises, as well as my serving as the Parliamentary Private Secretary for Ethnic Communities, which is considered the senior ethnic role.

Diversity in the New Zealand Parliament has come from a variety of means—through list MPs and through electorates at times. But, most important, ethnic New Zealanders have been predominantly represented by the selection of candidates and those members of Parliament through merit and service to the nation and their communities. I think merit-based selection is the best. I do not think we should have “Just because I am Korean, I should be selected.” or “Just because I’m Chinese, I should be selected.” I think it should really be

based on merit. You might have a different view; I am not so sure. We can have a discussion about that, but I believe that the ethnic MPs who have represented us so far and who have retired so far have been selected for their commitment to the cause of representing their people—their electorate—and I think it was done through merit-based selection.

I guess the question of ethnic list MPs is one that I also want to take time to address, because we represent a New Zealand - wide constituency, although we may be based in offices in one of the urban centres—like me, I am based in Mt Albert as a list MP. Our support base and those whom we represent live across the vibrant nation that we all share, and it is important to note that as MPs representing diverse communities, we can be called upon to travel as much as an electorate MP who represents a large population or a large electorate, as well as Ministers, who travel up and down the country opening facilities and engaging across wide stretches of the country. We are often called upon to do those things as list MPs.

Our communities can be very small or large. We are usually representing a town or city-based group of constituents, also. Just to give you an example, on Saturday I was in Christchurch all day. I left Auckland at 6 o'clock. I was doing a women's expo. I was standing there talking to people in Christchurch and then I moved on to the Korean school, where they were doing a cultural event. I moved on to my youth group, the Kimchi Club, which I have formed for young Korean professionals. Then I went across to do a gospel gathering at a local Korean church, which included not just Korean singers but also singers from other churches. So it was sort of an ecumenical service. Then I had a meeting with some Korean businesses. In the evening I had coffee with the Chinese community. So it was quite a full-on thing. Then the next day I travelled to Wellington to attend the Chinese Mooncake Festival, and then on the way to Auckland to attend another Mooncake Festival, not of the Chinese community but of the Korean community. So I was sort of all over the place.

Although some may claim that ethnic New Zealand is the hub of only Auckland and Wellington, it can be found wherever there is a town or suburb that has the spark of a new migration or the sights and sounds of diverse citizens engaging in their community. New Zealand has changed from a predominantly Pākehā culture to a dynamic society full of opportunities and exciting developments that have come from fresh experience in Aotearoa.

So now I want to just outline some statistics and key facts. In 2015 we are fortunate, of course, that the Electoral Commission has now got key information in 27 different languages. I think you have actually seen some of that here, and I think it is actually wonderful that we can find information about voting on that website, from Russian to Filipino to Cantonese. Government services are now also working with Language Line services that were recently extended by the current Government to support confidential interactions between migrant New Zealanders and key public agencies.

However, as previous speakers have said, in 2012 the New Zealand General Social Survey showed that only 59.4 percent of the migrants did not actually vote in the 2011 general election, and as of the 2014 election, it was announced in the survey commissioned by the Electoral Commission that the least likely two groups to be enrolled to vote were Pasifika and Asian people aged 18 to 29 years old. The same group was the lowest for understanding the electoral system, and further to that, Asian voters in general were 15 percent less likely to be enrolled than the average voter. Asians were by far the least likely group to vote at the general election, and although there are survey results indicating strong awareness of the election and campaigns, we as members of Parliament need to address this to help enhance the turnout at election time as part of our duty as proactive citizens.

I think the majority of members of Parliament who are of ethnic minority, if I can say that—of ethnic origin—have actually worked very actively not just on policy but on engaging our community to participate and to make sure that they are enrolled to vote. So we are not just talking about National Party politics or Labour Party politics. I think we are more focused on engaging people in this democratic process so that they are enrolled to vote and then they are, in fact, turning up to vote. Getting them out to vote and exercising their right is one of the most important things, and I know that right across the board they were doing that.

Having people not turn up to vote is a big concern for all of us, I think, as a nation. We need to actually get them engaged. We need to also acknowledge the role that the internet now has in assisting to get the vote, and supporting diverse New Zealand and helping in the key constitutional task of the formation of our Parliament and Government.

I think I mentioned that in 2002 when Kelly Chal was elected on the United Future party list, she was barred from entering Parliament within a fortnight of the provisional results. It turned out that she was not a citizen but still a permanent resident awaiting her citizenship papers. New Zealand has a very relaxed law about those who can enter our Parliament, but they are not as relaxed as that. Naturally, she had to stand aside and let Paul Adams take her place. It took 12 years before another female Indian New Zealander had the chance to enter Parliament—that is my colleague Dr Parmjeet Parmar, who was elected as No. 48 from the National Party list.

I think MMP is a system that supports diversity, but there are still occasional barriers for ethnic New Zealanders to fully engage in the civic process. I think, considering the fact that we are talking about ethnic minorities not turning up to vote—it is really interesting for me, because they are very actively engaged in the political process of their home countries. Often they are allowed to vote in this country, and often people just take permanent residency in New Zealand instead of taking citizenship because they can engage in both. I think that is one of the things that we might actually have to look at as well. It will be a really interesting conversation to have, to increase participation for them.

I guess I will just wrap up. In conclusion, it would be outstanding to see the greater development of diversity in this Parliament. I hope my colleagues are just as excited as I am and I hope that the growing political and civic engagement of fellow ethnic New Zealanders participating in the spirited debate in our Parliament would be welcome. The future of New Zealand will be a very diverse one. In looking at the projections, it is quite exciting to think that the Asian population will become No. 2. Does that mean that we procreate more? I do not know. I do not know what it actually means, but the Pacific population and the Asian population are increasing. I think that diversity is something we should actually celebrate. Looking at the ethnic minority representation in Parliament, I think, looking at the numbers, we are short by 7 percent in terms of Asian parliamentarians, if we go by just that number. But having said that, as I said, I do not think it should just be a numbers game. I do not think it should just be representation purely on diversity for diversity's sake. Thank you.

Chair: Thank you, Kate, Fiona, and Melissa. By my maths we have got about 23 minutes for questions. There is plenty to go on there, so do we have anyone to start us off?

Hon Janine Freeman: Hi, my name is Janine Freeman. I am a state member of Parliament in Western Australia, which has a large multicultural community—over 50 percent of the people I represent are born overseas. Quite a lot of them—large numbers—are Vietnamese, Macedonian, and African. So I am interested in some of the issues around participation and gaining greater participation. At the current time I am working with a few people running in local council, so we are at that level at this point of time. Your two contributions about increasing participation would be great, particularly about women. I can get a lot of blokes from multicultural communities to put their hands up. It is a struggle. Yet, the women are leaders in their communities. You know, they are organising their kids, they are doing the stuff around making sure they are doing Saturday afternoon language classes and other classes and cultural classes, and they organise the cultural events—they might not stand up and do the welcomes but they are really focused and behind that. So I am particularly interested in encouraging women from multicultural backgrounds into politics or political participation.

Dr Kate McMillan: Is it possible to get my presentation back up? I have got a slide there. I am sure that the two MPs have much more specific strategies to talk about, but I guess you can think about it in terms of it being in the population, the supply side of the equation. In the population there are so many women, and there are so many women of an ethnic minority background. It is such a complex relationship between wanting to stand for Parliament and considering yourself as someone who would be good to stand for Parliament, right through to all of the societal conditions that lead to you being elected. So in terms of the supply side,

I guess there are things to do with whether the society, the culture, is identifying or seeing the kinds of MPs that exist as having the qualities that are not restricted to males and are not restricted to European males. There are all those societal factors that need to be worked on as well about developing leadership amongst women and minorities. But also, in order to stand they need to have networks, they need to have financial resources, they need to have time resources, and they need to have the confidence that they have the qualities that are suitable for leadership. So, again, those are all supply side factors.

I guess, and I am sure that this is something that the two MPs have given a lot more thought to, the party has a huge role to play in terms of promoting the idea that the qualities that are needed in our representatives are the qualities that are held by women—some women not all women. They are not qualities that exist only amongst some male Europeans. Similarly, you have got all the factors in terms of people actually being selected, which is where the party comes in even more, and then also the electorate selecting those MPs. I think the media has an enormous role to play there and the ethnic media have a really, really big role to play. That is one thing that we noticed when we did our research in relation to some of the ethnic minority communities, particularly the Korean community—in fact, they were looking to their own media in their own language for the newer migrants. The party that was most evident in their newspapers was one party and not the other party. They were hungry for knowledge. They wanted knowledge about it. I think that is probably also a way that parties could go about recruiting candidates.

Melissa Lee: Well, if I could add, I think one of the issues is—you are right. I mean this might be generalising, but often Asian women have certain boundaries within their culture. They are a very proud people. They often do not actually live their life asking for money, so trying to gain donations from supporters is a very difficult thing. I mean, I find it really hard and I have been in this game for the last 7 years. It is sort of like cap in hand, almost begging. I find that process really, really difficult.

Capacity building is one that is actually really difficult within the Asian ethnic grouping in terms of women leadership. I mean, there are leaders—my mother. She is nearly 80. You would not think that she was not a leader. She was the boss in my family and she is a role model for me, but you would never get her, perhaps, to stand for Parliament because it is not something that she would do. For me, when the National Party asked me to stand it took me—they contacted me asking me to stand back in 1999, after Pansy Wong was elected in 1996. I had a baby in 1998. I could not stand with a 1-year-old child. The pressures on me to be a mother—it just did not work. It took me until 2008 before I could actually even consider the idea of standing.

So there are lots of pressures on womenfolk. I think the support network is really, really important. They might think it, but they need to be reminded that they should actually step forward. The support network is really, really important, and that is one of the things that we do not do very well, I think—for both of the bigger parties. We do a lot of outreach. They rate us sometimes. You do it quite well, I think.

Chair: Oh, no, I do not.

Melissa Lee: They rate me. I do not normally appear in the mainstream media, except when something terrible happens. They never monitor the ethnic media. I recently was on two pages in the Korean media. It was a feature article on what I do. They never monitor that. They would monitor what actually appears in the mainstream media and say “Oh, Melissa Lee, backbencher, does nothing.” It is very difficult, and I think that is one of the things we do in New Zealand. I do not know what is happening in Australia, but, for example, the Office of Ethnic Communities does a lot of capacity building and leadership training for women. We try to encourage people to participate.

When I became a member of Parliament, I set up something called the Kimchi Club to actually give young Korean leaders an opportunity to be mentored by other people. I bring in different politicians, I bring in different mentors from different fields of work, and I encourage them to participate. It has nothing to do with a political leaning. One of my Kimchi Club members stood for the Internet Mana party at the last election—that is OK; they actually stood. They actually decided to put their hand up and have a go. That is OK. One of

my former supporters ended up standing for the Labour Party. Hey, they participated. So I celebrate that.

Chair: If I can give a Pacific perspective—it is not a normal thing for Pacific people to be members of political parties. They might be sympathetic to a particular party but they will not be members. So while we might have a higher end goal of wanting more participation, getting them to take the leap into the process of becoming a candidate is a completely different thing.

If you know anything about New Zealand Labour Party politics, becoming a Labour Party candidate and going through the list process is like killing your young. A lot of them may be put off by the internal structures that you have to go through and those kinds of things you have to go through even to become a candidate. And they are not guaranteed even to become a candidate. So you have to go through a bit of due diligence before you make that decision to become a candidate.

Pacific people do not necessarily like conflict, so if they think they are going to be put through the wringer through an internal process, they might not go into it. But I think, in another way, it is good because if you can go through that, survive, and still be enthused about being a candidate, then you are battle hardened for what is about to come, because running for Parliament is not easy, as you know.

There is a strange thing going on with Pacific peoples and representation. I try to encourage more, but also I try to warn them about exactly what the process is to even get to the first step of running for Parliament. I think, certainly from my perspective, that where you might need to do something about that is in being more welcoming and recognising that there is a cultural difference. Yet they still have to go through an internal process to become a candidate.

Dr Fiona Barker: Just very quickly on that, it is interesting because internationally it is about perceptions as well. In many European countries at the moment, it is precisely the women whom political parties are turning to when they are looking for candidates from Algerian, Turkish, or Moroccan communities, because they are the friendly face of Islam. Many of the parties see the men as too scary in the media, and so there is, in fact, also a media game as well, I think, in some of the communities around how the parties assimilate the attitudes in society more broadly.

Maybe to pick up very quickly also on the idea of the party list and how that is functioning—obviously, if we look at Labour at the moment, all of the Pasifika MPs came in on the electorates. So in a list system where you are relying on the list to introduce a lot of the diversity, then, of course, the fluctuations in party fortunes matter a great deal, and I think that that is something we need to think about. Obviously, it is equally as hard to win an electorate, but we need to think about the different mechanisms for getting in, because I think, in the Labour Party's case at the moment, that is—

Chair: —an issue.

Dr Fiona Barker: —an issue.

Delegate: Is *[Inaudible]* candidates *[Inaudible]* were further down the list?

Chair: It is a combination of that and of how many votes we got. We were much more hopeful.

Delegate: *[Inaudible]* in Australia *[Inaudible]*. And so it depends on where you are on the ticket, in terms of—

Dr Fiona Barker: It also relies on incumbency as well. So if incumbents are prioritised on a list, then there is only so high that you can bring in diversity.

Therese Arseneau: And how incredibly successful you were relatively in the—

Chair: —matrix, yeah.

Gabor Hellyer: I was particularly interested, Kate, in what you said about how we can empirically see that certain countries have lower levels of electoral participation, and I was just wondering whether from your perspective there is more that New Zealand could or should be doing in terms of integration or targeted policies to ensure that in 20 or 30 years'

time when the demographics are changing, it will not have a significantly negative impact on overall turnout—whether you think that there is more that we could or should be doing.

Dr Kate McMillan: Yes, I think that this is a really, really important question, because, as we saw with the numbers, if you have those very parts of the population that have the lowest turnout—and we already have a declining turnout in this country; there was a slight increase at the last election but the overall trend is very much a downward one—it is a very serious question. I think there are a huge number of things that could be done.

First of all, we need to know why it is that people from the Pasifika communities and why especially our Chinese and Korean groups are not voting. Is it because they do not know about the electoral system? Is it that they will over time? Because, of course, let us remember that a lot of the Chinese population that is growing, and other members of the Asian community that are growing, are immigrants, and we know that recent immigrants vote at much lower levels. So that explains to some extent some of the differences between their turnout and other people's turnout. Perhaps over time—because we know some of the variables that increase voting turnout are a sense of belonging, a feeling of being settled, as well as a whole lot of socio-economic factors—it may be that we see that as people are here for longer they start to vote more.

We also know that a low socio-economic status is associated with lower turnout. So you have a compounding problem, if you like, where people who have a low socio-economic status and who do not vote do not get representatives who are going to promote their interests, and that becomes something of a downward spiral. It is the same with youth. If youth do not turn out, they do not get representatives who promote their interests. The old turn out—whose interests get promoted—and the older people's interests get promoted. So it is a very serious issue, I think.

So the Electoral Commission has a role to play in terms of trying to understand and getting out to those local communities. We have found that a lot of the local communities say that they want to know more, that they want to hear more, that they want the MPs to come and talk to them, that they want the Electoral Commission to come and talk to them so that they understand the system. I think the media can do more. We can probably all do more if we think about it in one way or another.

Melissa Lee: I think there are also symptoms of migration. I think you will find that in all countries, even if you look at America or Canada, where Asian migration has actually been longer—for example, the first Chinese who came to New Zealand in 1842 was Appo Hooton. In America, the first Korean MP in the Congress was only in the 1980s, with Jay Kim. In Canada, we still do not have a Korean MP. They are very hopeful that they might actually have the first one on 19 October when they go to the polls.

When Kate talked about the symptoms of new migration, the settlement issue, I think that often when they first arrive here—I have been here for 30 years—they are getting to know the lay of the country and what everything is. For most families, when they migrate here, they have schoolchildren. They are busy earning a living, organising their children, going to sports, and all that sort of stuff, and politics is actually beyond their interest because more immediate things are of concern to them.

I know that both Labour's Raymond Huo and Dr Jian Yang did a lot of work in the Chinese community. They were constantly on the radio like I was, on Korean radio, Korean television, and in Korean media explaining the process of elections—how they need to register to vote and then, although it is not compulsory, why they actually vote—because their views are actually of interest to us. We did a lot of outreach work. You cannot force them to actually vote unless you make the vote compulsory, and even then I do not know whether they will actually turn up.

I think there was some confusion in the beginning when a lot of permanent residents did not think they could actually vote because they were permanent residents—in their home countries permanent residents could not vote, only citizens could—and then they realised that permanent residents can actually vote in New Zealand. And then there are some who did vote and some who did not. So it is a personal choice thing, I guess. We do—all parties—I

think, probably need to be more proactive in reaching those people, who are actually very low in terms of numbers and turnout in the actual election time.

Chair: Yes, I think Melissa makes a really good point. We, everyone in this room, embed our heads in politics every day. But the mothers and fathers and everyone else out there might engage in politics once a month. I have got a very good friend in Christchurch, one of my best friends, who I think is engaged in politics but who quite regularly gets facts wrong about what is happening in politics. And they are the people who vote. If we want to turn round participation, there is a relevance issue, there is an exposure to politics, and there is a connectedness to the political process that just is not happening, and the only way you can do anything about that as MPs—it is a practical thing and Melissa has spoken about it—is you just have to go out and engage.

We cannot all do it through the mainstream media. Like Melissa, I try to stay away from my old friends in the gallery, because as someone who has to go out into his electorate and engage with different communities, I cannot do that through TVNZ news. I have got to go and do it through my local paper and by getting out there on the street corner and doing it that way. We need to go back to some really basic politics. I am pretty sure that most MPs in the House do, but to reach some of those communities that feel completely distant from politics, you cannot sit in your office here. You actually have to go out there and go to the church on Sunday and go out and speak to the community meetings, and I think it is something that is undervalued in this House.

Melissa Lee: The number of churches, temples, and mosques that I actually visit is tremendous. All ethnic MPs do that quite regularly because that is where people actually gather.

Just on that engagement side, as a list MP—different to an electorate MP—we also have an electorate that we have to be responsible for. I am a list MP based in Mount Albert, so I have the list MP role in the Mt Albert electorate where I am actually dealing with Mt Albert constituents who want to come and see me and deal with me in a normal sense, and then I have also got the outreach with the ethnic communities as well. It is a real juggling act, and I think that sometimes we seem to know instinctively where our role as ethnic MP takes over from the role of list MP based in Mount Albert.

I do two newsletters: one for the Mount Albert community and one for the Korean community. I do advertising in the local paper and I also do it in the Korean paper—and they pay list MPs less for advertising expenses. We have less to spend compared with the electorate MPs. I wish they gave us the same amount of money. So to those of you who can actually speak to the powers that be—you get \$60,000; I get \$40,000.

Chair: I will just make one more point, and hopefully Melissa will agree with me. I think the general consensus is that sometimes the general public, if they are negative about politicians, will disown you. It is like: “Bloody MPs. They spend too much money.” But with the ethnic communities, they own you. So with Melissa’s Korean community, they will own her and they are proud of her. So there is a completely different kind of pressure on Melissa with that community than you might get with a completely different part of her constituency, and that puts a lot of pressure on ethnic MPs, because not only do you have to perform in this place but you have to serve a specific community who want you to represent them, as well. That is a pressure that I do not think a lot of MPs realise.

Melissa Lee: Yes. I send a lot of flowers—every wedding, every funeral, every engagement.

Chair: She is very compassionate.

Melissa Lee: And it is expected. It is like the community owns you. It is expected that, as a member of Parliament, I am supposed to provide the flowers. It is incredible. I get a phone call: “My father’s passed away in Korea. Can you send flowers?”. It is US\$150 to send flowers to Korea. It happens.

Therese Arseneau: Fiona, do you think that what you found out in Belgium applies here?

Dr Fiona Barker: I think there are many things that do. So what you were just talking about, it is the double, the balancing act. In some ways, you almost think that you need to be paid more overall.

Melissa Lee: Just the expenses—just the expenses.

Dr Fiona Barker: This may be something that is also relevant for the Māori MPs as well. There are the two roles, and you have got to do the two types of jobs. I think that is something that clearly comes through internationally among similar MPs in other countries. They are managing demands from two types of constituencies.

I think that differences there are obviously the different political cultures and cleavages in every country, and I think that the fact that we have a precedent here with Māori representation means that there is already an assumption in the country that it is OK to be representing a group in a way that in some countries—especially in francophone countries, perhaps, where there is a very universalist understanding of citizenship—the groupness of your identity and representation is less OK. So, I think, thinking about what we already have in New Zealand helps to embed the path for the ethnic MPs.

Chair: Last chance.

Delegate: I have one. It is not really a question; it is more a comment really. *[Inaudible]* you mostly hear about things around ownership of you as a representative of the people. I get that it is not “the people”; it is “your people”, and you have different expectations to fulfil your cultural expectations or responsibilities, and the merge between coming in here and being a new migrant and finding a new home and getting used to doing everything in the daily 9-to-5 stuff, and then seeing an MP and going: “Oh, yeah, she’s going to pay for the flowers.” So it is like giving you work on top of other work and responsibilities, but at the same time it is like an “I own you. You have to do it.” expectation. I get that Māori behave exactly that way. They own you before this House will ever own you.

One of the comments I wanted to talk about around disengagement is really around trust—no trust or confidence in the system and in this House and everything it stands for. How is it that we are able to look at intergenerational racism within the broader framework that we all have to call the State and its relationship to indigenous nations and other populations that are here in Aotearoa New Zealand, but also to be an exemplar for the world? I think that there are more commonalities there between Māori and other groups than we realise a lot of the time. I wish we could just find a way forward to be able to draw on those cultural responsibilities to best benefit participation and citizenship.

Melissa Lee: Kia ora. Thank you for that. I just want to make a comment. I think you are exactly right. The trust is really, really important, and I think, as members of Parliament, who are elected either on the list or in the electorate, the kōrero that actually happens with the community is really, really important to build that trust, and I think that that is a lot of the work that we do as ethnic MPs.

One of the issues that I have faced with the Korean community is that they are used to MPs in Korea and the kind of corruption that they have actually faced in the previous governments, in the history of Korean politics. So when they come here and actually see how hard we work—and sometimes my interviews with Korean media are about the kind of hours that I keep and the kind of work that I actually do—they go: “Oh, my God! You’re, like, locked in there. You can’t even go without leave.” They get baffled as to how that could be because, as far as they are concerned, members of Parliament are these highfalutin, cocktail-drinking people who get paid lots of money and have seven staff who do all the work for them—and they do nothing. They just look pretty in media photographs.

Some of the Korean community have actually come to Parliament to visit me and they actually see the kind of work that we do. Whether it is in the select committees—they see how different parties across the House can actually work together. They say: “But you are opposite sides.” Yes, but we can actually make progress on a piece of legislation—produce it to the best possible standard that select committees can actually do.

Delegate: And therein lies the issue that I have with the media. I have an issue with the media in the way in which the media portrays fighting over the way *[Inaudible]*.

Chair: Yes.

Delegate: I have a massive issue with that. And I think that that is part of the reason why we continually have low participation—because it is trust. People look at them and go—

Melissa Lee: No, and we have got two former journos here. I remember when I used to work for the papers. "If it bleeds, it leads."—that was the mentality.

Delegate: The culture that you have to [Inaudible] as a responsible [Inaudible] member for your people would infer that those [Inaudible] over to the media so that the media are encouraged by: "Hey, if we can get people to talk together, because the youth are saying 'We just want people to get along.', then maybe we might have a different outcome instead of looking at 3-year mortality rates—and look at intergenerational citizenship."

Chair: Which is one of the reasons why I left journalism, because you can only ever point out problems and never come up with solutions. This place is a bear pit and it should be because there should be fierce debate. But I think that one of the best times when it does work is around when we are passing Treaty negotiation bills—where Parliament is the most harmonious, trusting environment that it ever is. I am not saying that it can happen 100 percent of the time, but I would like to see a lot more of that around some of the critical issues in housing, education, and health.

Delegate: Or you just do not wait for someone to die and they have their poroporoaki and then you see the MPs give a hongi to each other for the first time. The kids do not need to see someone die for getting [Inaudible].

Chair: Yes.

Delegate: And the media should actually be setting an example for that.

Chair: The media portrays about 0.5 of a percent of what goes on around this place. As Melissa said, we sit on the same select committee. There are times when we do not agree, but a lot of the time we do agree. That is life; we can get over that. But there is a lot of work that goes on behind the scenes here that is bipartisan. We work across parties and it does work. Some of those perception things around the media are why some of us do not engage with the media anymore.

Dr Kate McMillan: Can I just make a really quick comment in relation to that? I think that situation is only going to get much, much worse because the media is so highly commercialised and the competitiveness is just getting greater and greater. I think that is a good reason for there to be more funding towards public broadcasting, because that is the only possibility for us to get non-commercial, non-conflict - based media.

Melissa Lee: OK, we are going to get into a debate about that one.

Chair: We will not start that debate.

Melissa Lee: We will not start that debate.

Chair: But it is an interesting point.

Melissa Lee: But it is really interesting. I remember when I used to work for the papers—fact-checking was something that we did. Until it was correct, it would not be published. This is going back a few years ago, when I used to work for the papers. But now they do not care if the facts are correct. If you get the spelling wrong, you do not get into trouble. They just do an apology on page 30 at the back.

Chair: We agree on that.

Melissa Lee: I am an old journo, and I do not know where that whole pride in journalism—you know, the good journalism—has gone. I have to say, I despair at the thought of the new journalists. Sorry, if there are any journalists in the room.

Chair: I think we are getting a wind-up in our ear from Therese. Can I thank everyone for being here this afternoon. I know it is late on a Thursday afternoon. Can I thank Dr Kate McMillan, senior lecturer in politics, and Dr Fiona Barker, and my parliamentary colleague Melissa Lee. I really enjoyed the conversation. We could go on for hours if we could, but thank you all for being here this afternoon and for taking part.

Workshop 2B: Engaging the People with a Modern Parliament

Chair: Richard Herr OAM PhD, Academic Coordinator, Faculty of Law, University of Tasmania, Australia

Presenters: Poto Williams, Member for Christchurch East, New Zealand; Dr Norm Kelly, Associate, Australian National University, Australia

[Sound files for the first 35 minutes of this session are unavailable]

Poto Williams: *[Recording starts partway through this presentation. Begins on slide with the newspaper headline "New coastal hazard zonings in Christchurch spark fury and anxiety"]* We are prone to the sea coming in and the water coming in at the estuary. What happened with this particular replacement district plan was it was going to require the community to sign off within, I think, about a month. They gave us a month to consult and to sign off. The fact that we were going to have hazard notices placed on our properties if we were affected by sea-level rise and our land having dropped, any development had to have a high foundation level. So post-earthquake, our foundation heights had to go up. They had to go up a further half-metre. Any future development had to meet stringent requirements, which could mean that we could not build on the land in the future, and there was potential for actually forced migration or managed retreat off this land.

A whole lot of people went: "Hang on a minute. You're going to give me a month to process this about my most valuable asset, which I know has probably been damaged in the earthquake, and I'm in the process of rebuilding or repairing. You're only giving me a month to decide about what I want to do about this, and you've imposed this hazard notice on my property, which has immediately devalued it, made it difficult to insure, and potentially difficult to sell." So, you can imagine, we had a little bit of a fight on our hands, and this was as part of the requirement of the CERA legislation and having to monitor our plans.

The first thing that I did was I actually wrote to the Minister and I said, "Under one of the requirements, could it be that you could use an Order in Council to actually carve out this chapter in the plan and give us some time to talk about this?", and the Minister's response was: "That sounds like a really great idea. We're well through this process, though. I suggest you get people to submit." What we did was I called a public meeting, but I wasn't the only one who was agitating. What was happening was that community groups, residents' associations, the community board members, the pier and foreshore group that are indicated at the bottom of the slide here, they run events in our community.

Everybody decided: "OK, we've got to do something together about this. We've got to do something collectively." So the local community board member, a chap called Tim Sintes, went on television and he said: "All we're asking for is a bit of time to get some other scientific information, some other reports written, to have conversations with our community. Actually, let's talk about this, because sea-level rise might not impact us for 50 years. It might be 20 years, it might be 50 years. Let's get some really good information about this, and let's actually decide as a community how we move forward, because at the moment, you're just scaring us, and we can't make this decision in a short time."

So these groups got together. Everybody got organised. We had people with little delivery systems. They had written template submissions for our local council, and they were delivering them out to people and advising them how to prepare them. It was an amazing piece of work that was organised in a very, very short piece of time. You will see from the previous slide, that was the "undie protest".

I held a public meeting. I knew there were about six or seven groups that were agitating and doing various pieces of work. So I organised a public meeting and got them all together, plus members of the public, to talk about what they were doing. CCRU, for example, was actually going to take legal action around the validity of having a hazard notice placed on our Land Information Memoranda on our properties—they were going to challenge that.

They were going to challenge that in relation to another local council on the Kāpiti Coast, which is just up the coast from here, which had done the same thing to their local residents, and they were challenged successfully in court. So CCRU has got its group together. That is the piece of work they are doing.

The residents' associations up and down the beach, about half a dozen of them, all got their local residents together to talk about what they wanted to do, preparing submissions, and just informing the public. Community board members were doing exactly the same. Local councillors were doing exactly the same—right up to their member of Parliament actually writing to the Minister and organising public meetings, as well. So it was a collaboration of a whole lot of groups working together for a common purpose, and the whole idea was to get this process delayed or stopped so that we could actually just get some good information and inform our population.

The thing I want to remind you of is: this is a traumatised population. We are a community that has had several thousand earthquakes or aftershocks. We have had to deal with insurance companies, and we have had to deal with broken homes, and damaged streets, and poo being on our front lawns, and a whole lot of stuff. As a population, we had kind of gone into ourselves while we sorted this stuff out, but then we realised that if we acted together, we could do something about this. They were not going to move us from our beach, basically, is what people told us.

In this slide, these are the various groups that we got together. Mark Munro from CCRU is quite a major businessman and landowner. We have got people who have got quite different political leanings here. Tim Sintes is from the community board; Hugo Christiansen is a Dutchman, and he would be advising us about different ways of mitigating sea-level rise and the like. So with all these different residents' associations, it is quite a varied group of people presenting the issues and informing the public.

What happened? Well, from the meeting on 19 September to this headline "Christchurch coastal flooding zones removed", which was in the paper on Tuesday, the community actually got its wish. The mayor and the Minister for Canterbury Earthquake Recovery actually realised that it was very easy to take chapter 5 out of the replacement district plan and give the community some time to process it. So through all of that agitation, we got success, and that was only because we collaborated. There was no party politics in this whatsoever. It was all about people wanting the same objective. If you are talking about an issues-based campaign for this, it was important to just about every single person who lives on the coast—in this slide, those are some members of the community.

So, in summary, what I want to say is this. There is a whakatauaākī, a Māori whakatauaākī—a proverb. I am going to read this to you in Māori; excuse my pronunciation: Unuhia te rito o te harakeke kei whea te kōmako e kō? Uī mai koe ki ahau he aha te mea nui o te ao? Māku e kī atu he tangata, he tangata, he tangata. [*If you remove the central shoot of the flax bush, where will the bellbird find rest? If you were to ask me what is the most important thing in the world, I would reply it is the people, the people, the people.*]

In conclusion, I think that that little case study demonstrated that people working together on an issue can actually change the world, and it certainly has for us. Thank you very much.

Chair: I do not know if our next speaker, Norm Kelly, has encountered an underwear protest, but you can tell us when you come to the podium.

Dr Norm Kelly: No, no underwear protests. I can recall doing a biking rally where I got run off the road by a Green MP. She said it was accidental, but I am not so sure on that. Kia ora koutou, and a special welcome to the Western Australian delegation here. It is good to see some old friends from my days in that old stamping ground, particularly Barry House, who was a colleague in the Legislative Council when I was there. He has promised not to interject through my presentation, at least not in the ways he may have done at times in the old days.

Now this issue that I want to talk about today is not a fully prepared paper at this stage. It is a concept or an idea that I want to further develop. I have not consulted with New Zealand parliamentary staff about this, and that is part of the purpose of today—to try to gauge the sort of reaction about whether this is something that is worthwhile pursuing and to what degree, and the like.

The question of utilising internet voting for parliamentary decisions is something that piqued my interest earlier this year when I was working for the Ministry of Justice here on a contract. I was in the electoral team at the ministry, and part of my work was looking at submissions to the select committee inquiry into last year's general election. There are a good number of submissions in regard to internet voting. Most of these were generated by an activist website that was encouraging people to make these submissions, but there is some good substance in it as well. Whilst I was doing that work, I was also, in another part of the work for the ministry, looking at the upcoming trial of internet voting for local government elections next year. So there is a combination of factors. A third area of work was on the flag referendums, which I have managed to weave into what I am going to present today as well, because I do feel it is quite relevant.

Today what I will be doing is I will be talking about, firstly, voting trends in New Zealand, and why I see this as a particular importance for internet voting. I will be looking at the support for online voting from surveys in New Zealand and looking at the preparations for that trial that is going to go ahead, hopefully, next year for local government to trial online voting, and then—to the substance of what the paper will really be about—looking at how we can actually weave that into Parliament's work in modernising Parliament, in getting that connection between the people and Parliament. Then I will talk about the flag. Most people, or I assume everybody here, is aware of what New Zealand is being presented with in the coming months, with two referendums on a new flag; Australians in the audience may not be quite so familiar with some of the development to get to the point we are at, at the moment—but particularly why it is relevant to online voting. Then I will be finishing up with the challenges and opportunities that I see in regard to this issue.

Poto and I were talking prior to this session about how we were actually covering these different ends of the spectrum of engagement with our constituents, and it is good to see about how what Poto has just talked about and what I am suggesting can both be equally relevant and important to engaging.

So, just initially, looking at the trends and past data on participation in this slide, we see that New Zealand has a very high level of enrolment. Enrolment is compulsory in New Zealand, and it has been quite effective at being at that 90 to 95 percent enrolment rate. However, when we look at voting, we see a steady decline in turnout. We actually went below 70 percent in the 2011 election, and there has been a kick up since then in last year's election, but only slight. There is still that overall trend downwards, unfortunately.

The graph shows a bit of a kick at last year's election that I think can be largely put down to the greater accessibility of early voting. It is something that was enabled after 2011 so that there is no need to have a reason to vote early. There is greater accessibility to polling stations in the 2 weeks—or more than 2 weeks, actually—prior to election day itself. So that has created a bit of a kick, and it gives an indication that if you actually make things easier and try new ways of actually getting people out, then there will be some sort of reaction to it, and it is not just a case of spreading the same number of voters over a longer period of time.

If we now look at who is voting, we see here that there is this steady trend again where, essentially, it is the younger who are not turning out as much. Those purple bars are non-Māori descent; the orange bars are Māori descent, so when we are looking at young Māori, we are down at around that 55 percent turnout. There is a chance, and some would say quite a good chance, that those young non-voters we may have lost for ever—that once you establish a voting or a non-voting pattern early in your eligible life, then that can continue on throughout. So it is something we need to address and we need to actually capture, particularly those younger cohorts.

If we look at local government election turnout, we see that over the last few elections—and we have had entirely postal voting for local government elections in the last few elections—turnout is around 50 percent or lower. If you look across the graph—I am not too sure how easy it is to read it—essentially, you are going across into more urbanised situations. So on the right-hand side you are looking at city mayors, city councils. Essentially, the more urban we get, the less we vote, and that is sort of reflecting the types of demographics that we are dealing with.

These are some of the issues that we are dealing with. This is quite pertinent to local government elections, and part of the reason for an online trial for next year's local government elections is to address low turnout. The Government has been very focused on not committing to a suggestion of actually introducing online voting for general elections, but I would suggest that if we have this downward trend in turnout, why would we need to get to levels of local government voting before we do something a bit more radical, if you like, or innovative to actually address that general downward trend.

Will people be likely to uptake on online voting? First of all, here on this slide is our internet coverage in New Zealand. We have over 90 percent actually on broadband access, and I take note of an earlier speaker today, who said: "Well, is this really the percentage of people who can easily, readily make use of the internet?". It is probably lower than the actual access figures here, but this is something that was produced by the working group 2 years ago now on the actual coverage. So we do have very broad coverage, which is a good starting point, a good base—something that, you know, 10 or 15 years ago we could not contemplate to that degree.

Would people be likely to vote or, importantly, more likely to vote? This question was on the Stuff website in the past year. About 60 percent of people would be more likely to vote, and we need to differentiate here between those more likely to vote as against those who are already voting and just simply switching from one form of voting to another, if what we are trying to do here is to address that change in turnout.

In a recent paper from Charles Crothers up in Auckland, he has gone through and assessed the various surveys that have been done in recent years about the perceptions of online voting—the likelihood of use—and we see here that the Electoral Commission back in 2007-08 was doing surveys looking at the introduction of online voting, and found out that 42 to 46 percent of people prefer to vote online if they have that opportunity.

This was more prominent in younger voters and also non-voters—those targeted groups that we would be looking at, to actually further engage. Statistics New Zealand, in its household surveys, showed that about 60 percent of people were supportive of having online voting for local and national elections. Generally, if you dig down into that data, people tended to be younger—more support, with an increase in income, and also tertiary educated, which often just relates to the increase in income connection there as well.

Massey University last year, looking ahead of the general election in 2014, asked would they be more likely to vote if they are currently not intending to vote—would it actually change if there was an opportunity to vote online? Seventy-five percent of those students said yes, they would be more likely to vote if there was that online choice.

In the New Zealand Election Study following the election, 38 percent of people said they prefer to vote online, and that would be a mix of people who had voted and those who did not vote.

So what are the overseas experiences of online voting? Quite mixed, to be honest. Some countries have had good experiences. Estonia is regarded as one of the better examples of using online voting, but got off to a very poor start in their first trials and uses of online voting. You can sort of pick out the various issues. Generally, it comes back to security—security of the process.

New South Wales this year, in its state election, had a greater use of trial online voting and, in a precursor to the actual election, ran a demonstration site, which was hacked. Anybody who tried that trial demonstration site, once it was hacked, would get this response saying: "Your vote has been stolen." The selection of five candidates that they used for the trial was actually replaced with five candidates all called Ned Kelly, and that was that. No relation, by the way, apparently. What we do see, though, is that these sorts of examples tend to be very highly focused on in the media. There is a great media attraction to highlighting these problems, as serious as they are. It seems to sort of be even more of an issue in trying to win the argument within the media in the public debate.

In preparation for the local government trial, the Government set up an online voting working group. I would recommend their report, which they issued at the end of that investigation. It gives quite a comprehensive understanding and assessment of the viability of

going to online voting. In that trial, or in that research that they did, they identified five main areas where security threats could occur in setting up any online voting system. Briefly, the automated attacks are those sorts of sites or those sorts of systems that will actually be out there, looking for weaknesses in any security system, in any internet system, to infect, to do their damage in whatever way.

These are targets of opportunity that are searching for a particular reason, to actually get some sort of personal gain out of it; publicity seekers who are wanting to compromise to their own ends and may be completely disconnected, for whatever reason; and security-motivated, targeting online voting, and the Ned Kelly example in New South Wales is a good example of this, arguing that online voting should not be progressed—I would also say that that can be turned round into a positive, where you encourage those sorts of attacks, prior to the implementation of online voting, to test the system as rigorously as possible—and, finally, for political manipulation, if there is a political benefit to be gained in manipulating the results of that election online.

So when the working group did their investigation into the feasibility of a local government trial, they found that yes, it is feasible, that they saw it as a natural extension of existing options. We allow people to vote by fax and email in certain circumstances already, and online voting is just moving with the times, if you like. They found also that it can improve the voting experience, that it can enhance the way people interact in the voting process. It is particularly useful for people who are based overseas, the disabled, and people living in remote areas to actually engage, to get out there.

They have several warnings, of course. Firstly, that it should be a staged implementation of any online voting trial; that public trust and confidence is critical; and, of course, security is critical but not easy. They do mention the security risks—that there is never going to be any absolute guarantee of 100 percent security. But you need—and the group stresses this—to balance that risk against the outcomes: what you are you trying to achieve from this process. The group mentioned a bug bounty, which is this analysis of the vulnerability of any system, to reward people to actively go in, test the system, and do that during those trial periods.

The trial will be for up to 10 local government bodies. Local councils are currently deciding whether they want to be involved in the trial or not. Councils will have to carry the costs. So the councils can decide whether or not they want a trial. However, it is a Minister who will then select which councils do actually have a trial. There is no commitment beyond the trial, which is fair enough, but, as I said, there is definitely no commitment to extending this to general elections.

There are various requirements—the Department of Internal Affairs put out a guide in May—125 requirements relating to security of the vote with the processes. One of the overarching themes is to maintain the same availability and process as you would get with the postal voting system that is used for local government elections. So far, these are some of the councils that have supported an online trial—Wellington, four of those are in the North Island, Selwyn in the South Island, and then a few that have been against the online trials.

When it comes to the reasons for either supporting or rejecting an online trial, we see the newspaper headlines on this slide as the sort of coverage that we are getting when it comes to these council decisions. What we see here is that idea that security is paramount. We have people who are actually going around, presenting to councils on the security risks. The cost is another issue. It may cost one local government body up to \$100,000 to actually try out this trial. There is no central government financial support for actually engaging in this trial.

We also see in this op-ed piece, up the top of the slide there, that it is referring to Ashley Madison - style attacks. If you are familiar with the Ashley Madison site—I cannot say that I am, but it sounds like some of you. The whole idea is that you have all your personal details released, and in this op-ed piece Dave Armstrong talks about suddenly being outed as a Greens voter or something like that. So it was in jest at that time, but there is that sensationalist idea about—what about the security?

The way that I see where Parliament fits into all of this? What I would like to tease out is the idea of having Parliament using non-binding plebiscites as a natural progression from the

local government trial. My time frame here is probably a little ambitious, I accept, but in doing this it is entirely voluntary. We could actually have a way that ideally you would use the electoral roll, but you may want to have people have to actively opt into a system of online voting for parliamentary plebiscites. But this would be a good way of actually testing systems, getting familiarity with people using these sorts of systems but, importantly in the context of this conference, of how to engage people who are not normally engaged with what Parliament is doing for those 3 years between elections.

Having a series of questions occurring at regular intervals or semi-regular intervals but supported by information that is supporting the for and against arguments or broader choices would bring about a greater focus on Parliament, hopefully, engaging the disaffected who are not voting. It would be more accurate than opinion polling because you could be sure that you could vote only the once on this system. And it can be better informed than opinion polling by providing a bit more information, which could be determined by whoever is running such a system. It is an ability for MPs to actually test their ideas, to put things out there that they not be so sure of, or to get a greater indication of what people are really thinking, and maybe to be able to tease out more options than they are readily able to through opinion polling. If it is actually seen as genuine consultation, this may translate to increased turnout at elections.

These are some of the challenges. If the result is seen as being ignored by MPs, then this could actually result in greater disengagement, and we can see this through citizen-initiated referendums in New Zealand where you get a majority of people supporting a particular idea such as a couple of years ago—people being very much in support of not allowing public assets to be sold but not changing the Government position. People can then say “Well, what’s the use? I’m not going to be involved.” The establishment costs we could expect to be quite high, but once established ongoing usage of a system would be relatively low. The security failures, as I mentioned, can not only set back the purpose of online voting but actually create a suspicion of voting more generally, which could impact on other forms of voting at elections. Choosing suitable topics and questions, I think, is probably an easier issue to resolve, but that would be after acceptance of such a system. Low online turnout for doing this could be seen as a failure. It could be seen as just certain people who are particularly politically interested being engaged and not broader communities.

So this is where I bring in the flag debate. Can I get a show of hands: how many Australians do we have here? OK, and you will have varying degrees of knowledge about the flag issue in New Zealand. But, very briefly, this is just a selection of the short-listed 40 selections for a potentially new flag for New Zealand. But there were over 10,000 submissions that were received for a new flag. Most of them you would not see, but you had the opportunity to see. A panel was established, a Flag Consideration Panel, with 12 New Zealanders who are quite well-regarded and respected people from various walks of life—none of whom had any design sort of background or knowledge, unfortunately, which was highlighted, but were generally seen as a cross-section of people—to actually determine this.

They were given the 10,000 - odd designs to look at and worked through a process of fine-tuning them down initially to a short list of 40, which was further fine-tuned down to a short list of four. After all of that these flags on the slide were the four flag selections that they came up with. They also toured the country, had various meetings and hui all around the country, engaging with people and saying “OK, this is what it’s all about.” In one sense it was a good consultation process, but once these, ironically called, final four selections were seen, the general response was: “Well, wait a sec, three of them are very similar.” This actually created the impetus for Red Peak.

This slide shows the Red Peak flag. Red Peak was on that short list of 40 flags, but there was a social media campaign saying: “Hey, we should have this included.” The Government was very adamant that, no, there were only four choices to go on to the referendum ballot paper, and I will point out that there are two referendums. You get to select the preferred alternative and then next year we select between that alternative and the current flag. But the social media campaign got to the point where we have just seen Parliament actually go back and say “No, we’ll have five choices.” They could have chosen one of the other four

and dropped that to keep the four, but they have gone with the idea of having five selections.

My argument is this. Would it have been a better process if we had the opportunity to do online voting to inform Parliament through all of this, so that everybody had the choice to go through those 10,000 flags and pick their own one, their preference, then let us have a look at the top 100 of those, and then further fine-tune in a series of regular referendums, steadily fine-tuning down to get a better selection? Would we have, as Surowiecki talks about, the wisdom of crowds in actually making this selection rather than this process, which turned up only three similar flags?

So do we have this wisdom of crowds—and we have seen this to some degree in how Red Peak flag has come about—or, potentially, do we have this hijacked as a joke? New Zealanders here will be familiar with the “Laser Kiwi” flag, as it is called; Australians may not be so much. But this is probably the most popular of the joke flags bandied about. Unfortunately, I do not think you can go on to the site any more and see the 10,000, but there are some really weird flags being floated about. The beauty of what I am proposing or thinking about, though, is that this is indicative. These things would get weeded out. OK, I know for some people it is not a joke, but we will ignore those. So if such a programme gets hijacked, there is a mechanism, a failsafe mechanism, to stop that.

That is where I will leave it, essentially, for questions and also for questions for Poto on her presentation. But for this particular idea, is this something worth developing further or is it simply “Yeah, a bit too idealistic. Into the future, maybe, but don’t work too hard on it.” Thank you.

Chair: You are not going to take a plebiscite on the flag are you?

Dr Norm Kelly: Or the underwear.

Chair: It is billed as a workshop, which means that it is over to you now. As I said, it is hard for me to see out there with the light being right in my eyes. I will move over here. Perhaps that is easier. Questions?

Professor Ian Marsh: I have got a question for each speaker. First of all, on the Christchurch exercise, unless I misunderstood, the community meetings, as you might expect, were enormously hostile and led to the plans being tremendously attenuated if not eliminated. I absolutely accept the bureaucratic nonsense of imposing these time limits and all that stuff but, nevertheless, there were some serious points there that were going to have impacts on people. It looks like the nimby phenomenon is kind of crushed. How do you deal with that through that situation?

Poto Williams: If I understand you right, and correct me if I am wrong, I think the conversation about climate deniers, and all of that, kind of did not happen. The real issue at hand here was the inability for the community to get their head around what could be a huge impact on their property in the really constrained time frame, and that is what they wanted to halt. We had people from all parts of the spectrum, those who believed that sea-level rise would impact them and those who did not. The key thing was that people were being impacted because they were in the process of being rebuilt and the new planning rules were going to impact their ability to build the type of houses they wanted, their ability to get insurance, and their ability to actually get mortgages. So it was a much more fundamental issue at heart here than the scientific argument.

But there was also the scientific argument. We had one report and it had been prepared a couple of years prior, and then it was re-evaluated and then peer reviewed, but we only had one report on this issue. We did not have the opportunity, because of the time constraints, to get other opinions so that people could then go away and decide what this meant for them. We had meetings where some people said: “Right. I’m leaving. I’m going to close my house and I’m off.”, and we had other people going: “No, hang on. What will happen in 30 years’ time? We have no idea what technologies might be available to us to protect our homes.”, or whatever. So the one thing that we all agreed on was we needed time to get better information and to be better informed as a community. Was that what you were asking?

Professor Ian Marsh: That is it, exactly.

Chair: Do you have a supplementary one—

Professor Ian Marsh: Well, I had a second one, for Norm, which was on the idea of these plebiscites—I see social media as an immensely powerful instrument that is going to have huge implications and impacts, but is not something you have to protect in a parliamentary setting the deliberative nature of the engagement? I can see on something like the flag it makes sense to do a series of evolving plebiscites on that, but there are not many issues that fall into that category and there are not many issues that can be put into simple yes/no terms. For example, in Australia we are about to have a plebiscite on gay marriage. Well, you know, this is a complex issue, and to reduce that into a yes/no answer kind of denies the representative nature of Parliament and the deliberative nature of the political process. How do you—

Dr Norm Kelly: Well, I think you need to actually dissect it. While you need to have the one, single vote on an issue—yes/no—and the beauty of online voting is that you can chunk it down into a series of questions over a reasonable period of time. So you may start out sorting out questions of principles surrounding a matter and then moving into specifics in different areas, and by doing that you are also actually engaging with the people. You are actually having that unlimited sort of style of conversation, but you are actually getting a series of proposals and responses to develop the argument. I think it is possible in that way.

The problem with those sort of plebiscites or referendums is it does get very polarised very quickly and easily, and you do not get to play out the arguments. I know in Western Australia we have got a great history over there of rejecting proposals in referendums. I remember, because I did some research into this more recently, where for the first 100 years of state referendums, there was only ever the one referendum that was supported, and that was to secede from the rest of Australia, which was then rejected by the monarchy. But, anyway, that is another story. But anyway, that is another story. But if you can actually just use it as an engagement—and the focus of why I was putting this together was about how we make Parliament more relevant and how we engage with people on that ongoing basis. So chunk it down and continue on the conversation.

Chair: Can I ask on that—sorry, one or two people from the audience have questions—but the question was why have a referendum on the flag at all? Is this something that was generated by the Government?

Poto Williams: Great question.

Chair: Because in Australia, as you have been pointing out, sometimes the referenda that are put are not put because there is a pocket of demand for them; it is that somebody thinks there is a problem and wants the public to back their solution to the problem, rather than it being part of this public engagement process that you are going through. I just wondered—

Dr Norm Kelly: Why are we having a referendum?

Poto Williams: I do not know. You tell me why we are having it. I like this flag, actually. You know, I would agree. I mean, our argument—the Labour Party's argument—has always been the first question should be: "Should we have a change of flag?". There are some people who are saying "Hey, it's about time. We're a modern country and we should be looking forward.", but we should actually ask that question first, rather than asking the question "Which alternative would you prefer?" and then matching it up against the current flag. Yeah, I think in this case the questions are all wrong, but it is an interesting process, none the less.

Delegate: The same problem arose, of course, in Australia over the republic issue, and it is a question of which question is put, because that will determine the answer. Of course, the Prime Minister at the time chose a question which was almost bound to defeat it. He achieved his end so, yes, who chooses the question is the real question.

Dr Norm Kelly: That is right and, again, it supports the argument of having a sequence of questions to do that. So in that example, whether your head of State is elected or appointed—you know, that sort of takes us into all those other issues about the powers of the Governor-General and the like. So, again, you can just engage in that. That does not mean that what I am putting up—we are still going to need people to actually decide what are

the questions, what are the issues, that are put forward, but to actually inform the Parliament that has already been elected, and the Parliament has its processes that decide: "OK, what are the issues for debate?". So this would be a natural extension of that.

Delegate: I think we have covered that territory. I mean, you are putting the position from the general to the specific, and I guess I was just wondering in that process of whittling down to a specific proposal, how would you envisage that process working. I think from the sounds of it you are saying, well, that is a matter for a Parliament to determine.

Dr Norm Kelly: Well, it is, but—using the flag example—why should the process be what it is? You know, this two-referendums situation rather than Labour's proposal of having the first referendum, or the other proposal is about combining it so that you are getting to say yes or no and choosing at the same time. If you look into it, there are good arguments for all of those, but you may want to start with the specific: "Do we want to change the flag or not? OK, now here's a process where we can do it."

Adjunct Professor Colleen Lewis: I have a question for Norm. When you say you have been engaging with the community, exactly who in the community do you think you are engaging with? Do you think you might be engaging with political parties who say to all their members: "I want you to get out there now and vote on that issue.", or other pressure groups who say exactly the same thing, in much the same way they do on talkback radio? Because it seems to me you are assuming the general public would be very engaged and that we would not be having this pressure group behind the scenes. Am I right in that?

Dr Norm Kelly: That is a danger zone, as I mentioned—you know, is this seen as being another plaything of the elites, sort of. But, ideally, those pressure groups and activist groups and parties are out there doing it anyway, and you may be just simply replicating that. But I agree it is a danger—how do you actually get beyond that—and that is something, really, Parliament would need to consider as to how it does its outreach. I think it is very difficult as things stand at the moment. I know we have the select committee process and travelling committees to have hearings and the like, but I think this actually takes it a bit further. It does become as easy as possible to actually click and have a say, and that would be encouraged. We are seeing this term that a colleague from ANU is talking about this "cliktivism" now—that is, activism via online work. And you see new Australian parties using this to actually generate their entire party structures, through the click of a mouse. So I do not think that is necessarily a bad thing. The results would be skewed to those sorts of groups, but that needs to be factored into the results as well.

Poto Williams: I was going to ask just in relation to something David Seymour said in the last session, about access to devices to actually do this and whether we are potentially marginalising people who will not have access either to the device or the data in order to make those choices. I go back to a discussion that has been held over the last few years about what we call the missing million, where we had people who were enrolled but actively chose not to vote. Is this going to make it easier for them, or are we going to be creating a different kind of class of voter?

Dr Norm Kelly: I think that idea of the missing million—those who are not enrolled. I do not know whether the figure is that high, though. Well, I would be pretty sure it would not be that high. You would not necessarily cure it by this process, but you would actually facilitate them getting engaged. It may encourage people to actually get enrolled and be part of the system if they can see that they have some sort of influence or a say. If it is set up, I think it ultimately all comes back to how members of Parliament react. Will they just selectively take what they want from the results for their own purposes—whether it is supporting them or not—or have arguments against it? It is hard to say, but ultimately it has to be supported by parliamentarians for it to be implemented in the first place. Then there is going to have to be an ongoing level of support of it as it goes through, irrespective of the results.

David Meek: This kind of builds on that. My question is for Dr Kelly. You started the presentation with a quite worrying trend line of a decrease in voter turnout. Then you talked about online voting. I am just wondering—if the problem you are trying to address is voter turnout, why have you chosen online voting rather than, like Australia, just making voting compulsory?

Dr Norm Kelly: To me that is a completely different issue, a different question. I have straddled the Tasman, if you like, in my involvement on this. I have argued—and this is before the decline in New Zealand became quite so dramatic—that I believe in compulsory voting in Australia but I do not believe in it for New Zealand. My reason is that because we have had that system in Australia since the 1920s, when it was introduced federally, it is intrinsically a part of the system. Also, there is a far higher estimated number of non-enrolled people in Australia, so without compulsory voting you would be further exacerbating that sort of decline in people actually voting. However, in New Zealand—and I may be a bit idealistic because I am actually a New Zealand citizen now as well—there is a mentality that if you made it compulsory people would say: “Well, I’d be happy to vote but stuff you; if you’re going to make it compulsory, I won’t vote.” They do not want to be forced into it. My thinking on that is changing, though. With the way this trend is going I am more open to the idea of compulsory voting, I guess.

Delegate: My issue was the same as the previous one. You are trying to find a very complex way of dealing with a simple issue, and that is that people are reducing their votes, or voting is reducing, while you are bringing in compulsory voting. That was part of the decision that was taken back in, I think, 1924 in Australia, and therefore if you are not going to the UK system, or the American system, where it is about getting out your voters, that absolutely changes the dynamics of elections, but that is probably another issue for another day, I think.

Delegate: You did not actually have in your presentation, Dr Kelly, whether internet voting actually increases voter turnout.

Dr Norm Kelly: No. I am still working on that. I think it can be difficult to gauge, but if you can point me in the direction, that would be appreciated.

Delegate: Have you explored the countries that do have internet voting and what their voter turnout is?

Dr Norm Kelly: No, not in depth. That is work still to be done.

Ken Coghlan: Sorry, if I am going to extend the time longer than was anticipated. Another way of thinking about engaging the community is to look at the experiments with participative democracy, deliberative processes, and what have you. We have the very interesting natural experiment in Brazilian cities whereby participatory budgeting has been associated with better social outcomes than in cities that have not used participatory budgeting. I am just wondering whether you see some application of information technology to support participatory processes of that nature.

Poto Williams: From some of the dialogue that has happened today I see some real value in that. I think we would need to grow up a little bit as a Parliament and accept that sometimes the public actually know better than some of us, and that there are many experts we can learn from. I am sure there are ways to design it. I have always been a fan of the view that if people have the knowledge, they should have the power to dictate as well. I think the voting process really curtails that ability, and I think that part of our issue in New Zealand is that people think: “Why would I bother to vote? It never changes anything anyway.” There is that sense of powerlessness—that you might actually know better than the politicians but have very limited ability to effect that knowledge into public policy.

Dr Norm Kelly: I think that British Columbia is another area where they did very well with deliberative democracy. The other experiment, or use of it, I should say, is very much about getting a room of people together and making them experts over a few days. That is where you can sort of make it about more modern technology where it is easier for people to develop that knowledge and be part of that deliberative process remotely.

Delegate: My question was really just going back to the discussion that has already been happening. To what extent do you understand why voting is dropping? From the issues that we have heard this morning, it is to do with disengagement from a life-long association with particular political views, the breaking up of party loyalties, issues-based politics, and so on and so forth. I am not sure that I heard this morning, or in anything else I have read, necessarily that accessibility is one of the issues, although it clearly will be for some people.

You seem to be tackling it at the level of accessibility rather than the other issues. I am just wondering whether you have a response to that.

Poto Williams: There are a couple of comments I want to make. If we look at the demographic of who is not voting, yes, it is young people. So that is obviously an issue, but there is also our ethnic minorities, our Māori, and our Pacific Islanders, and our other minorities, who may have had high rates of voting in the past but feel that voting and participating in the system has no relevance. One of the things I was talking to Barry about earlier is that for people of the Pacific, one of their overriding concerns might be the loss of their homelands due to sea-level rises from climate change. They are not seeing their leaders tackling those issues, so why engage in the process? We need to become a lot more relevant in terms of that. I think people have been really clear that our model is outdated. It suits certain types of people to become the representatives, and we have to be much more intentional about changing that, and we have not thus far because, let us face it, those with the power will not give it up easily.

Chair: We have got to our allotted time—and the tea is still warm, I guess, is it? So I would ask you to join me in thanking our speakers. This workshop is concluded.

Modernising Parliament: An International Perspective

Chair: Jonathan Sinclair LVO, British High Commissioner to New Zealand

Presenters: Dr Graham Hassall, Associate Professor, School of Government, Victoria University, Wellington, New Zealand; Celsus Talifilu, UNDP Solomon Islands Office, Solomon Islands; Dr Jonathon Malloy, Carleton University, Canada

Therese Arseneau: The last session of the first day is about to start. A reminder that the ASPG AGM will follow on from this session, and a reminder as well that we have a very special conference dinner tonight at Te Papa. I really encourage you to come. To everyone who is registered for the conference, it is really, definitely worth the trip down the quay, and I do hope that we will see you all there.

It is my great pleasure now to introduce to you your chair for the final session, Jonathan Sinclair, who is the British High Commissioner here in New Zealand.

Chair: Thank you very much indeed, Therese. Ladies and gentlemen, it is a great honour to be here. I will not occupy your time. We are coming towards the end of the day and we want to hear from our illustrious speakers. It is my pleasure to introduce first Dr Graham Hassall, Associate Professor of the School of Government at Victoria University, who will be followed by Celsus Talifilu—

Dr Graham Hassall: Joint.

Chair: —a joint presentation, exactly—from the UNDP in the Solomon Islands. They will be talking on performance and reform in the National Parliament of the Solomon Islands. Graham, please.

Dr Graham Hassall: Thank you very much, Jonathan, and good afternoon all, and thank you to the organisers for accepting this paper by Celsus and myself for this programme, looking at the Solomon Islands Parliament. I will speak just briefly and hand over to Celsus for some of the main points that are in our paper. So I will commence. We have sent around our paper in its draft form.

The maturation of parliaments in the Pacific Islands should not be measured by the extent to which they adopt parliamentary practices from one or another metropolitan parliament but by the extent to which they innovate the fundamental principles of Parliament to suit their social, political, and economic circumstances, and also judge the extent to which they aid in improving government in their country.

There is not much scholarship on parliaments in the Pacific Islands. Our paper explains that there are some 20 jurisdictions. Whether they are independent countries or dependent, they have assemblies that are doing the work of a Parliament. Yet, if you look in the literature, there is very little study from a parliamentary studies approach. There is political science—it looks at the politics of Pacific parliaments, but not from a parliamentary perspective.

The Solomon Islands Parliament is a case in point. The Parliament has endured significant political turmoil, especially during the breakdown of civil and political order during the years, roughly, of 2000 to 2003. With the restoration of the rule of law under the regional assistance mission known as RAMSI, the proper functioning of Parliament became all the more important, because the Parliament played a role in bringing the Solomon Islands back to a functioning government and a law-abiding society.

Examination of parliamentary capacity has often been left to development agencies, so the main assessments of parliamentary performance in the Pacific are by the UNDP—the legislative needs assessments, etc. There is nothing wrong with that; the agency literature is very, very important. But I think that we can contribute to that with other studies of the Pacific parliaments. I would see that this forum, the ASPG, is the natural home for the study of Pacific parliaments, and my hope is that in future years, at future conferences, whether it is at branch level or the main conference, we can invite colleagues from the Pacific parliaments to come and share what they are working on and how they are progressing, so that we can become more intimately knowledgeable of those parliaments.

Just today, I have met so many people here who are part of twinning programmes or other assistance programmes with Pacific parliaments, so I think this is the natural home for that study of Pacific parliaments, and I think it is just splendid that we have been able to be here today and also have my colleague Celsus with us.

Our paper highlights the progress that has been made in the Solomon Islands Parliament in the past decade, but it does conclude with some concerns about the prevalent conceptions of what it is to have a Parliament, the ownership of results—who truly cares about the improvement of the Parliament—and how sustainable the results that have been won so far are. So it is a report on progress, but it has also ended with some concerns that need to be attended to.

We do have a couple of photos to give you a picture of the Parliament. The first building was donated by the United States, and there was an intention for a second part of the precinct. This is the interior of the Parliament. A number of you have been into the interior of the Solomon Islands Parliament. There had never been any room for the 50 MPs to have offices or to meet with constituents, and you would see them meeting in the kitchen or in the lobby. It was only recently, in 2010, that the Government of Taiwan assisted. The Solomons are close to the Republic of China, and it was able to assist with the building. I do not have the image of the new building, but now the MPs have office space, and there is more committee space as well. There is a splendid interior to this building. They have been working on the acoustics and all those sides of the architecture of the Parliament.

The development programme over the last 10 years was in three phrases, which was mostly assisted by UNDP but with the support of Ozaid, and also the interest of the World Bank has greatly increased the capacity of Parliament both internally and in its public outreach. This photo shows one Patterson Oti, who is explaining his work in civic education to a visiting group. A lot of detailed process work is now being displayed to the public around the precinct.

At this stage, I am going to hand over to Celsus. He was listed here as UNDP. He has now moved on to another position with the Leader of the Opposition in the Solomon Islands Parliament, but he was responsible for the committee system for many years and he is an excellent partner in this presentation. So Celsus will take over from here.

Celsus Talifilu: Thank you, Graham. I would also like to acknowledge that it is my privilege to be here. This is my second time. I think I attended the ASPG here in 2008 as well. At that time, I had just joined Parliament as the chairman of the Public Accounts Committee. I am so pleased to be among you to share the experience that we have had in the Solomons with regard to strengthening our Parliament.

In this talk I would like to acknowledge Steven as well, and the colleagues from New South Wales who all these years have been so helpful in supporting us—supporting our Parliament in so many ways. So has the New Zealand Parliament, especially Hansard, and to some extent the Tasmanian Parliament and the Federal Parliament, as well.

Through the project, the Solomon Islands Parliament was able to get in touch with other parliaments in the region, and that is one of the factors that has helped, especially those of us who have recently joined Parliament as an institution. We are getting a lot of knowledge through those engagements. I do not know about you, but before joining Parliament I did not know anything about Parliament. Through those engagements I have come to realise how important Parliament is, so I would like to acknowledge my New South Wales Parliament colleagues especially, who are here as well.

Anyway, like Graham said, the project has three phases. It started off in 2005 and ended in March this year. I was one of the pioneers who was drafted in as committee secretary. They call us—what do they call us? Committee trainees or something like that. So I started off as the committee secretary and ended up managing the final phase of the project, and it got completed in March this year.

Ultimately, the aim of the project was to strengthen our Parliament, especially the [inaudible] part of it, scrutiny, and the roles that Parliament is supposed to do. In a sense, the project did deliver a good number of outcomes that were expected. For instance, before the project started there were no secretaries to the committees; the committees were run by

members of Parliament. When we came in, there were eight of us and there were five committees, and that is when things started to change. We provided the services that were needed in terms of producing the reports. It was more the administrative part of the committees.

From there, we then went on to do major inquiries—something that has never happened in the Solomons. There were two major ones that I remember. One was the review of the regional assistance mission that was conducted by the Foreign Relations Committee, and the more recent one was on absenteeism. Those inquiries were nationwide, and those of you who might know the geography of the Solomon Islands know it is a scattered place. It is pretty expensive to run around, but it was the project that enabled members of Parliament to realise for the first time the idea that Parliament can go down to the people through committees. It was a learning experience.

I remember going down with two former Prime Ministers—the current one when he was on the Opposition side, and Danny Philip. We were at this particular province. The hearing was conducted—I was the secretary—about this absenteeism, and there were issues to do with the confirmation of employment and all that. There was this lady who came and presented a case, saying that she was unconfirmed for 14 years, and she was crying. Then I remember the current Prime Minister saying: "What are we doing in Honiara?". The thing that we are supposed to look after is not happening in the rural areas. I guess that it must have been a learning experience for a politician as well.

Even issues like parliamentary privilege—you know, the privilege of the House that goes through the committees—a lot of our members did not really understand it until they were part of the committees. So for me, looking through the times that the project has supported our Parliament, it did help those members who stayed a little bit longer. Our turnover rate of members of Parliament is very high, but those who hold on for at least two or three terms—I have come to realise that they have at least learnt a little bit more, because they were with Parliament through the project. Most of them who spent most of their time with the Government side do really appreciate what Parliament is all about—what scrutiny, oversight, and all that is about. So I would just like to highlight that.

In terms of what has been achieved, the committees have been strengthened, I would say. Of the 100 pieces of legislation that came—I am not sure—in the period, 99 of them have been reported on. The secretaries have produced reports on them. That is markedly different from when there were no secretaries in Parliament.

Dr Graham Hassall: That is when Celsus got the name "corporal", or is it "colonel"?

Celsus Talifilu: Yeah.

Dr Graham Hassall: Because he was whipping them through. So it is due to him that those reports came through.

Celsus Talifilu: What he makes reference to is—you know, when we went to the province, it was difficult to control members. I had to go and knock on their door and say: "It's time to do the work." There was this New Zealand - born person in the Solomons—he is a member of Parliament, as well. He ended up calling me a "corporal" because I was quite harsh at ordering them and telling them: "It's time to go and do the job." Something like that.

Anyway, in terms of what has been achieved, there was not any procedural office in Parliament before. With the support of New South Wales, our Parliament was able to establish a procedural office, which has supported the Clerk and the Speaker, and also the committees that I have just said. Information—there was not a library before; now we have a library. In the context of the Solomons, I think that is more than enough. Not many members use it—only their researchers, both locally and internationally—but we have a good collection that even the courts and other offices use to search for a document, especially documents like gazettes and laws that have been passed. So we have a good collection because of the project.

Towards the end of the project, we finally came up with a strategic plan. I think New South Wales helped us with that, as well. Parliament has a 4-year strategic plan—a corporate plan. There has not been any such thing before, so they are still working on it. In fact, Parliament in the Solomons is the only institution that was given the go-ahead to implement a

Public Service performance management scheme. Parliament was the only institution of all other institutions that met the criteria. So it was because of the project that Parliament was helped to be able to do that.

There was the civic department, the media, and a small gender group called the Young Women's Parliamentary Group, which is based in Parliament as well. It is an ad hoc thing, but it is gaining momentum through some of the works that the group has been doing. Those are the successes of the project. The project implemented those things. Our committee hearings were televised and radio broadcast nationwide on TV. But that was because the project had the money to be able to help us. Things have changed dramatically since the project ended, and I will come to that later.

While those are, I would say, the successes of the project, there were some outcomes that were not able to be implemented, and there were different factors, I would say, that contributed to the difficulty, or the challenge, to implement them. Some of those challenges are more or less political; some are because of the high turnover rate of members of Parliament.

One of the more important ones that we were hoping to implement but that did not take off was the total review of our Standing Orders. There was a review done by a former Clerk of New South Wales. It is a big document. I remember the issue that was so contentious that they could not agree, which was a clause to do with a scheme in the Solomons called the Rural Constituency Development Fund, which the members of Parliament have access to. In the Standing Orders, there was some reference to this, so it put members of Parliament off straightaway. I guess the process through which the review was done, from my mind, isolated the members and isolated the House. So when the final document came, members were not really ready for it. It was big, and those small issues were there, and they were not ready to accept it.

The other thing that was not achieved was a legislative calendar. We tried but it was blocked by the Prime Minister, who, obviously, said that it was too political a thing for them. Because we have motions of no confidence happening all the time, the Prime Minister said that if this came in, then people would know definitely when Parliament was meeting and they would prepare for it.

Those are the two main things that I have seen where those outcomes were not achieved. All in all, the main challenge that has occurred since the project finished in March this year is the issue of sustainability. There is a lot of cost that has been incurred through the project, and when the project died, some of these activities, in terms of budget, were not taken up by the Government—for example, the civic, media, and even the committees. So that is the current challenge with Parliament at the moment.

I am not sure what will happen next year. Maybe they will factor those things in next year. For now, so far as the project and the outcomes are concerned, we have achieved a lot, but this issue of sustainability is facing our Parliament at the moment. I hope the current Prime Minister and Government will support next year's budget to ensure that there is money for parliamentary activities next year. I think I will stop here. Thank you very much.

Chair: Graham and Celsus, thank you very much indeed. Some fascinating insights into the sort of detailed and extensive reforms that have gone through the Solomon Islands Parliament recently, so thank you very much for that. I am sure there will be questions on that in a moment, but before we do, it is my pleasure now to introduce our other speaker this afternoon, Dr Jonathon Malloy from Carleton University in Canada, who will give a Canadian perspective on the modernisation of Parliament.

Dr Jonathan Molloy: Right, thank you very much. I am the last speaker of the day, so you could all just get up and go, really, if you wanted to! Thank you very much. I also wanted to bring greetings from the Canadian Study of Parliament Group, which I have been involved with for a number of years, so it is very nice to be here at an ASPG event, because I have been at many, many CSPG events. They are very similar, I would have to say, which is quite nice.

My predecessors had a proper paper, and it has got illustrations and everything. You can download it. I have got a somewhat incoherent text, which I have been changing a bit as I

have been listening throughout the day, but hopefully it is somewhat relevant to what we are talking about here. When I was preparing a Canadian perspective on modernising Parliament, I thought: "Why, I could talk about all the great innovations that we are doing in Canada in Parliament and things that I know about." I know others know about things—and then, obviously, there are some things I know—but I cannot claim that we are necessarily leaders in modernising Parliament in Canada.

To illustrate this, I have a book here from 4 years ago—2011—called *Democratizing the Constitution*, which is by some Canadian scholars. It was quite a big book about 4 years ago in Canada, about the different ways to update our representative system and things. It won a lot of awards in public policy. It was quite a big, prominent book, and if I may give a very quick precis of this book, it is: copy New Zealand. That is pretty much what it says. Electoral systems, confidence conventions—all sorts of different things like that [*Inaudible*].

But what I really want to do today, I think, is step back a bit and be an academic, really, here with the question of what we mean by "modernising Parliament". Speaking particularly from the Canadian perspective and the Canadian experience, I suggest that modernisation can mean little or nothing, or sometimes can be even detrimental if there is not a clear sense of the underlying role and function of the institution. That is certainly the challenge facing the Canadian legislatures, where modernisation and all its synonyms, particularly reform and updating, and so on, are often bandied about as a solution to all of Parliament's problems and challenges—update the place, fix the rules, ride the technology wave in particular, etc. You know, these are not necessarily bad, of course—and, again, this is a particularly Canadian thing, perhaps. We are particularly prone to looking at technical fixes in modernisation as magic solutions to perennial issues of the role of Parliament. So in my brief remarks, I want to just highlight this a bit as an academic and take a somewhat critical tone—that is the only way I know how—and talk particularly about some very big overall themes, particularly about the basic role of the member of Parliament, because I think that is really a particularly crucial overall thing here.

Before I forget, one thing I was thinking about, particularly during our lunchtime tour when we were down in the basement looking at the earthquake modernisations and things—physical modernisation—is to mention that one thing we are doing in Canada is modernising our actual parliamentary buildings. We are completely renovating them. Both the House of Commons and the Senate Chamber are being completely gutted. We have constructed parallel new chambers, which the House and the Senate will occupy in the coming years, so it is quite a huge building renovation. When it comes to physical modernisation, Canada is in the thick of it. Some of you might find that quite interesting. You can look it up on the web easily enough, but we are really completely overhauling our buildings, including removing the chambers entirely and relocating temporarily.

Instead, I want to talk more about the modernisation of the institution—particularly, the basic role of a member of Parliament. Let me begin with an anecdote from one of our own recent Canadian Study of Parliament Group meetings. We recently heard a speech by the Hon Peter Milliken, who was a long-time Speaker of our House of Commons and a very esteemed parliamentarian. Speaker Milliken was reflecting on changes over his 23 years in Parliament, and one of the things he mentioned was his regret at the end of night sittings in the House of Commons in the early 1990s—and we have not had regular night sittings since then. He pointed out that night sittings were particularly more relaxed and encouraged cross-party friendships between members, which really enhanced the overall House. And that sort of camaraderie, and particularly cross-party friendships and connections, was gone now, as MPs stuck almost entirely to their own tribes, and so on. He found it much more closed and much more insular, and he felt that was a major loss that was lost in the spirit of modernisation and updating.

In the subsequent question period, a young woman stood up and challenged Speaker Milliken. The one reason for abolishing the night sittings, of course, was that they were notoriously corrosive on family relationships, particularly for female MPs. And she also pointed out that, of course, a lot of this camaraderie was liquid-enhanced. "Good riddance." was her view—this was good modernisation, for sure. But Mr Milliken pushed back. He replied and defended the value of night sittings; that, really, they connected parliamentarians so well

and that had really been lost. The young woman then pushed back and said night sittings represented systemic discrimination.

I have got to say that it was a very unproductive discussion to watch for a few minutes, to watch them going back and forth debating right in one of our conferences like this. I think, of course, both are equally valid points. You know, I think we can certainly emphasise, particularly, the systemic barriers against women in Parliament, and so on, but I think Mr Milliken had a valid point, that through this sort of updating and modernisation we had lost certain crucial qualities that had not been replaced. To me, this illustrates the overall challenge of modernisation. How can we improve and enhance our legitimate institutions without diluting their essence? How can we ensure that modernisation has not simply produced new problems?

Compared with its major Westminster-model counterparts—the UK, Australia, New Zealand, and so on—Canada is generally agreed by scholars to have the most dominant Prime Ministers and the weakest Parliament, and it struggles the most with the role of MPs. Measuring this is difficult. There are a lot of things I can talk about, or a thousand other legislatures, of course, but there certainly is a certain Canadian—let us call it “angst”—about the basic role of the member of Parliament, which I think all legislatures wrestle with to some degree. So a lot of our modernisations are focused on trying to update that.

A point that I would like to make about modernisation is that, generally, changes quite often seem to lead to new problems. One example I give that is very well known in Canada is from the early 1980s. The Canadian House of Commons instituted a practice in question period, our question time, that rather than the Speaker calling on members as the Speaker saw them and decided, the Speaker would call upon members from lists provided by the party whips. This had been sort of done informally. The whips certainly had lists, but the Speaker always had some discretion. But it was decided—and it is not particularly well documented exactly why—that the Speaker would really follow the lists for each speaker that he was given by the parties. Apparently, this was to make it less confused, more orderly, and better for television—because television had come in by then—and to place less demand on the Speaker.

But, of course, this tiny little modernisation was a clear dilution of the Speaker's power into the hands of the whips, and that little change in the 1980s—which really just happened gradually, so it is not really well documented—has grown and grown to be considered to be one of the major problems now in the Canadian House of Commons: the dominance of the whips and the weakness of the Speaker. I think it really has emasculated the Speaker's powers a great deal. It has got to the point now where there have been attempts—in 2010, particularly, a backbench MP had a major campaign to try to rewrite the Standing Orders to allow the Speaker to decide who was going to speak in question period. But this was unsuccessful because, of course, the parties pushed back and all the whips agreed that, no, the current system worked just fine. So what was at one time an attempt at modernisation and updating, I think, has become an entirely new problem, and I am sure you can think of some yourselves.

Another example—I will not get into too much detail here though—is party leadership selection in Canada. It is not strictly parliamentary, but it certainly has affected our Parliament because, as some of you may know, it is almost a century since leaders were selected solely by the parliamentary party in Canada. As early as 1919 Canadian political parties moved to delegated conventions with leaders selected by hundreds, and later thousands, of party members. So leaders do not particularly need the support of MPs, and sometimes newly elected leaders are not even MPs themselves—such as Brian Mulroney in 1983. Leaders' power thus rests in the party at large, not with the MPs. More recently, Canadian parties have moved, in the last 20 years or so, to all-member votes, similar to what we have seen in the UK Labour Party recently, devolving power even further. These are all very well-instituted in Canada.

As well, there is no real mechanism to challenge or remove leaders elected by the mass membership; they can be removed only by the same. Now various countries, including New Zealand, I know, are moving towards these more decentralised leadership selection

practices, but it is most widespread and longstanding in Canada. It was very much, of course, an idea of modernisation. Modernising parties makes them more inclusive, more democratic, more responsive, takes it away from the elites, and so on—there are some good reasons for that—but it is certainly held now by many Canadian experts, including myself, that this devolution of leadership selection has gravely undermined the centrality and authority of Parliament in Canada, allowing leaders to dominate with no real threat of removal, and it really reduces the centrality of the Parliament to the parliamentary party.

We see now, of course, the somewhat similar debates in the UK Labour Party, with their new leader and things. It is certainly my view, though, that this was a modernisation that was maybe good for parties but has been very bad, I think, for Parliament—the centrality of MPs. Now there is a lot of talk about “Let us try to remodernise.”, especially when an Australian Prime Minister is overthrown, as they are every week or so, it seems. Canadians are fascinated. They say: “Wow, there really is a huge amount of discussion. Why don't we be like the Australians? Let's not just copy the New Zealanders; let's copy the Australians and put the power back in the MPs.” It is pretty much impossible to do that, and it does seem to be getting a little out of hand in Canberra, as well, and we do have a new statute that will give parties that option—stuff like that. But my overall point, again, is that this was another example of a modernisation that led to new problems. I can go on and on with more examples—I am sure you can think of some from your own jurisdiction. As was said at the beginning, I think the real challenge for modernisation of Parliament is ensuring that it is done with a real sense of the underlying role and function of the institution. This is something that Canada struggles with, particularly. We cannot effectively modernise if we do not know what Parliament is for.

Let us say, very briefly, to explain this weakness—in some of my scholarly work that I have been writing, I have been talking about this—I like to speak of two broad, competing perennial expectations of Parliament, which I call the “logic of representation” and the “logic of governance”. It really built ideas of representative government versus responsible government—the logic of representation and the logic of governance. Logical representation, quickly put, is the idea that legislatures are about representation and deliberation, with individual members the basic unit. So Parliament is a collection of, in our case, 308 MPs who, each being elected by the people, are there to speak for them as best they can. But the opposite argument, the logic of governance, emphasises that legislatures, especially Westminster-modelled Parliaments, are places of responsibility and accountability, where Governments decide and are then held to account. MPs are not so much individual representatives and policy entrepreneurs in this case, but rather are collective actors who play the roles that parties have been given.

These concepts are not new; this sort of logic of representation or governance is the idea of representative government and responsible government in many ways. But they help us, I think, focus on the basic paradox of parliamentary institutions. Are they there primarily to be responsible or representative? Both, of course, but this presents a certain paradox, as I said—at the very least, ambiguity—and many attempts at modernisation in Canada have certainly failed to recognise this ambiguity and paradox. They have really focused on one over the other, usually the logic of representation, really without the idea of governance and accountability that way.

In the last few decades in Canada, we have seen several high-profile attempts to modernise Parliament in various ways. We brought in television. In 1977 we overhauled our committee system. In the 1980s, etc. At the time, each was hailed as transformative, and none managed to live up to that standard. Partly, I think, because they really did not resolve the paradox of the roles of Parliament in that sense. These two logics—and this idea of a paradox in what Parliament is really for—are, I think, useful in guiding our thoughts on modernisation. A particularly good and growing area here is technology, I think. We have heard a lot about technology today, and I sat in some of the sessions this afternoon about how various forms of technology can modernise Parliament.

I have to confess that I am pretty sceptical about the role of technology here. My view is that, again, it often exacerbates or creates new problems—as my theme has been—especially those of what I will call excessive partisanship. I find this particularly the case with

social media. Canadian politicians are prolific users of social media - related innovations, but the only way it seems to be really effective is in reaching out to their own partisan supporters. The deliberative function is almost non-existent. These technologies are excellent for opinion. You want to express opinions? It is superior; it is wonderful. You want to encourage deliberation? It is a lot harder. Of course, as someone mentioned earlier today, parliamentarians often get thousands of messages and it is impossible to absorb them properly in any way, or really to have any kind of real conversation going on unless all that you are really doing is sending partisan messages back and forth to reinforce existing partisan beliefs—then it is a superior technology and it works very, very well.

I think technology is often promoted under this idea of connecting the people and Parliament, but I find that it actually serves more the logic of governance and the collective roles of parliamentarians as creatures of their parties. So I find that it actually contributes to more insular debate and hyper-partisanship in Canada. Maybe it is more encouraging in other jurisdictions, but in my view it is a kind of modernisation that, again, leads to new problems. Of course, there are many successful uses of technology. I think we are going to hear more about them tomorrow, particularly about committees and the ways in which technology can really be used there. I think that is certainly true, although my thought is that it often does not seem to be very replicable. Often the committees can experiment with new things, but it is often hard to really make that a replicable model for future committees, etc.

Again, maybe I am just being super pessimistic about the Canadian view. As I mentioned earlier, Canada does seem to struggle more with this institutional identity crisis than at least some other Westminster countries. It is possible that one reason for that is our proximity to the United States, with its very different system, based almost entirely on the idea of representation. They certainly do not seem to have responsible government at the moment; it is all just battling back and forth between the President and Congress. So perhaps Canadians have formed many impressions of legislative representation based on the American model, and because we can never meet that particular framework, we are always dissatisfied. Regardless, we seem unable to modernise a way out of our conundrums in this way.

There are two quick final points that I want to talk about. One is that I have been talking most about modernisations that did not work out as planned in Canada, but I want to speak to one area of repeated and frustrated attempts at modernisation, and that is the Canadian Senate. I am very glad to be here in the Legislative Council Chamber, and I was reading some of the panels on the wall over there about the history of the Legislative Council, which I found very, very interesting. As you may know, in Canada we still have a fully-appointed Upper House. Senators are recommended for appointment by the Prime Minister alone, and their terms are indeterminate until age 75. The Senate has powers very close to the House of Commons—generally, a bit more than the UK House of Lords has these days.

I could defend our unelected Senate and the work of its members. The fact is, of course, that it is deeply unpopular, and it struggles to legitimate its role as an unelected body. Senate reform has been on the agenda for Canada for at least 40 years with virtually no progress, because there is no consensus on what can be done, and it is so complicated because it requires provincial approval as well. The Senate is one case where everyone wants to modernise but no one can even agree on how to do it, and pretty much everyone has a say. Twenty-five years ago the call in Canada was for a “Triple-E” Senate—elected, effective, and equal—equal in terms of provincial distribution of seats, roughly similar to the Australian Senate. That is particularly popular in western Canada, but of course is more resisted by the populous provinces of Ontario and Quebec, which would see their power probably diluted. So that has largely fallen by the wayside.

Our current Prime Minister, Mr Harper, has tried various incremental approaches to bring in Senate reform. In fact, some of the ones that he introduced, I noticed the Legislative Council was doing back in the 1890s—limited terms and stuff like that. I do not know whether he was copying the New Zealand Legislative Council, but they were similar. This incremental, piecemeal approach was rightly criticised as lacking a fundamental overall picture of what the role of the Senate is going to be—that is the basic issue. You cannot really modernise when you cannot figure out what the actual role of the Chamber is going to be. Those

changes were struck down by our Supreme Court. Mr Harper and the Federal Government could not make these changes unilaterally; he has to have a supermajority—at least seven of 10 provinces have to agree on that. I think I mentioned earlier that there is no consensus among the provinces on how to do it.

It is going to be very interesting in the coming months. As you may know, we are in the midst of a federal election. Our election is 19 October. Of the three major parties—and any one could win, by the way; the polls are completely tied three ways—two of the parties have pretty much said that they are not going to appoint anyone to the Senate ever again. Mr Harper has said that he is not going to appoint any more Senators. Some of the most recent ones have turned out rather badly, with expense scandals and stuff, so he is walking away from it entirely. The New Democratic Party has always stood against the Senate. They have said that they are going to try and get rid of the Chamber as quickly as they can if they are elected, and so on. How they are going to do it constitutionally, I do not know, but that is what they have vowed to do. How Mr Harper expects to run a Senate with dwindling membership, I do not know. But it is an election—you do not have to have answers, or anything like that. So the Canadian Senate as it stands is kind of a weird example of something that, I think, everyone agrees needs some modernisation, but we simply cannot agree on what to do. It may get even more interesting after 19 October.

A final theme, just on that election—I am almost done here—is also, getting back to this earlier theme about copying New Zealand practice, among others, and how we deal with minority and hung Parliaments in Canada. If you know anything about our recent history, we have had quite a lot of minority Governments in the past. Increasingly, the conventions governing those, more or less unwritten, are being bent more and more. I will not bother you with the full details now, but, as I said, we have a three-way race in our election now, under a single-member plurality system. Pretty much anything could happen on 19 October, and there is no clear guidance for the scenarios about, for example, if one party wins more seats than the others, coalitions, etc. Again, I will not go into the full details here except to say that Mr Harper and the Conservatives have no agreement on what to do in that regard, and one thing that people are saying overwhelmingly is: “We should be like the New Zealanders. We should have stuff written down. Why don’t we write stuff down? We could have done 4 years ago but we didn’t.” So it will be very interesting on 19 October with the possible scenarios and with our likely hung Parliament.

I hope I have not been entirely depressing about Canada. I said to my friend from the High Commission earlier that I am basically going to denigrate the country for 20 minutes, and that is fine. But in the short time, I hope I have sufficiently expressed the Canadian situation in trying to push a bit of this larger theme of modernisation, which is applicable anywhere. Can we modernise when we do not have agreement on what the overall role of the institution is? I must say that I have been very encouraged by some of the things I have heard so far in this conference—and some of things we will hear tomorrow, I am sure, as well. There is nothing wrong with modernisation per se. Of course, we have heard a lot of great ideas here. But I think it can only be truly successful when it is consistent with the basic role or function of the institution and when it deals with the paradoxes, inherent particularly in our Westminster model of Government. It seems that in that regard Canada has much to learn. Thank you.

Chair: Thank you very much indeed, Jonathan. We have just had a picture painted of a very different situation to that of the Solomon Islands, but there are some similarities there about the question of the role of Parliament and the role of the MP, and you posited one of the questions about how to update Parliament without losing the essence of what Parliament stands for. We have now got 20 minutes or so to throw this open to questions and comments. Many different issues have been raised by our speakers this afternoon: the role of committees and the issues that have come through from oversight; the role of Parliament and MPs per se; questions of the sustainability of reforms and whether they can stick; and reforms that lead to new problems—you try to fix one problem and create another one. Then there are more bespoke issues around technology and how that can reinforce partisanship. So let me throw this open to the floor and we will take some questions for the panel.

David Bagnall: I am David Bagnall from the Office of the Clerk here in Wellington. Can I just start by reinforcing that last point about understanding the role and functions of Parliament. I work for the Standing Orders Committee here, and part of the committee's role is, obviously, to update the procedures of Parliament, but there has always been this tendency to focus on the words—cross out that one and stick another one in there—or on how procedures are working, and so forth, without actually getting down to the basics of what Parliament is supposed to do, what the functions are, and how you balance them. Often they are actually quite counter to each other, but it is about getting the right balance. I am just doing a dress rehearsal for my talk tomorrow afternoon on exactly that topic. So that is the first point.

In terms of the Pacific parliaments, I was lucky to have been in Samoa recently working with the Samoan Parliament on the review of their Standing Orders, and the thing that really struck me when I got the Standing Orders was how long they were. I should say that Samoa used to be administered by New Zealand, until 1962, and Samoa's Standing Orders are still pretty much the New Zealand Standing Orders from 1958. These rules and procedures had been plonked down as sort of our parting gift to the people of Samoa. They are still there, and they have had bits added in. I made that observation to them, and I thought that maybe now that they have just celebrated 50 years of independence from New Zealand, it is possibly time to actually come up with some home-grown rules and procedures, and I guess they are grappling with that idea at the moment.

I suppose, then, my question is about this use of the Westminster model and plonking it down in different places and expecting it to work in that context without necessarily taking into account the local way of doing things. In Samoa, you can be an MP only if you are a "matai", a village elder, which, obviously, is a very exclusive criterion, but, in fact, you can work with that. Obviously, matai are used to working in village councils where there is a particular way of doing things, and perhaps that is a model they could use. So that is really my question—how to actually have a set of procedures that really suits the local context.

Celsus Talifilu: I think the Pacific Islands are contextually different. In the case of the Solomons, we are so diverse that there is no commonality in how to deal with, as you say, a process. I come from an island where our way of doing things is quite different in terms of our meetings and how we get together. So for us, I would say that this kind of thinking has not been syncing, especially in practice. Even members of Parliament are fairly cautious of changing this word to that word in our Standing Orders. But I guess it needs some sort of drive from those who work in Parliament and those who have some respect in terms of saying that this is a model, a system, that we borrowed and that stays with us. Is there an avenue that we can change? I think that kind of conversation has not yet been thrown around in our case. It is the sort of thing that can be done provided that people look, for example, at the current processes that we have—what the problems are. Are the Standing Orders preventing us from doing something we would like to do?

I think that kind of conversation has not yet been happening in the Solomons. Maybe we have not had members of Parliament who have been there for long enough—the longest is maybe 8 to 12 years. So if you stay there longer, maybe you will have the articulation: "OK, I think we've had enough of this kind of process. Maybe we should go down this path." But, like I said, that conversation is not taking place at the moment. But that is something I have learned here too—that we do not really need to get all these things. We can change.

I was in London when the Scandinavians were talking about their committee system. Their chairs of committees are ordinary people. I come from the Solomons, where we strictly follow the system whereby the chairman of a committee must be an elected person. But in Scandinavia, maybe because of the history, it is different. For me, having worked in our Parliament, it strikes me—and I am not condemning members—that there is a lot of absenteeism among members of Parliament. Would an ordinary person perform better in terms of conducting the procedure of committees? These are the things that are learning things for me as well.

Dr Jonathan Molloy: I am quite ignorant of the Pacific Island nations, but in Canada we do have two interesting legislative assemblies in our Northwest Territories, in Nunavut,

which are almost entirely aboriginal in population. Interestingly, in those legislatures the Westminster model is a very consensus model of Government, and one that is very consistent with the first-nation approaches, with no political parties. It is different, I think, in the Pacific nations but not completely dissimilar to what we have in northern Canada, which is quite different from the rest of Canada.

Therese Arseneau: Thank you all for your really interesting presentations. I organised once before a study of Parliament group, but it was a Canadian Study of Parliament Group in Nova Scotia many years ago. You talk about Canada perhaps thinking about modelling some of the reforms that they have seen in New Zealand, and I know that the NDP, for example—one of the three parties that is in the hunt to form the Government after the next election—talks about the possibility of MMP. There is no doubt that when New Zealanders voted for MMP, a really strong motivation was reforming Parliament. So I am intrigued to know whether you think it is likely to happen. If the NDP is in that position, do you see electoral reform in Canada as a likely proposition, really? The UK's most recent election is interesting as well, because some of the similar difficulties with first past the post were shown very clearly in the UK election. I really do take your point to heart, Celsus, about the sustainability of what is happening in Pacific Island nations, and, Graham, I think it would be great if the ASPG can play a major part in that.

Dr Jonathan Malloy: Well, first off, I will give a bit of background. In the early 2000s we had serious talk of electoral reform at the provincial level in Canada. We had referendums in my province of Ontario, in British Columbia, and on Prince Edward Island. One recommended STV, and two recommended MMP. It is very interesting how they got to that recommendation. In all four referendums, ultimately, change was rejected by the voters each time. There were a lot of questions as to whether or not people were sufficiently educated about it, but the fact is, they tried it at the provincial level and it failed, so politicians thought: "We are not touching this again." But it is true, in the current election now, in fact, both the NDP and the Liberals have pledged electoral reform. The Liberal leader, Justin Trudeau, son of Pierre Trudeau, has said: "This will be the last Canadian election run under first past the post." The answer is, both the party leaders have said they are going to do it, and they are not going to have a referendum because then it might not work. They are going to do it just through an Act of Parliament alone, which can be a bit dicey, but they have pledged to do it. So I think the short answer is that it is very likely we will have electoral reform if two of these three parties win power in the next election.

Chair: Just very briefly on the UK situation, there has been a lot of comment, especially after the last election, that UKIP, the Greens, and the Liberal Democrats in particular were disadvantaged through first past the post. But many of you will remember that just in 2012—or 2011, I forget the year—there was a referendum in Britain on an alternative vote, not MMP, and it went down in flames, mainly due to the lack of popularity at the time of one of the three major parties that wanted it. Both Labour and the Conservatives did not—most of the members in both parties. Given that the Conservatives, Labour, and the SNP all benefit under first past the post, I do not see, currently, any of those parties pushing for it. But you never know. There is not a groundswell for it right now. I do not know whether there is anything Celsus or Graham want to come back with on the comments around sustainability? Or anything else, I should say.

Dr Graham Hassall: I might just add one idea to this comparison of small environments in the Pacific to Canada or New Zealand or anywhere else. The presumptions we make that Parliament will meet according to a calendar, the presumptions about why we form parties, the presumptions about what the expectations of constituents are, the presumptions around the loyalty of MPs, the presumptions around the capabilities of the public sector, the presumptions around the capabilities of civil society—these and many more—when each answer is different to the New Zealand environment or to Canada. I will give you one example: you presume that Parliament will meet to get through the Government business. That is a presumption. There are some States in the Pacific where we presume it will not meet unless it is brought to the Chamber by a court order that the Opposition parties have put in order for Parliament to meet. And as Celsus said, the Prime Minister of the day does not want to set a parliamentary calendar because that makes a target for the Opposition parties to

try to bring the Government down. So in that environment, there is no calendar—and there is a logic to it.

This is the environment in which there are constraints on those who are trying to develop the capacities of Parliament. There are many others like these presumptions. We talk about executive dominance in Western parliaments. Some parts of the Pacific have mastered that, and they truly dominate the Parliament, and so presumptions that there is a legislative capacity are not in place. Those who are working in Parliament, if you asked them “What is the pressure of the executive?”—I will relate that in my final comment. I am just trying to be brief because these are just remarks at the end. This presumption that parties are based on shared ideological frameworks—when that is not in place, what binds people together? It really is a serious challenge for such environments, because what holds people together in loyalty is the rewards of office more often than shared programmes.

Those rewards of office are ministries, and when those ministries run out, you get into the chairing of committees, and then other benefits. Those who work in Parliament have to work within this environment. Now they do not say it, because they know that that is the fundamental environment in which they work, but when you look into it, you see that what the logic of Parliament is is keeping the executive together through the rewards of office. The MPs are often more interested in what they can deliver to their constituencies, and they feel they cannot deliver it through the public sector because it is not efficient enough. So they draw down public funds into their rural improvement programmes and they spend most of their time delivering directly to the constituents matters that should be done through the Public Service. That is the environment in which my colleague works. I think that the dynamics of Parliament are completely different, and we are trying to understand those. And then when you talk about Standing Orders, you have to work within that. It is a completely different dynamic to the people sitting on the floor of Parliament.

Chair: Thank you, Graham. An important point reminding us that modernisation may not just be about reforming the structures of the democratic underpinnings of the State, but actually of settling and delivering the democratic underpinnings of State.

Dr Graham Hassall: Yes, and so my comments at the beginning were about the ideas—the parliamentary idea. What is it? Do not presume that people want to be parliamentarians because they are in Parliament. They might be there for very different reasons, and that needs to be worked through with the public as well over a period of time. In the Pacific there are many, many known rogues and scoundrels who quite happily get back into Parliament because they deliver in ways that the constituents want. It is a totally different dynamic to what we have elsewhere.

Chair: We have probably got about 5 minutes left—other questions?

Dr Kennedy Graham: Thank you. Interesting comment, or concept, at the end—the democratic underpinning of the State. It raises the question, it seems to me, especially listening to Jonathan’s comments about the UK—and, for that matter, Canadians in terms of electoral reform—that there is a constitutional catch-22, because the keys to reform and the democratic underpinning of the State are in the hands of the gatekeepers; namely, political parties and their self-interests. New Zealand escaped—got through the eye of the needle—as much by chance and good luck as by good design. Not to downgrade it, but it was possible that it might not have happened or that it could have been reversed. So that raises a much broader issue—it is the end of the day, so I will allow myself. There are three branches of Government, and then there is a fourth estate. And there is a need for something else for the democratic underpinning of the State, because that kind of thing—the issue of electoral reform, which should be in the hands of the people—is expressed maladroitly through the political party process in Parliament. It should be somewhere else—a constitutional committee.

Chair: Who wants to have a go at that?

Dr Jonathan Malloy: I could agree.

Chair: In a way, the same topics affect the Solomons, the UK, and Canada—just different angles to them. Celsus and Graham, do you want to come in on anything that Kennedy has just said?

Dr Graham Hassall: It is so big, we will not take it up now. But I think it is saying: "Come to his talk tomorrow and hear more."

Chair: I think that if you were to ask that question to different groups in the UK, you would get one answer from, say, the Conservatives, Labour, and the SNP, who would say: "Add us up and we are over 60 per cent of the vote. That is fine, we are happy, and there was a referendum three years ago. So thanks very much—move on." I do not know whether this will change over the next 3 or 4 years. I think that it depends a great deal on what happens in politics, and it is quite volatile at the moment in the UK. And a majority of only 12 generally focuses attention on Parliament in a way that does not tend to happen when there is a bigger majority.

If you think of the mid-1990s, when the Conservative Party was last in office, there was a lot of focus on Parliament. I think, early on after an election like this, things are relatively quiet, but I suspect that over the period of Parliament in the UK, over the next 5 years, there will be a lot of attention on Parliament, and as MPs retire, resign, or, sadly, die, then you could see quite different dynamics, and these issues coming back up. But it sounds like this is not, I am afraid, one of those things that is going to have a quick answer.

I think I might take Graham's "out" here and suggest that we talk about this over a few drinks. I see the AGM is about to take place, so you may have to hold the topic of conversation for dinner tonight. If there are not any other last comments or questions on this one, I think I will pull it to a close. Thank you, Kennedy—sorry for an incomplete answer. I think it is just my duty, though, to thank our speakers Jonathan Malloy, Celsus Talifilu, and Graham Hassall, for leading the conversation. Thank you very much, gentlemen.

Keynote speaker: *Rethinking Parliament for Future Generations—Musings of an Experienced and Thoughtful Parliamentarian*

Chair: David Wilson, Clerk of the House of Representatives, New Zealand

Presenter: Hon Christopher Finlayson, Attorney-General, Minister for Treaty of Waitangi Negotiations, Minister in charge of the New Zealand Security Intelligence Service, Minister responsible for the Government Communications Security Bureau, and Associate Minister for Māori Development, New Zealand

Chair: Good morning, everybody, and welcome to this keynote address, titled “Rethinking Parliament for Future Generations—Musings of an Experienced and Thoughtful Parliamentarian”. My name is David Wilson. I am the Clerk of the House of Representatives, and it is my pleasure to introduce our keynote speaker today. I will do that in a moment.

The topic of this presentation, and indeed the theme of the conference, is a significant one to me. As a permanent officer of the House, I have got an enduring interest in how Parliament works for the people of New Zealand, now and in the future. But it is elected members who decide how Parliament operates, and it is their behaviour that largely determines how well this place works.

It is important, I think, to keep in mind that Parliament is always a work in progress. There are always things we can improve on. New Zealand is reflected on pretty well by the international parliamentary community, but I do not think that is a signal to rest on our laurels. There are always things, as I say, that we can do better. A successful Parliament, to me, is one in which people think about its future state and how best to develop it.

It gives me great pleasure to introduce a member who does just that. The Hon Christopher Finlayson QC is the Attorney-General and the Minister for Treaty of Waitangi Negotiations. More recently he has added the portfolios of Minister in charge of the NZ Security Intelligence Service and Minister responsible for the Government Communications Security Bureau to his long list of responsibilities. He has been an MP since 2005, and also chairs the Privileges Committee. Please join me in welcoming him to give this keynote speech.

Hon Christopher Finlayson: Thank you very much, David, for that generous introduction. David recently became the Clerk of the House. We have been very lucky in New Zealand over the history of our Parliament to have outstanding Clerks of the House, and we are also very lucky here to have fantastic staff in David's office, who work with members of Parliament and Ministers to make sure that the end product is of a very high standard. I acknowledge those who are present today, especially my friend from the Privileges Committee.

I am going to talk about two things today. First, I want to say something about that hoary chestnut, the separation of powers, and then I want to get on my bandwagon about the need for legislative reform in New Zealand. *[Interruption]* Oh—some years ago there was a conference in this hall. I remember it very well. Someone was speaking; he was a former press secretary to the Prime Minister. Just in front of us—it was illustrative of what can go wrong—someone had a massive coronary and was carted out. The speaker came back and said: “Well, he's dead. I saw him. He was blue in the face. He's dead.” Actually, he was not dead, because the parliamentary staff here are so good that they brought him back to life, but it was reported in the paper some days later that this particular former press secretary had brought new meaning to the phrase “boring someone to death”. So interruptions in the course of conferences can be somewhat irritating. I do not know what that interruption was. It sounded like a call to prayer. Maybe it is Ramadan, or something. But let me get on with my speech.

Some years ago a French historian said there was, frankly, nothing new to be said about the French revolution, because it had all been said. Many constitutional commentators, I think, put the separation of powers into that category, but I think they are wrong. The theory

we probably all know about, but the tensions between the various organs of the State keep arising, year in and year out. I want to look at some of the more recent tensions in a New Zealand context.

First, the basics. New Zealand's Government is based on the Westminster system. Fundamental to this model is the separation of powers between the various organs of the State: the legislature, the executive, and the judiciary. It ensures there are checks and balances on the powers of Government and that accountability and impartiality are maintained. New Zealand's finest constitutional lawyer is a person called Philip Joseph, who is a professor of law at Canterbury University. He has written a wonderful book, a magisterial text, really, called *Constitutional and Administrative Law in New Zealand*. He has an extended discussion in his fourth edition about the separation of powers, and this is what he says:

[It] is a disputed concept. No constitutional system supports a pure separation or 'distinctness' of powers. One writer described the doctrine as 'that antique and rickety chariot ... so long the favourite vehicle of writers on political science and constitutional law for the conveyance of fallacious ideas'. Another writer dismissed the doctrine as a jumbled portmanteau of arguments for policies which ought to be supported or rejected on other grounds. Some political sociologists question the relevance of a functional analysis, emphasising process and the impact of bureaucracy and the 'real forces' of politics ... However, the identification of the three separate powers is less an attempt to describe the actual nature of government than a conscious and determined attempt to control it: it was necessary to 'divide' government [in order] to limit it. The powers of government, having been separated, *ought* to be vested in correspondingly separate organs so that each can act as a counterbalance on the others. A separation of powers, even if only imperfect or rudimentary, is a necessary condition of the rule of law and democratic government itself.

That all seems to be pretty basic stuff, and propositions with which you would all agree, no doubt.

Most people in this country would agree with the general theory behind the separation of powers. Probably the only exception would have been the former Prime Minister Sir Robert Muldoon. I always recall the story—Norman Kirk was talking about Robert Muldoon. He said: "Sir Robert's ambitions and my ambitions are quite different. I want to be Prime Minister; he wants to be Government." And that is certainly the way he ran the show. As a member of his party, watching membership slip away as the party was destroyed under his watch, I endorse what Norman Kirk said.

In order for the separation of powers to operate effectively, there must be genuine understanding of the different roles and functions that each branch carries out. The Chief Justice of Canada, I think, said it very well when she said in a 1993 case: "It is fundamental to the working of Government as a whole that all [branches] play their proper role. It's equally fundamental that no one of them overstep its bounds, that each show proper deference for the legitimate sphere of activity of the other." Naturally, of course, tensions arise and will necessarily arise between the branches of Government. The tensions between the judiciary and the executive are the obvious examples in New Zealand history. But I want to explore some tensions that have arisen in recent times between the courts and the legislature and also between the legislature and the executive.

I know that my friend the Green MP Kennedy Graham is going to be speaking at further length about some of the things I am going to introduce this morning. He and I both serve on the Privileges Committee of Parliament. As you know, a Privileges Committee considers matters relating to parliamentary privilege, including investigating allegations that members of Parliament have acted improperly or taken advantage of parliamentary privilege or committed a contempt. Over the last few years, thankfully, the committee has not had to deal with any disciplinary matters, and we have been able to focus on a few issues that have really zeroed in on the tensions between the various branches of Government. The first,

which could be characterised as tensions between the legislature and the judiciary, actually resulted in the passage in 2014 of the Parliamentary Privilege Act.

In a 2013 report the Privileges Committee considered the decision by the Supreme Court in a case called *Attorney-General and Gow v Leigh*. That case concerned the scope of parliamentary privilege. For the non-New Zealanders, let me just briefly recite the bare facts of the case. In 2007 questions were raised in the House about the Ministry for the Environment and certain staffing issues. The Minister for the Environment at the time, who will be speaking to you later today—he is now the Assistant Speaker—requested and received information both orally and in writing from Mr Gow, who was the deputy secretary at the ministry. The purpose was to enable him to respond to the various questions that were being asked. Some of this information related to the plaintiff, who was a communications adviser for the ministry whose contract had been terminated.

The Minister went on to criticise Ms Leigh, and her job performance, in the House during question time in November 2007. She wrote to the Privileges Committee to complain about this reference to her in the House. As a result of further oral questions in December 2007, a statement from the chief executive of the ministry about the matter was tabled in the House, and the Minister made a personal explanation and apologised to her for the comments he had made. But she then issued a proceeding in the High Court, claiming that Mr Gow had defamed her in his oral briefing and in his written briefing note to the Minister. She argued that the Minister's answers in the House were a republication of those statements.

The defendants sought to strike out the pleadings on two grounds, one of which was that the statements were protected by absolute privilege under article 9 of the Bill of Rights—and you all know what that provides. The High Court accepted that the Minister's statements in the House were protected by article 9. Both the High Court and the Court of Appeal, however, agreed that it was an occasion of qualified rather than absolute privilege. On this issue the Supreme Court concluded that the statements made by a Government official to a Minister for the purposes of replying to oral questions were not themselves parliamentary proceedings, and as such not protected by absolute privilege. The Supreme Court came to this conclusion using the test of whether it was necessary for the proper and efficient functioning of the House for the ministerial adviser's communications to the Minister to be considered an occasion of absolute privilege—had it been shown that the House could not discharge its functions properly if this kind of communication was not treated as absolutely privileged. So that was the position.

I always recall talking to a judge of the Supreme Court about the decision, saying: "Boy, are you in trouble. You've exceeded your mandate by saying that sort of thing." And the comment was: "You only need qualified privilege in the House." I did not like to tell her that the Privileges Committee had something quite different in mind, because we were asked to consider the potential effect of the judgment on the future operations of the House and we concluded that the judgment had a potentially chilling effect on the ability of the House to receive the information it needed to operate effectively.

The committee was very concerned at the way the court had applied the necessity test to the question of parliamentary privilege. The committee said this: "Parliamentary privilege exists to enable the House to operate effectively. The powers it confers are not a bare minimum to allow the House to operate—they ensure that the House can carry out its functions fully. To restrict parliamentary privilege to what is deemed necessary would severely limit the way Parliament evolves to remain relevant and to operate in the public interest." The Privileges Committee, frankly, strongly disagreed with the Supreme Court and its use of a necessity test to determine the scope of parliamentary privilege, and we recommended comprehensive legislation be introduced to clarify the nature and the scope of parliamentary privilege.

In this country there had been talk of a Parliamentary Privilege Act over many years, and in fact a former Labour deputy leader, David Caygill, who for many years was the member of Parliament for St Albans, had actually drafted a member's bill, but it went no further. We had been talking about it for some time, but finally, as a result of the work of the Privileges Committee in 2013, we bit the bullet and introduced a Parliamentary Privilege Bill. I think this

matter clearly illustrated very serious tensions between the judiciary and the legislature, with the Privileges Committee questioning whether the courts even had jurisdiction to consider parliamentary privilege in the way that they had. So the Parliamentary Privilege Act was passed into law in late 2014, before the general election.

It has some similarities with Australia's Parliamentary Privileges Act 1987. Do you have a species of that in Western Australia, Mr Speaker? Is the Australian Parliamentary Privileges Act adopted in Western Australia?

Hon Michael Sutherland: No.

Hon Christopher Finlayson: No. But the main purposes of our Act are to reaffirm and clarify the nature, the scope, and the extent of the privileges, immunities, and powers exercisable by the House, its committees, and its members, and to ensure adequate protection from civil and criminal legal liability for the communication of, and documents relating to, proceedings in Parliament.

Another piece of important constitutional work recently undertaken by the Privileges Committee came in the context of an inquiry into the leak of a highly confidential report. This incident illustrated some of the confusion that exists about where exactly the boundary between the executive and Parliament lies. The committee was asked to examine the appropriateness of the release of information from parliamentary information and security systems. Let me give you—the non-New Zealanders—a very brief background.

A review was carried out regarding the legal compliance of one of the agencies for which I am now responsible, the GCSB—New Zealand's external intelligence bureau. The resulting report was released to members of the Intelligence and Security Committee under embargo. A copy of that report was leaked to a journalist. An inquiry was commissioned to investigate the unauthorised disclosure. During the inquiry, information from the parliamentary information and security systems was released to the commissioners of the inquiry. The information included records of email traffic between a press gallery journalist and certain Ministers and staff, the content of some of the emails, logs of phone calls belonging to Ministers and their staff, and security records relating to the use of swipe cards within the parliamentary precinct. The release of information raised very, very important questions about protecting the privileges and the immunities of the House, including the freedom of speech of members and the ability of Parliament to maintain control within its own precinct.

The question of who should have access to information held on the parliamentary system is indeed a very complex one, as it had to be looked at in the context of the constitutional status of Parliament. For example, it is not always easy to discern what information on the system relates to Parliament, what relates to the executive, and what relates to other matters. In fact, the whole situation is totally and utterly unsatisfactory, because emails come to me through the same system as a member of Parliament and as a Minister; I think that a practical first step would be to separate those out.

It is, of course, as you know, where you have got a fused system—I actually do not work in the Beehive, which is the home of the executive; I lord it over everyone on the 19th floor of Bowen House, which has some ministerial offices. But in my building, for example, we have our friends from the Green Party, we have got the New Zealand First people, and we have got other political parties. In a very practical, physical way, we have got the parts of the executive all mashed up with members of the Opposition parliamentary parties. So I do not think in a practical sense we actually in this country understand the difference between the two, and it is surprising that that confusion about the basic principles I outlined at the beginning of my speech has a practical effect and, as I say, a most unsatisfactory effect.

The Privileges Committee recommended that the House adopt a protocol for release of information from the parliamentary system, as well as update the *Cabinet Manual* to clarify some issues around recognition of parliamentary privilege. The lesson I draw from recent times is the often repeated one: each branch of government has to have respect for the others and be mindful of their boundaries in order for our system to operate. Obviously, that includes the judiciary having respect for the executive as well as the legislature, but it also means that the executive has to have respect for the legislature, and vice versa.

A few months ago the High Court issued its first declaration that a piece of legislation, in this case the Electoral Disqualification of Sentenced Prisoners Amendment Act 2010, is inconsistent with the New Zealand Bill of Rights Act. New Zealand's Bill of Rights is not supreme law, and so the declaration did not invalidate the law in question. We do not have a system like the Charter of Rights in Canada; it is a statement that in the court's view the law does not comply with the New Zealand Bill of Rights Act. It is also important to note that the Crown has appealed this decision to the Court of Appeal and so it is not yet settled that the courts actually have a power to make declarations of inconsistency.

In his judgment the High Court judge frequently referred to a report that I had issued in my capacity as Attorney-General under section 7 of the New Zealand Bill of Rights Act. I am required to notify the House of any bill that appears to be inconsistent with the New Zealand Bill of Rights Act. Parliament is then free to form its own view about whether a particular right or freedom is limited, or whether the limitation is justified. I simply mention that, without any further comment, because the decision is subject to an appeal and is likely to be heard in 2016, and it, too, will raise some interesting issues about relationships between the legislature and the judiciary.

The second area I want to touch on is possible future legislative reform in New Zealand. It is well known, of course, that we do not have a written constitution; our constitution is, however—I was going to say "littered", but probably less emotionally one can say it is "scattered" across the statute book. I have long been a proponent of ensuring that all our constitutional provisions are organised in a much more coherent fashion. The Deputy Prime Minister often says to me "It's only because you have a tidy minds complex.", and if you saw my office you would probably agree with that, because there is no paper in there. But it is much more than simply tidy minds; I think the people are entitled to have all their key constitutional provisions readily available to them, and should not have to go on some magical mystery tour through the statute book in order to find them.

That is why I am very pleased that the Judicature Modernisation Bill is now in the House awaiting its Committee stage. This bill represents a complete rewrite of the Judicature Act 1908, the Supreme Court Act 2003, the District Courts Act 1947, the Judicature Amendment Act 1972, and other miscellaneous pieces of legislation. I am a huge supporter of this redrafting project. The Judicature Act, which is actually a very important constitutional document, providing as it does for the establishment of both the High Court and the Court of Appeal, is a complete shambles. Large chunks of it have been repealed or are redundant. The same applies to the District Courts Act, which was last thoroughly rewritten in 1947. So this is the first substantial rewrite of legislation affecting the senior courts in over a century.

I also think that a similar exercise needs to be undertaken for statutes relating to the legislature. We need a Parliament Act that brings together all relevant statutes and ends the chaos that exists at the moment. Our legislation relating to Parliament deals with the Officers of Parliament, like the Ombudsman. We have got a Clerk of the House of Representatives Act, we have got a Parliamentary Service Act, we have got a Members of Parliament (Remuneration and Services) Act, and we have got a Parliamentary Privilege Act, as well as various provisions in other pieces of legislation relating to Officers of Parliament, such as the Parliamentary Commissioner for the Environment, established under the Environment Act 1986. Arguably, we could also add another major piece of constitutional legislation to this list, the Electoral Act of 1993, but I think trying to include that in a Parliament Act would be a step too far and it would probably make any such legislation unwieldy. Just to compare our unsatisfactory situation with Canada, it has the Parliament of Canada Act 1985, a single source of information from a legal point of view for its citizens to refer to if they want information about their Parliament.

The same consolidation exercise could also be undertaken for the legislation relating to the executive, although I acknowledge that that would be a very extensive and difficult piece of work. I approve of the regular cleansing of our statute book, which is why I am so enthusiastic about the 3-yearly programme of systematic revision of New Zealand's statutes, which is provided for in the Legislation Act 2012. In 2009 our Law Commission identified that there were over 1,100 statutes in force in New Zealand. Some of these statutes are old and are expressed in language that can only be described as archaic. Many have been

amended over the years in a piecemeal fashion, and this has resulted in sometimes unwieldy and incoherent legislation.

To address the state of the statute book, the statute revision programme under the Legislation Act enables amendments to be incorporated with principal Acts, outdated language to be converted into the Parliamentary Counsel Office plain language drafting style, and obsolete and expired provisions to be removed. Re-enacting legislation in a more accessible form will help individuals and businesses to more easily understand the rules that apply, and this will, of course, reduce regulatory costs. These changes and the enhanced printing powers in the legislation will also assist in reducing the need for, and the cost of, technical, remedial legislation.

We are under way with our first review programme. It began this year, and the first topic that will be covered is statutes relating to contract law and commercial law. Many of those were last completely rewritten in 1908—for example, the Sale of Goods Act—and are expressed in language and a structure that is out of date, so I am really excited about this. For those of you who share a similar level of excitement, you can go to the PCO website in a couple of days and see an exposure draft of the bill. Six contract statutes, and five commercial statutes, including the Contractual Remedies Act, the Minors' Contracts Act, the Sale of Goods Act, are going to be revised and consolidated in one statute. Their revision is obviously important to all of us, because these Acts contain rules that govern transactions in the commercial world and also dealings between individuals who are not necessarily in trade.

Another example of the kind of rewrite we have under way at the moment is the 50-year rewrite of the Social Security Act 1964—although that is slightly different in that there will be a policy component to the rewrite. But the Social Security Act is such a mess that the Ministry of Social Development has to hire an inordinate number of lawyers just to find out what the legislation means. It is totally inaccessible to the ordinary layperson, and it is probably fair to say that it is more than inaccessible to many lawyers, so the rewrite is, I think, an absolute must.

We could go through the statute book and say that there are a whole lot of statutes that require this rigorous treatment. That is why I say it is very important to do it with parliamentary legislation. The parliamentary legislation scattered through the statute book is not good enough, and we need to put it into one statute, the way the Canadians have.

In my experience as a member of Parliament and as a Minister, people always say how difficult these exercises are and I always disagree with them. I think one can over-intellectualise this work and turn what really should be an 18-month project into a 5-year Homeric epic. I think in politics, as in sport, the Nike slogan has much to commend it, and I say this to the Clerk of the House: "Just do it."

Chair: Thank you very much. That was a very stimulating address, and I think it raised lots of topics that people would like to discuss. We are a little bit short of time, but if someone has got a pressing question I am sure that our speaker would be pleased to take it.

Stephen Frappell: Stephen Frappell, New South Wales Legislative Council—just a quick question, really. I was very interested in what you had to say about *Gow v Leigh*. You obviously had a dual role, as the chief law officer but also the chair of the Privileges Committee. How did you marry up those two roles?

Hon Christopher Finlayson: Well, I have been very lucky to have both. Traditionally in our system—more often than not—the Attorney-General has tended to be the chair of the Privileges Committee, although I can recall that on a number of occasions a senior Opposition MP has as well. I guess I can compartmentalise. It does not necessarily conflict; if it did, I would step aside from the role. But the sorts of issues that I have been looking at—that Kennedy and I have been looking at—on the Privileges Committee do not necessarily conflict with anything I have been doing as a Minister.

Chair: Have we got any other questions?

Delegate: What about where an intelligence matter, for instance, emerged that had a role in conflicting with—

Hon Christopher Finlayson: Me as attorney?

Delegate: Yes.

Hon Christopher Finlayson: Well, it has, and that is why when I took over those particular roles under our intelligence legislation there was going to be a mandatory review of the intelligence legislation, which is under way now. Michael Cullen and Dame Patsy Reddy are conducting that. The legislation provided that the Attorney-General would set the terms of reference, and so I handed over to Amy Adams, the Minister of Justice, responsibility for that particular task. So there will be occasions where those sorts of things arise, and you have to just step back.

Well, I hope you have a very nice day. We are in adjournment at the moment, so I will go and have a few meetings. I would stay, but I want to conduct a quixotic quest of chasing little white balls around a golf course.

A Modern Parliament—The People's House

Chair: Katie Bradford, TVNZ Journalist, New Zealand

Presenters: Hon Ruth Forrest, Independent Member for Murchison, Legislative Council, Tasmania, Australian; Hon Louise Upston, Member for Taupo and Minister for Land Information, Minister for Women, Associate Minister of Local Government and Associate Minister for Tertiary Education, Skills and Employment, New Zealand; Hon Barry House, President of the Legislative Council, Parliament of Western Australia, Australia

Chair: Good morning. For those who do not know me, I am Katie Bradford. I am a political reporter for Television New Zealand, so I am based here at Parliament. Therese asked me to come and do this today. I am not sure how much you have heard while you have been here about the media's interaction in a modern Parliament, and so forth, but I thought that it is actually quite an interesting thing being part of the media. For those of us in the parliamentary press gallery who are based here, the way that things are moving and changing in the world in general and at Parliament—how that affects us and how the changing media demands affect a modern Parliament—are all tied in together, and we all have to work with that as that changes.

I am not sure how much you have heard about that over the past few days, but, for instance, Parliamentary Service has done an amazing job over the past year of really moving with the times with social media and their website. The way that they deal with the media now has really come ahead in leaps and bounds, and that has made a big difference for our jobs—and, I think, for politicians as well. Most politicians here are on Twitter and are learning how to deal with our fast-moving demands, and as Parliament changes, and as the media changes, we all have to work together on how we are going to do that.

Our speaker first up today is Ruth Forrest, who is a member of the Tasmanian Parliament. She is here to talk about public stakeholder engagement.

Hon Ruth Forrest: Thank you for the opportunity to speak about community engagement in a modern Parliament—in a divisive area of policy. Members of Parliament rely on the support of their communities and members of the public not only to remain in their role but also to be effective in that role. Many, if not all, of us can recall a desire to be part of the “in” group—in primary school, perhaps, or when we wanted to win something or wanted to succeed. To achieve either of those, you actually need the support of other people.

You may have believed that you knew what people thought—after all, you probably told them what you needed—but had you also heard from them, and had you engaged them in a way that they understood and that actually had meaning for them? If you made it to the “in” group, or if you succeeded, you most likely assumed that you had. If you did not win, you may have questioned why. But did you question whether you had really communicated effectively and in a way that was mutually beneficial?

Engaging with those whom we rely on for support is vital. In a modern world, it is an evolving and ever-changing process. A modern Parliament is the same; it is ever changing and evolving, and elected members need to evolve and change with it if they are to remain engaged and relevant. When considering the modernisation of Parliament and what it actually means, it is clear that it means different things to different people, and I plan to explore that question. A modern Parliament engages effectively with the broader community in the development of public policy. I observe that there is today a growing expectation from citizens that there will be active involvement in the public debate. Citizens want their voices to be heard and their opinions considered.

The growth of online—and, thus, instant—public opinion platforms has led to an expectation that all voices will be heard. These changes not only increase the level of scrutiny of Government but also the expectation of a rapid response to any public input. This often occurs at such a pace that those seeking to develop policy often do not have

adequate time to properly formulate a fully considered position. In my view, the rise of online participation in public debate has forced parliaments to modernise, and thus be more accessible. Most parliaments have a Facebook page, and many regularly use Twitter. Many members of Parliament are independently and actively engaged with social media. Parliaments also upload much more information promptly on their websites, including the *Hansard* of parliamentary debates, tabled documents, committee submissions, and transcripts of committee hearings. The online publishing of committee submissions and transcripts of hearings has enabled prompt access to this information, which subsequently can then be used by witnesses appearing before a committee. And that is a relatively new opportunity.

In modernising the Parliament, there is an obligation to educate and inform the public about the current role and mechanisms within Parliament that enable them to engage in the accountability process, and thus inform public policy. If members of the public are not aware of the processes available, they are likely to engage in, and rely on, social media and the 24-hour news cycles rather than through accessing deliberative, considered, evidence-based research, which, ideally, would inform decision making and debate.

Even though Parliament is more accessible in many ways, there are many examples where citizens do not feel able to directly and effectively participate in parliamentary proceedings and, therefore, able to influence the development of public policy. Enhanced and effective engagement and development of public policy may be not only a question of moving with the modernisation phenomenon; rather, it may be more about re-engaging with new generations to promote an understanding of the importance of the scrutiny processes, and building capacity that will enable them to participate in the processes that are actually already available.

It will also require the adaptation of current processes, or the implementation of new processes that these groups are familiar with, with which to enhance this engagement, including online communication and the use of other communications tools, including social media. If we are to ensure a level of public confidence in the policy decisions in a modern Parliament, we need to provide an accessible process that will actively engage all interested parties regardless of the communication strategies and technologies used. Governments need to progress business efficiently, effectively, and, ideally, with broad community support.

Contentious issues do present additional challenges. In such challenging areas, it is even more important to engage the community in the development of public policy. If community engagement is done well, it is more likely to avoid opposing parties returning to their respective trenches and resorting to the sort of conflict that prevents the community from moving forward as a whole. There is a perception, which is often a reality within Tasmania—and, I am sure, in other parts of the world and the country—that policy decisions are often made behind closed doors.

To explore a relatively recent example of poor community engagement in public policy, most of which was undertaken behind closed doors, I will briefly describe an experience within Tasmania in an area of public policy that has dogged the state for over 100 years. Tasmania has a long history of conflict in the forestry industry, and I am sure that even New Zealanders know that. It is an undeniable fact that Tasmania has some of the most spectacular temperate rain forest in the world that should be—and is being—protected. Tasmania has over 42 percent of its land mass currently in formal reserves. Even with this level of protection, the battle continues as to how much of our native forest should be protected and how much should be available to sustainably harvest timber for a range of purposes.

For approximately 3 years, key, and often warring, stakeholders met regularly in an effort to reach an agreement that would end the conflict in Tasmanian forests. This had been tried a number of times before, and had always ended up with one key stakeholder group, the environmentalists, walking away from the table prior to the signing of any agreement. While the tensions were very high at times, including threats to walk away from the negotiations and a couple of periods with ongoing engagement being seriously threatened, with stakeholders temporarily withdrawing from the process, all parties eventually signed what was to be titled the Tasmanian Forest Agreement, or TFA.

There was one significant flaw in the process that was used to reach this agreement. It did not seek to include or engage the broader community, and some stakeholders were excluded from the participatory process. This example challenges the questions posed around what a modern Parliament should and could look like, including "Is the modernisation of Parliament about restoring public confidence in politics and closing the apparent abyss between Parliament and the public?", "Is the modernisation of Parliament about making Parliament more accessible, and what would this look like?", "Is accessibility about the public's ability to participate in and influence public policy, and thus parliamentary proceedings and outcomes?", and "Is modernisation about improving the image of Parliament in an attempt to address the perceived problem of declining public confidence in the political process?".

So the TFA was a culmination of a process that had been under way, as I said, for almost 3 years. The result of this process was subsequently translated into legislation, the Tasmanian Forests Agreement Bill 2012. The process leading to this bill was guided by documents including a statement of principles and an intergovernmental agreement, or IGA, and negotiations to the signatories to the TFA.

The statement of principles was released in December 2010. The statement of principles was intended to resolve conflict over forestry in Tasmania; protect native forests; develop a strong, sustainable forest industry; and identify the parties to the negotiations, which had commenced earlier that year. The statement of principles was followed in August 2011 by the IGA, signed by both the Australian and Tasmanian Governments. The IGA was intended to deliver an agreement reflecting the principles outlined in the statement of principles. The IGA committed the Governments to work together to support the forestry industry, to progressively transition to a more sustainable and diversified footing, and to build regional economic diversity and community resilience.

The TFA bill was notionally designed to give effect to this policy position, contained in the IGA and the statement of principles, through legislation. However, it was a widely held view that the IGA did not accurately reflect the terms in the statement of principles, and the TFA bill did not reflect either of the previous two documents. The exclusion of a range of stakeholders from the development of these agreements and subsequent policy and legislation resulted in broad criticism of the process used and the resulting legislation. The negotiations had occurred behind closed doors, with a select group of stakeholders who were the eventual signatories to the Tasmanian Forest Agreement. These negotiations excluded many stakeholders who believed that their input was vital to the development of public policy in this area.

The legislation resulting from the agreement did not gain broad support, and thus was not likely to be supported in effective legislation. The TFA bill was debated in the House of Assembly on 22 November 2012, and it was read a third time unamended the following day. Debate commenced in the Legislative Council on 11 December 2012. In an effort to address the lack of adequate scrutiny and the lack of broad stakeholder engagement, the bill was referred to a Committee of the whole Legislative Council, the first of its kind. The Committee was established to facilitate independent scrutiny of the bill, engaging sectors of the community that had been excluded during the development of the agreement and the bill.

Many stakeholders were frustrated when the Government sought to restrict the time given for the legislative and scrutiny process, particularly in the Lower House and generally within the parliamentary environment. They felt aggrieved that their voices had not been heard. The lack of community consultation and subsequent lack of scrutiny at the House of Assembly level highlight the relevance and the importance of our bicameral system.

The Committee received 136 submissions and took evidence over 12 days of hearings. A total of 94 hours of public hearings and 11 hours of deliberative meetings were undertaken, not including the time taken to read all the 136 submissions. The Committee was determined to hear from as many witnesses as possible in the limited time available, through submissions and public hearings, to enable broad and inclusive participation in the future of the bill and, indeed, the future of the forest industry in Tasmania.

The Committee heard from a diverse range of stakeholders, including the signatories to the TFA, the non-signatory stakeholders from the forestry industry, the non-signatory stakeholders from the environmental non-Government organisation sector, community representatives, scientists and professional foresters, and Government and political representatives. A significant number of additional requests were made by interested parties wishing to participate in the public hearings. The Committee noted in the report that even with the extensive and inclusive process undertaken, it was not possible to accommodate all the requests in the time that was available. The Committee did obtain a range of information from the submissions that were received and witnesses who gave evidence who had not been previously on the public record. This did provide an opportunity for the voices of those stakeholders who were not signatories to the agreement to be heard, thus providing enhanced opportunity for input into the consideration of the bill by the Legislative Council.

To add to the context of this, debate on the TFA bill in Parliament lasted a total of 197 hours and 13 minutes, including almost 58 hours of debate at the Legislative Council, 22 hours of debate in the House of Assembly, 94 hours of public hearings, and 11 hours of deliberative meetings undertaken by the Legislative Council Committee. To put this in further perspective, the Parliamentary Research Service within the Tasmanian Parliament determined that this was equivalent to 50 percent of the hours that the Legislative Council spent on all matters in 2013, or the whole time that was spent by the Legislative Council in all matters in 2010.

Do you think we are sick of it? Despite this, the question remains whether the increased stakeholder and public input into legislative drafting through a raft of amendments proposed by the Government and members of the Legislative Council actually results in a well-considered and inclusive and effective piece of legislation.

The bill was eventually passed. In many ways it was a compromise and an effort to ensure a sustainable future for the forest industry. Many stakeholders remained unhappy with the outcome. With almost every election in Tasmania, forestry is a divisive election issue, and in 2014 the election was no different. The March 2014 election resulted in a change of Government and another change in policy, with a new Government claiming that it was tearing up the previous TFA. The reality was that, in effect, the new Act really changed nothing in the industry for at least 6 years.

The new Government tabled the Forestry (Rebuilding the Forest Industry) Bill for 2014 on 8 May. Debate commenced in the House of Assembly on 28 May. It was read a third time on 5 June. Debate commenced in the Legislative Council on 20 August and the bill was amended in the Committee stage before being read a third time on 28 August.

Throughout this entire process there was no broad community consultation. Despite the newly elected Government having a clear majority in the House of Assembly, the 2014 bill was prepared without community engagement or consultation. The Government claimed they had a mandate to do this, ignoring the fact that no election is ever fought on a one-on-one issue.

The time taken to review and consult on this bill and the members' proposal was very limited, and many members of the broader community continue to feel aggrieved and unheard. It is also interesting to note that during the earlier debate of the TFA bill the then Opposition, now Government, had condemned the lack of community consultation engagement with stakeholders. The lack of community consultation and the development of the Forestry (Rebuilding the Forest Industry) Bill were, in many ways, no different. The process that resulted in the TFA had taken almost 4 years to negotiate and was flawed in that many key stakeholders were not engaged. The TFA in subsequent legislation eventually underwent extensive community consultation and resulted in significantly improved legislation. It could be argued that this was not the case with the Forestry (Rebuilding the Forest Industry) Act 2014.

Therefore, both pieces of legislation, giving effect to public policy of the time, would appear to demonstrate that public and stakeholder engagement can capture a process to such an extent that inadequate legislation can result and the need for broader public input is evident. However, in areas where true consensus is unlikely, even after extensive community and broader stakeholder engagement, revised policy that emerges can still be

captured by special interest groups. In an area of such ongoing controversy and longstanding disparate views, finding the middle ground to inform public policies is difficult, if not impossible, as the middle ground can mean very different places for different stakeholders.

In conclusion, I return to the questions that this conference is exploring. If we are to consider the questions posed regarding what a modern Parliament looks like and how public engagement in policy development is enhanced, I am not convinced that the process that I have described is effective, nor is the process efficient. In these two examples, it was more a case of some stakeholders and the broader community being excluded from the process rather than a lack of an appropriate and accessible platform that could or would have provided an opportunity for input by these groups in the ensuing policy.

In an area where most Tasmanians have a view, and many were involved, either directly or indirectly, in the industry, an inclusive approach that considers how various stakeholders like to engage is necessary. If you are to question whether the modernisation of Parliament is about increased public involvement and whether this equates to a more accountable Government, one could argue it does not if only certain sectors of the public are given a voice.

If we are seeking to achieve a more accountable Government, we do need to consider how to enable interested voices to be heard and provide a variety of options for engagement. Both traditional and contemporary methods of community engagement need to be available. Public meetings, focus groups, online discussion forums, and portals for individual input, including the use of all forms of media, are necessary to ensure all citizens have ready access to Government.

The challenges with the phenomenon such as NIMBY—Not in My Back Yard, or, if you are an MP, NIME, Not in My Electorate—and the bANANA, who would have Absolutely Nothing Anywhere Near Anybody or anything, do need to be considered. If MPs in Parliament seek to silence these voices and do not provide an opportunity for them to have their say, other problems can result, and delays in projects, etc., can occur.

Managing this aspect of public involvement in policy development is a challenge in all democracies. If we are to ask what an accessible Parliament looks like, I believe a variety of means by which the public can participate within a process or format that they are familiar with is vital. This will vary depending on whether the policy question has a narrow or broad focus and interest. It is also necessary to ensure that all citizens are well informed of the existing parliamentary processes that enable participation in public debate. This engagement needs to be in a form that is accessible and familiar to all citizens, requiring a rethinking within our parliaments around the use of technology and current and emerging forms of communication.

If you are to question whether the modernisation of Parliament is about restoring public confidence in politics and closing the apparent abyss between Parliament and the public, I believe this can be done only through a more open and inclusive approach. However, the risks associated with the well-resourced and vocal special interest groups hijacking debates in policy development are real, and they do need to be considered.

Similarly, if we are to question whether the modernisation of Parliament is about improving the image of Parliament in an attempt to address the perceived problem of declining public confidence in the political process, I read that the only way to do this is to provide an open, accessible process of engagements. It is something that did not occur in the case I presented.

So an open and accessible process of engagement will need to be more substantial than conversations on Twitter. The real challenge for Parliament in the modern era is how we bring the community along with us, in the ways that give them some ownership of the results and policy outcomes. If the community does not experience a sense of ownership over the way they have been governed, they may detach further from the parliamentary process, thus allowing more space for vocal specialist interest groups to dominate and, to some degree, control the public discourse.

We as politicians need to be able to consult effectively so that implementation can occur in a productive and positive way. The reform of the Tasmanian forestry industry was and is always going to be a difficult process. Rushing that process at different times, as described, alienated a great number of stakeholders, and the outcome suffered as a result. One of the challenges to members of Parliament resulting from effective and broad engagement is that as we become more fully informed, we may find our existing views or beliefs challenged. In circumstances where new facts and/or knowledge require an MP to change their position, it can be perceived by the public as lying about a previously held view or position. If we are to build public confidence in the political process and in elected members, we need to develop and utilise processes that communicate any change of position and view effectively. Informing the public of this change in a way that avoids likely media and public backlash is not easy. "When the facts change, my opinion may need to change" is a message that is not always easy to get across. The first step to restoring confidence in our parliamentary processes and parliamentarians needs to be through effective communication.

Chair: Thank you for that, Ruth. Very interesting—197 hours of Parliament's time. I cannot imagine any issue here in New Zealand that we would dedicate that to—not even the Rugby World Cup opening bars at 5 in the morning, and I am sure you all knew the bill like the back of your hand at the end of that. Next up we have the Hon Louise Upston, the Minister for Women, MP for Taupō, and Minister for Land Information, and she certainly takes trans-Tasman relations to the next level—on crutches with us today, thanks to her dedication to netball.

Hon Louise Upston: And for those of you who are wondering how the New Zealand and Australia parliamentary tournament went, I am pleased to announce that New Zealand beat the New South Wales state team and also the Federal Parliament, but I am not sure that I am keen on the trophy that I came home with, which is a ruptured Achilles.

Rau rangatira mā, tēnei te mihi ki a koutou i runga i te kaupapa o te rā. Tēnā koutou, tēnā koutou, tēnā koutou katoa.

[I bid you welcome, esteemed ones of a hundredfold, in regards to the matter of the day. Acknowledgments, salutations and good tidings to you all.]

It really is fantastic to have you all here in our House. Having attended and spoken at a number of these conferences, I think they are a really important opportunity for us to engage with one another, and I saw the opportunity of the presentation that I want to give you today as one to sort of think quite differently about how we might do things compared to the way it is done in the northern hemisphere. So I quite deliberately wanted to take it away from home and to think a bit further about how best we could exploit some of the opportunities that others have. So I think it was very gracious of Ruth to give us an example of possibly how we should not try to do it in the future, but I wanted to just bring some examples from the Nordic countries. I was in the United Nations in March this year for the Commission on the Status of Women, and it was very clear to me the amount of progress that they had made around gender equality. It made me look further at some of the ways that their countries operate, and particularly around citizen engagement, and that is why I really wanted to have the focus of this morning about the Nordic examples.

But firstly, when we are talking about citizens' engagement, as you have heard over the last day, and already this morning, it is so critical in terms of how we engage our citizens, and that is absolutely vital to a healthy democracy. We cannot have a healthy democracy without citizens who are engaged, so we have heard from young people, we have heard about opportunities through technology, and also, as we have heard from Katie, the pace at which the media are moving means that, actually, as a Parliament, we have got to respond to that, as well, otherwise we really will lose the public, and the media will kind of take all of that public-facing opportunity away from what I think we, as representatives, need to do.

In terms of definition, citizens' engagement in public administration requires the involvement of citizens in the decision-making process of the State through measures and/or institutional arrangements to increase their influence on public policies and programmes,

ensuring a more positive impact on their social and economic lives. So part of the process has to be how do we actually enable and provide real opportunities, rather than ones that are often just seen as lip service?

If we look at New Zealand's progress, we actually have a really strong and proud history of a civil society. I have to confess to being quite naive in terms of the state of other countries' civil societies, and it was a real eye-opener for me attending that meeting at the United Nations to find out how poorly regarded civil society is in many countries around the world. So I think that is a particular strength that New Zealand has—that we have a very, very strong and active civil society. Clearly, our size, our geographic location, make it easier for us to engage our citizens. That said, I am not sure that we do it as well as we could, and that is why the opportunity of this conference is to really look forward and say: "What are some of the lessons we can take out of this when we go home—or are in our own Parliament here—to actively seek change and progress?"

One example is that our parliamentary committees actually could provide a greater forum for citizens' engagement in relation to emerging and strategic issues—actually shifting the focus from constantly being reactive to being far more proactive. I think that would provide a fantastic opportunity, and, as I said, I want to give you some examples. Some would say that we already have a high degree of community access and accountability, but I will let you make the decision for yourself when we have had a look at some of what the Nordic countries are doing.

I have told you about the background in terms of why I have chosen these Nordic countries, but, actually, they do have a very proud tradition and history of transparency and citizen engagement and, on the whole, enjoy a high degree of public confidence and trust, and that is a comment that Ruth made. At the end of the day, for those in the room who are serving representatives, that really is the fundamental job that we need to improve on. Yes, the parliamentary process can support that, but I actually think a lot of it rests with us and how we go about and how we actually demand the parliamentary systems change to enable us to do our jobs better. Any time I have engaged with Parliamentary Service, and we have been talking about how we can improve this place, I look at it very simply and say "How does this proposed change help the person who lives in Tokoroa"—which is a small, low-decile community in the centre of the North Island—"access me as their representative?". I call it the Tokoroa test, and it has always got to be about anything that Parliament wants to do or change: how does it support that individual accessing me as their representative, so I can take them and their voice here to our Parliament?

I am going to look at three countries, and the first one is Finland and the Committee for the Future. It was described as a unique invention of Finnish democracy. It has been around, actually, since 1993, and it was created in the midst of a severe socio-economic crisis to advise on future-related aspects of policy and legislation. It is actually one of 16 standing committees. It has 17 members—similar to our select committees—who are all members of Parliament and representing the different political parties. Their task is to conduct an initiative-generating dialogue with the Government on major future problems and the means of solving these problems. One committee member describes it as a parliamentary thinktank.

The really important part of its success is its autonomy in setting its own agenda. The Government regularly publishes a report on the future of Finland, and that committee evaluates it and responds to it.

Some of the areas that they have reported on have been globalisation, the future of Finland in Europe, and Finland's economy, employment, science and technology, welfare, and regional development. It does not initiate legislation, but it is actually about fostering a shared understanding of the causal issues that require legislative address.

In terms of the committee and how it works, it partners with domestic and international research organisations and universities to address the challenges of citizens' engagement in the legislative process. It uses developing new technologies and has a virtual commentary portal to allow citizens to comment on issues that are before the committee. It uses crowd-sourcing techniques that have been used for law reform evaluation, and in 2013 the committee sought ideas from online participants about offroad traffic and the law that

regulated it. It has also established an experimental web-based young future builders discussion, which is between Parliament and citizens.

In 2006 they held a public meeting to coincide with their famous jazz festival, and they involved those attending in the discussion on the future of democracy. They have also got a Forum of the Experienced and the Wise, which is a consultative body that is comprised of approximately 60 retired men and women who meet at regular intervals throughout the year. That forum provides an opportunity for the committee to engage in critical discussion by a group of well-qualified senior citizens who, most crucially, are not motivated by party allegiance. That is also a theme that we have heard a little bit over the last day—that focus on issues, as opposed to always having that party line.

In terms of its assessment, when it was established it was considered one of a kind, but other countries, including Chile and Scotland, have taken up a similar process. The main thing is that it is all about future focus, and as you can see from those comments there, it has provided a better opportunity for dialogue between members of Parliament and Government, improving Parliament's ability to actually hold the Government to account, as well as not being really locked into that term of Parliament issue—whether you have a 3-year or a 4-year term—being able to look at the longer horizons.

Let us look at Denmark. Denmark has MindLab. It is a public and social innovation lab. It is a cross-Government innovation unit that works with citizens and businesses to develop new solutions for the public sector. There are three ministries—Business and Growth, Employment, and Education—and one major municipality in Denmark, Odense, which is the third-largest city. So it collaborates both horizontally across Government agencies and also vertically between the State and local level. MindLab works with service users, citizens, and other stakeholders at the early planning stages of service delivery. It provides a dedicated space for exploring new ways to address problems and co-designing processes to develop new ideas and practical outcomes. I think that we have got a very early stage of this in Auckland with our Auckland Co-design Lab, which involves MBIE and Auckland Council. But I would have to say that it is a very, very basic start on that process.

One of the strengths of the MindLab is its ability to help decision makers see their efforts from the citizens' perspective. Too often we talk about laws and systems, and they are not sufficiently citizen-centric, so that is the real strength of MindLab. It has worked with users to test mobile devices, for example, for doing tax returns, which resulted in changes to Government plans and has also meant an avoidance of some quite expensive mistakes. MindLab has also been involved in developing social networks for highly skilled migrant workers to keep them in Denmark. It has also refocused Government employment reforms aimed at citizens at risk, resulting in a significant paradigm shift for the Government of the day.

One of the other examples is the New Nordic School. MindLab collaborated with the Ministry of Education on the New Nordic School project, which is about improving outcomes in the Danish education system. There was a broad set of politically decided principles, but, actually, the New Nordic School encouraged a collaborative process of learning and improvement in schools, so it is a model of decentralised, bottom-up change in which teachers, supported by principals and the municipalities, work together with children and their parents to close the achievement gap.

In terms of its evaluation, both politicians and civil servants increasingly recognise the challenge of translating politically envisaged reforms and policies into positive practice. The MindLab has demonstrated that effective facilitation can overcome the inertia of established culture and assist in that change process. The collaborative practice based on the realities experienced by both citizens and businesses has allowed MindLab to develop a myriad of methods to harness the collective effort. The next step for Denmark is to ensure that these innovations are incorporated into the wider public sector practice.

The third example that I wanted to use is Iceland, and they call it Better Reykjavik. That is one of the areas. Did I pronounce that correctly? Great—close enough! Prior to the crisis of 2008 Iceland enjoyed a fairly stable electoral and party system, with healthy welfare policies, but the Government prioritised the development of a strong information and

communications technology infrastructure to ensure all citizens had full and equal access to e-services. However, while the Icelandic miracle saw widespread internet diffusion, there was little focus on e-participation and e-democracy. The crisis that engulfed Iceland following the fall of three largest banks in 2008 meant a significant change in the landscape. In the post-crisis period there was little trust in the political establishment, and, in contrast, there was a high trust in citizen participation and ICT solutions.

This has led to pioneering developments in e-participation, both at national and local levels. In 2010 a non-profit organisation, the Citizens Foundation, established a website that allowed political parties in the Reykjavik local elections to crowdsource ideas for their campaigns. Within a month, 40 percent of their voters used the platform—40 percent—and almost 2,000 priorities were created. Following the election, there was an open collaborative process between the city council and the Citizens Foundation, and that led to the reconstruction of the website as a participatory tool called Better Reykjavik. It was implemented in the local municipal system of the capital. The website seeks to give an ongoing voice to citizens and to encourage their participation in governance. It allows citizens to post, discuss, and vote on political issues concerning local politics. The capital's political representatives process the very top ideas every month, and, in doing so, receive valuable information about citizens' opinions and priorities.

If we look at how it has been received, it provides a great opportunity for positive citizen engagement results and demonstrates an effective use of their strong ICT infrastructure. The comparative success is thought to be the result of its system design, which offers greater opportunity for both aggregate and deliberative participation and a higher chance of consideration by local government. Iceland's 2008 financial and political crisis proved an extraordinary catalyst for innovation in e-participation. Distrust in the political establishment defined the post-crisis period and opened the door to new, bolder tactics of citizens' engagement.

The examples from the Nordic countries that I have highlighted in this presentation have shown quite different ways in which they have mobilised citizen engagement, from the agenda-setting potential of Finland's parliamentary Committee for the Future and Iceland's local level platform through to the facilitation offered by Denmark's MindLab and its translation of political vision into practical policy. They are all very different mechanisms, but each of these countries has effectively included a wide cross-section of society in its decision-making process. While Iceland suffered a particularly dramatic fall in public confidence in the post-crisis period, the struggle of its political establishment to maintain its legitimacy was not unique.

A global movement is seeking engagement with Government beyond the traditional confines of the periodic elections. I hope that the examples that I have shared with you this morning will encourage us in each of our territory, state, or federal parliaments to encourage and consider how our parliaments can better engage the voices of those we seek to serve, because it is, of course, the people's House. Thank you very much.

Chair: Thanks, Louise. I think those examples show, I guess, how forward thinking we all need to be, and using the most of new technologies, which I think is what a lot of the people are talking about when they are talking about engaging with Parliament and MPs and with media. Next we have Barry House, who is the president of the Legislative Council of Western Australia.

Hon Barry House: Thank you very much, Katie, Louise, and Ruth, and good morning, everybody. I have got a PowerPoint—do you have that plugged in, ready to go? Can I give you a USB?

Just while we are getting started—as I was introduced, my name is Barry House. I am the President of the Legislative Council of Western Australia, and we are here together with the Speaker of the Legislative Assembly, Michael Sutherland, several members of the Western Australian Parliament, and quite a large staff contingent from both Houses—plus Martin Drum from academia. I believe we are the ASPG branch with the largest membership now, which is quite a badge of honour for Western Australia. It is a delight to be here. Thank you very much, Therese, for your hospitality in New Zealand.

Western Australia, of course, is the only state in Australia that has the distinction of not being named in the Australian constitution. We bookend, with New Zealand, I guess, the Australian federation. We are divided by the Nullarbor Plain. We were very reluctant starters into the federation in 1901, and have remained that way for 114 years. New Zealand, on the other hand, is recognised in the Australian constitution, but had the good sense to stay out, and congratulations to you for that.

The topic that I am going to consider is specific to the Western Australian Parliament, and it is titled "Enhancing Parliaments' Community and Civic Engagement in the Twenty-First Century—The Western Australian Experience". If I can paraphrase that, it means to understand and appreciate Parliament as distinct from the executive and improve our standing in the community. In my view, it is all about respect and credibility—as individuals in the system, and as an institution. The Speaker and I have been very proactive, I think—well, I hope we have been proactive; we certainly prioritised our community engagement in recent years, in taking Parliament to the people and also bringing the community closer to Parliament. In summary, we tried to retain and enhance Parliament's relevance.

That is a western facade of the Western Australian Parliament. [Slide shown] We will start with a cartoon, because cartoonists are very clever people: they sum up in a picture and few words a whole issue much more clearly than most of us can in an hour, and cut through to the real essence of everything. This cartoon features a former Prime Minister of Australia, Kevin Rudd, going to the media, going to the public, with an issue—explaining something to the media. That is relevant to put up there. It also has a byline, an interesting byline, down at the bottom—and this was selected before the events of a couple of weeks ago in Canberra—where it quotes Malcom Turnbull, the current Prime Minister: "A vision without execution is just a hallucination." It is really about what message we put out from the Parliament, and how sincere it is and how relevant it is.

We will move on to perception of Parliament and members of Parliament, media, and the public. Parliament and the media are mutually dependent. The media are still the predominant conduit to the public, but modern technology, as we have heard in the last day or so, is challenging this in the current world. I have got a mountain of information that my staff helped me to prepare, so I will be paraphrasing a lot of this, because I realise that time is getting up with this.

Another emphasis on cartoons—this is the Canberra-class submarine. This cartoon, in the Canberra Times, cleverly draws an analogy between politics and a Canberra-class submarine draft design. It has spin turbines; a "poli-scope", which has limited vision when immersed in politics; surplus-seeking torpedoes; factional diving planes; a news poll depth gauge; it deploys its crew during periods of Budgetary constraints; and it has a media denial system.

Another way of summing it up—this features our current Premier and Leader of the Opposition—is this cartoon from the *Western Australian*, portraying politicians as dinosaurs. I should have hesitated to use this, actually, because I am the current longest-serving member of our Parliament, and might be classified as one of these. But, fortunately for us, it suggests that extinction for politicians will only occur after the prehistoric council numpties are trampled. There is a bit of a local context here, because this refers to a constant debate in Western Australia about local government and the tiers of government in Australia. Western Australia is a vast state, geographically. It has 139 local governments, and there is constant debate about the relevance of all of those local authorities and how something should be done, or perhaps could be done, to rationalise some of that governance.

The next cartoon is a take on Saddam Hussein's statue being lowered in Iraq. In this age of technology—particularly the use of electronic and social media by media outlets—perhaps a greater threat to the integrity of politicians and Parliament is the great Facebook unfriending, shown here in this cartoon in *The Age* newspaper. President Obama, accompanied by the Twitter twit—"Democrotwit".

So we are back to our introductory slide: Parliament and the polls. This will give you an idea of the challenges we face. In 2014 in the Lowy poll, 60 percent of the voting-age Australians and 42 percent of the 18 to 29 age groups believed that democracy was

preferable to any other kind of government. In 2015 the polls suggested 65 percent of the voting-age Australians, up 5 percent from 2014, and 49 percent of 18 to 29-year-olds, up 7 percent, believed that democracy was preferable to any other kind of government. In 2015 the Roy Morgan poll classified ratings for honesty and ethics in Australian state members of Parliament as being amongst the biggest gainers for the year: 14 percent, up 2 percent from 2014. So we have got one up on our feds.

In 2011 the Hansard audit found a decline in the perceived impact of the United Kingdom Parliament on the lives of the community in the prior decade. A 2014 Hansard audit found 50 percent of UK respondents were interested in politics—that was the same rate as 2011—51 percent agreed that Parliament made decisions that mattered to them, and 23 percent, which was down from 30 percent, thought that Parliament encouraged them to be involved in politics. In 2012 the Reid poll found 27 percent, 20 percent, and 15 percent of politicians in Canada, the USA, and the UK respectively showed respect for politicians. I wonder what Donald Trump will do for that. In 2014 the Gallup poll found 7 percent of the voting public in the USA had trust in members of Congress, down from 10 percent in 2013 and 42 percent in 1973. So that sets the scene, I guess, about where Parliament sits in terms of credibility.

In terms of how we address that, community engagement is the range of activities whose primary function is to raise awareness of Parliament amongst the public and to facilitate a two-way flow of information, ideas, and views between them, requiring both listening and interaction on the part of both the institution and the citizen. We respectfully must come back to the concept that Parliament is the people's House and is there to serve the good of the community, so community engagement is about the "we", the "he", the "she", and less so about the "I". A common phrase often used is "There's no 'I' in the word 'team'." For any of us who have played sport in our lives you do not, unless you are absolutely brilliant in some sense, actually get the respect of your team-mates if you approach it from a purely "I" context and not a "we" context. That is a definition of community engagement in the parliamentary context.

So Parliament and community engagement: a structure needs to be established that brings focus to Parliament's community engagement in order for Parliament to achieve a coordinated approach, establish buy-in, develop workable strategies, and, ultimately, assign the necessary resources. Transfer—and this is what we have done in Western Australia. We transferred the Parliamentary Education Office from the Legislative Assembly to Parliamentary Services under a whole-of-Parliament management committee. We established a project position of manager of community and civic engagement, tasked with undertaking consultation to inform the development of a community engagement strategy, community strategy, etc., and we restructured the education office to bring a greater focus to improving Parliament's branding and communication, including the establishment of a position of communications officer. There is a whole series of key engagements there. I will not read the whole lot, but we clearly want to establish the whole-of-Parliament strategic objective and goals across different parliamentary departments.

In our Parliament we have three departments—the Legislation Assembly, the Legislative Council, and Parliamentary Services department—and this is an attempt to coordinate the whole approach, and I think over the last couple of years we can say it has been very successful. There is a whole series of other points there that I will not go through. We, in doing all this, have drawn on the expertise of other parliaments as well, particularly the Australian, United Kingdom, Canadian, Danish, and the Irish parliaments, and the Victoria and New Zealand parliaments. A couple of years ago Michael Sutherland's predecessor as Speaker, Grant Woodhams, Russell Bremner, our director of Parliamentary Services, and I, came to the New Zealand Parliament, and we took back many useful ideas on how to approach things.

Parliament and the media—because media are our conduit to the world in most senses. *[Audio clip in presentation]* Just to explain this, this is a way not to go about it. This was an example of the reporting of a situation in our Parliament about last August, which was a beat-up, quite frankly, but we also did not manage it at all, and that was the lesson we learnt from it. What we have tried to do, in brief, was to establish a library cafe and open up the use of the library to members in a more amenable way. We put in a coffee machine, which was given to us free, on loan from a supplier, and we hooked it up. In the estimates session,

the deputy of the Parliamentary Services was asked a question about the costs involved. The total cost involved about \$12,500. Most of that was for plumbing works and other structural work, which was required anyhow in terms of fitting out that section of an old heritage building. The next thing we knew was that was all over the radio, television, and newspapers as "the polties have bought a \$12,500 coffee machine for themselves". We learnt a little bit of a lesson from that, because we had to be a little bit more proactive, precise, and open with the media so that we can get our message out to the public as well. This cartoon sums it up, if you like. It is an "exploding crap" cartoon.

Following that event with the coffee machine we gave some thought to how we could provide the media with insight into the challenges faced by the Western Australian Parliament in managing a heritage civic building and encouraging more ethical journalism in relation to the business of the House and its members. So, in essence, we decided to become more proactive and get on the front foot. And while we cannot always control the activities of some individuals involved in our parliamentary scene—members and, in some cases, staff—as presiding officers we can control what happens only to a limited extent within our chambers and within the precinct. We do want to portray a much more positive image of Parliament as an institution and to boost its reputation. That was the whole point of addressing it in this way. So, you can call it "grooming the media" if you like. The backdrop to this clip was the now former Prime Minister. There was a bit of a send-up on an ABC programme, I think it was, about Tony Abbott conducting an interview around the time of Anzac Day in front of some Anzac biscuits, and the message, basically, was lost. In our particular case, we invited the media in—some reputable journalists—and showed them the Parliament, warts and all.

Our situation is we have got a Parliament that was built in 1904, so it is relatively dated. It is a heritage-listed building. We are very short of accommodation—67 out of 95 members share offices. We are very short of accommodation for members, we are very short of function spaces, and presiding officers for the last 40 years have tried to convince successive Governments to provide us with more facilities for Parliament, so that battle continues. That was a bit of positive media we attracted out of exposing our Parliament's leaking roof and white ants in the floor boards, and the whole lot. We needed a lot of money spent.

In terms of Parliament and the public space, I am going to go through some of this quite quickly.

We have opened up our Parliament, our limited space, to parliamentary displays and public displays, like the magnificent Gallipoli display out here in your foyer. We have recently opened up in our foyer a state records display going right back to the early days of settlement in Western Australia. We conduct a Youth Parliament and a Parliament run by the YMCA. The YMCA Parliament is coming up to its 20th anniversary soon. We allow the use of our chambers for those activities, and that is considerable engagement. We have opened up the Parliament to open days and heritage days, and last year's Heritage Day was based on Perth at the outbreak of war, with a Gallipoli theme. The person taking the salute there, whom you cannot see—he is up on the steps and it was a wet day—is a 95-year-old former 45-year veteran of the Western Australia Parliament, who fought in World War II on the Kokoda Track and had quite a distinguished military career as well as a parliamentary career.

Our precinct is well situated in terms of our forebears, but we have got a huge divide. A freeway goes right across in front of us, and it divides the Parliament from the city. It is not only a symbolic gap; it is a physical gap. If we can bridge that physical gap by closing the freeway at the front of the Parliament and creating a people's space outside the people's House, similar to what you have got here in New Zealand, it would be a great advantage for us in bridging those gaps. That just gives you an idea of the location. We have an excellent location, but you would never think it looking through that photo. That is a master plan, which has never actually seen the light of day, but that indicates, as you can see on the next slide, what is possible in the space to bring the Parliament closer to the people.

In terms of Parliament and educational activities, I will just flick through these very quickly. We have tours from a whole range of schools and institutions, with about 40,000 visitors to the

Parliament each year. We also conduct walk-and-talk tours, where both the Speaker and I get involved in introducing groups of people to what we do at Parliament and what it represents. We have an outstanding programme with the Challenger TAFE floristry unit, where students from their floristry course have come into the Parliament for a decade or more, and they create the floral arrangements all around the Parliament, which are really well received by everybody. In turn, the students gain valuable work experience, if you like—practical experience—for their programme. We have an apprentice chef programme, which is successful, and we have a whole series of outreach. The Bundestag is a prime example to aim for. There is another one there for the Welsh Parliament, and that is ours, where we take outreach activities to remote communities in Western Australia.

We have got a whole series of challenges. One—and Michael Sutherland has not done this yet—is that we use Parliament to help with public awareness campaigns. This slide shows the previous Speaker's campaign for breast cancer—I am waiting to see you in purple bra, Michael—and this slide shows Poppy Day, commemorating Anzac Day.

So what will community engagement look like if we are successful? *[Slide shown]* I will not read through all that, but that is really the summation of what our goals are. If we are successful we will have achieved all of those things by some time frame. I do not think there is any end point on it. It is just a continuous programme. So that is it, in a hurry. That is what we are doing in the Parliament of Western Australia. We have learnt a lot from other parliaments. We will continue to learn. We will continue to experiment, and, hopefully, improve our community engagement. Thanks very much.

Chair: Thank you, Barry. That was fascinating, and key words I thought were interesting there were "proactive", "precise", and "open", not just in terms of dealing with the media but in general with the public and letting people know what is going on. That was interesting. We have had great ideas from everyone here. I think we have just under 20 minutes now for questions, if anyone has any.

Delegate: I have a question for Louise. The Finnish committee on longer-term issues is a fascinating experiment. We had a similar exercise in Australia some years ago. Barry Jones, a well-known public figure, created a committee on longer-term issues, which had virtually no impact. I am just wondering whether you know anything more of the context in which this is situated in Finland. Barry Jones ran this thing for about 5 or 6 years. It ran six or eight very significant inquiries, which got buried away in the parliamentary archive and had zero impact on anything anywhere.

Hon Louise Upston: I do not know the origins of it, but it was started in 1993, and it is still going. So you would have to assume that after that period of time it was delivering benefits. I am not sure about the political system, but I would think that there would have been changes of Government over that time. I think that is where the important aspect of it is. If you look at some of the strategic issues, the reality is that they are not likely to be handled significantly differently even if there is a change of Government. If I look at New Zealand as an example, I am member of the National Government. The Labour Opposition agrees with and supports 80—eight, zero—percent of the legislation we pass. So you would then think that there would be real value in a standing committee that has the ability to cross Governments and to work on those much longer-term issues. As I say, because that committee has been going since 1993 it is obviously delivering results, and its work does not get buried.

Therese Arseneau: Thanks for a really interesting session. It was absolutely fantastic and just the sort of thing we were looking for when we picked the theme for this conference. I think it is fantastic that across the board we agree that we need to do a better job between elections in a really fundamental way, engaging with the public and making sure the public feel that it is their House. My question is, though: how do you get to the most difficult, who are also the most in need of being engaged? How do you make sure you are not just talking to the same people, who also show up to vote and who also have the resources to do this effectively?

Hon Louise Upston: I will have a stab at that in the first instance, and, again, I am thinking of my Tokoroa test. One of the things that we have put in place is what we call the social

sector trials. Any time you hear about a trial, you think: "How does that work?". We picked six really vulnerable communities and had a slightly different model in each. So the one in Tokoroa was around youth aged 14 to 18, and it was very much community led. So the Government agencies had to basically work under the leadership of, in this case, Raukawa, the local iwi, and they held the purse strings. So it was Government money. The churches were involved, the NGOs, and very much the grassroots community, so the community had to state what their challenges were and come up with four particular goals. In their instance it was reducing youth crime, reducing the harm from drugs and alcohol, and improving attendance rates at school, and I thought the really interesting one was lifting aspiration. It is interesting that even to this day a lot of people think it is a local government initiative rather than central government, because they were pretty much left to their own devices to really solve some of their own challenges.

So that is probably the closest example I can look at from my own electorate, where we have handed over significant opportunities to solve some of the challenges they have. I think that is a good example of people having the power. It is in their own hands. I am not sure, though, what the response would be if you went there tomorrow and said: "How engaged are you with Parliament?". They would not connect the dots, and they would not connect the ability for them to directly influence how things are delivered to them in quite significant areas of reform.

Hon Ruth Forrest: I had a few points. I would hark back a bit to what some of the youth session told us in many ways, because it is not only the youth who may not wish to engage in a way that we currently provide for. I mean, currently in our Parliament, and I assume it is the same around most, if not all, with committee hearings, whether they are select committees or standing committees, or whatever, when you are having hearings, the expectation is that you will write a submission, you will submit it—thankfully now you can submit it online; you know, you do not have to post it in—and then it will be received by the committee, but it cannot be shared or published until there is a decision by the committee.

If you are selected then to actually give evidence to the committee, you have to front up at the committee. That is really inconvenient because, I mean, I have a battle getting committees to sit beyond 5 o'clock. That is OK for people who perhaps are not employed and do not have other commitments, but most of our committee hearings are in Hobart in Tasmania. I represent the north-west coast, which is the furthest away you can get from the capital, and I have a battle getting people to Launceston to have committee meetings, which is halfway or thereabouts. I know in the big scheme of Western Australia, it is nothing—it is only 5½ hours to get from Hobart to the edge of my electorate, depending on which way you go—but we need to actually change the way we do this. We need to be more willing to get out to the people.

As individual members, that is important too. I mean, in my electorate, which is the biggest geographical electorate, as a single member in it I have an office day in one region, which is one of the remote regions, and another office day in the other remote region of it, and I have got King Island as well. I mean, I call an office day down there and I just go down there. So I actually meet people in cafes, I meet them in their homes—all that sort of thing—but that is an individual thing, so I think there are two aspects here. There is the individual approach that we as members need to undertake, and when I hear other members who have got electorates that are so small you could spit over them complain about getting out and about, I have very little tolerance for that. But that is one aspect.

Modernising our parliamentary systems so you do not have to front up to committees—there are other ways—and in our remote regions you do not have access to videoconferencing, so it is not like you can even say: "Let's have a videoconference." Maybe they will have access to a phone hook-up, but I think for people to really feel like they are engaged, it needs to be face to face a lot more. I mean, with all this technology I think people still like to see people in the flesh and actually eyeball them. There is so much body language that goes on in these things as well. So I think it is about modernising our systems to provide for that, allowing online contribution like blogs and things like that to be taken into evidence, and that sort of thing. They need to be tested, of course, but that is not denying

people a voice who may think that is their best way of communicating. So it requires a review of our Standing Orders, definitely, and that sort of thing. So I think we need to do that.

Also, as Louise mentioned too, there is the use of non-governmental organisations, which are really in touch with a lot of these people who perhaps are disengaged or are not easy to engage. They actually have the connections with those people, if you can engage them to say: "Well, how do we get to the people?", "How do we get to the young, single mums out there?", "How do we get to our indigenous communities?", or "How do we get to the long-term unemployed who do not engage with many services anyway? How do we get to those?". There will be organisations out there that know where they are; it is a matter for us, I think, as a Parliament to try to go into those areas. That is going to cost money—it is going to cost money. But it is also really important.

Hon Barry House: Therese, the answer is that you will never get to everybody, but you should not stop trying. I will give you three examples of what we are doing from our Parliament. Firstly, we have an Aboriginal people's room and an Aboriginal art gallery, and we have entered into a partnership with Edith Cowan University, and that way we bring a lot of the Aboriginal culture into our Parliament. It is worth noting that a bill was just recently passed a few weeks ago to recognise the First Peoples in our constitution, and it is overdue, in my mind. But another example is that our heritage day this year will feature Edith Cowan, who was the first woman elected in any Australian Parliament. So that will feature women and women's involvement. A third example is that our education unit is going to be tailoring each visit to the curriculum from year 5 right through to year 11, and we have educational people on our staff who will be tailoring the parliamentary input into school visits to our parliament.

Claressa Surtees: Thanks to the three presenters. I thought they highlighted quite different aspects of the issue of engagement. My question and comment relate to something at a general level, I think. It is about managing the message that goes out to the media, and what that can mean with social media. At the Australian Parliament in 1946, when they started the radio broadcast, there was a discussion about how difficult it might be and how it might adversely impact on the reputation of Parliament because the members might play up to the microphones. Not surprisingly, the same discussion took place in the 1980s, when television came to the chambers.

So I am thinking that perhaps with social media, here is a real opportunity for the Parliament to take control of the message that it can manage and put out to the community—with apologies to the mainstream media, but the mainstream media is not actually very interested in good news stories most of the time, we find at parliaments, so trying to get those messages through—they often not taken up, even though the material is made available in quite digestible formats. So I wonder what do you think of that proposition? Are social media and the changes in the way media is developing going to give parliaments a better opportunity to be able to manage their messages and perhaps get out better images of the achievements of the parliaments? Thanks.

Chair: I think, just quickly on that, Parliamentary Service here has just started—I think I said earlier—tweeting a lot of stuff that is happening in the House as it is happening, which is interesting to see. They are tweeting questions and the Order Paper, and so forth, and a lot of the interesting things that have happened. But they have also just changed the rules. We have just had a Privileges Committee inquiry into it, but the rules are changing so that, for instance, MPs can tweet from the House and they can take photos from the House, which was never allowed before, and it has also meant that the media can take photos of things that we were not allowed to before, as well. As deputy chair of the press gallery, we were very insistent that if MPs were going to be allowed to do it, we should be allowed to do it as well, but I think that does mean that for Louise, for instance, if she wants to tweet something about what is going on, she can, and before this that could not happen. I am not sure what is happening in Australia around that, but we have definitely opened it up so that that can happen and people can see that.

Claressa Surtees: Well, certainly in the Australian House of Representatives members tweet, the media tweet, and members cannot take photographs *[Inaudible]* the media. And also during question time, or for other issues that are—

Chair: So the rule before was that you could only film or take photos of someone if they were on their feet, whereas now you can take photos at any time. So MPs can take photos in the Chamber and tweet them or put them on Facebook, or do whatever they want.

Hon Louise Upston: I think one of the challenges is every time you have got a new form of media, at what point is everybody just so overloaded that they switch off? So I think that is one of the challenges. As an individual MP, I could do it as an MP. When I was promoted to be the senior whip, my ability to keep that level of engagement on social media just really dropped off, and now as a Minister there is a different kind of threshold again. So in some ways there are new barriers in terms of what I used to be able to do in engaging directly with my constituents, and I now track the “unlikes”—and so if you are posting too much, then people “unlike” in a huge block. So it is that whole kind of getting direct information without providing overload, because the last thing we want to do is switch people off more than they were before. So it is getting the balance right, I think.

Hon Barry House: Just one point. I always start from the premise that we should be as open and forthcoming as possible on everything. But, as presiding officers particularly, we also have to be mindful that we are custodians of the Parliament, and custodians of parliamentary privilege, and there are some issues with tweeting live during debates. Tweets are not covered by parliamentary privilege. So there are some issues that we have to be mindful of in information going out, as well.

Hon Ruth Forrest: Just one point I will make on that. I think Ministers and members of Government often get more opportunity, I guess, to engage with the media. That is the nature of it; they are there in Government—the media are interested to know what the Government are doing, obviously, and so are the rest of the population. As members in Opposition—I am an independent member in the Upper House—we do not get a lot of media time or coverage, and you do not expect it, either. I am quite proactive in what I do—I send opinion pieces to one of our local papers, and they publish them regularly now, which is really great. And I post them on Facebook, and I tweet them, and put them on LinkedIn as well, and I get a lot of engagement that way. So I think it is a bit about being a bit proactive as well and developing and establishing a relationship with the media. The media are our friends. They really are, even though sometimes you might wonder about that.

Chair: It is a love-hate relationship.

Hon Ruth Forrest: It is a bit, is it not? They are our friends—they really are our friends, and always be nice to the cameraman, because they can make you look really bad or really good. That is a lesson I learnt some time ago: always be nice to the cameraman.

Chair: That's very true.

Hon Ruth Forrest: There is a consistent message across the Tasman; that is good. But, actually, Barry's point about tweets not being covered by parliamentary privilege: I would just be interested in whether that is a ruling—because if it is tweeting in terms of during the debate and the person who is tweeting it is actually engaged in that debate, so whatever you would say in the debate you would be covered by parliamentary privilege. How do we know that is the fact? I am just questioning you here, Barry, as the president.

Hon Barry House: Well, it is interpreted by the Procedure and Privileges Committee, basically, and that is our interpretation.

Hon Ruth Forrest: OK. I do not think that we have actually considered that in our Parliament. Maybe the Clerk of our Parliament might be able to tell me, but that is interesting. Thank you.

Chair: Yes, well, I guess it became an issue here because MPs were tweeting from the House. So it became an issue here because more and more there were people taking photos in the House and tweeting them, and so forth. As part of the media we were aware that we were not allowed to do that, and so the Privileges Committee decided to have a look into it, and that is how it all came about. So it is an interesting ruling, and when you do

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get things that are going be covered by parliamentary privilege, how that will be tested, I think, on social media will be interesting. I think that is probably our time up now. Thank you, everyone; it has been good.

Parliamentary Committees—Vehicles to Modernise Parliament

Chair: Hon Peter Dunne, Minister of Internal Affairs, Associate Minister of Health and Associate Minister of Conservation, New Zealand

Presenters: Professor Ian Marsh, University of Tasmania, Australia; Dr Martin Drum, Senior Lecturer in Politics and International Relations, University of Notre Dame, Australia; Hon Trevor Mallard, Member for Hutt South, New Zealand

Therese Arseneau: Hello, everyone. Welcome back for our next session. It has been a fascinating conference, and a fascinating morning, as well. I am delighted to have our panel, which will lead us into lunch. I just want to introduce our chair, who is the Hon Peter Dunne. He has, I think, probably personified the classic MMP MP and Minister, although I am not sure—are you a huge fan of MMP?

Chair: I am now.

Therese Arseneau: He is our longest-serving MP. He came in as a Labour MP. He served as a Labour Cabinet Minister, but he has also served as a Minister in Governments led by Labour and by National, and he is currently a Minister, as part of the support for the National-led Government. He is the Minister of Internal Affairs, the Minister of Revenue, Associate Minister of Health, and Associate Minister of Conservation. I will leave it now to you, Peter, to take charge.

Chair: Thank you, Therese. Good morning, everyone. Can I just make one minor correction to the introduction—I am not the Minister of Revenue any more. I am concentrating on other matters.

Can I welcome everyone here. Can I welcome the panellists. I note that the topic is stated as “Parliamentary Committees—Vehicles to Modernise Parliament”. It is made as a statement, not as a question. I assume that that implies there is a challenge implicit within that to actually demonstrate how select committees and parliamentary committees can be used as vehicles to modernise Parliament. We have three excellent speakers who are going to pick up that challenge this morning.

You know the rules: each will speak for 20 minutes, and I gather that the time will be advised, and certainly enforced, from the chair, and then we will open up for contributions a little later on. Can I just say now, and I will repeat it at the time, that I would like the contributions from the floor to be pithy, to the point, and non-repetitive, and either a question or a statement, but not a speech.

So with those introductions, can I turn to our first speaker, Professor Ian Marsh of the University of Tasmania, who is going to address the topic “Public Engagement by House of Commons Select Committees”. Welcome, Professor Marsh.

Professor Ian Marsh: Well, thanks, Peter, and thanks to the New Zealand Parliament for the invitation to be here. Really, I am giving you the core of a report that I was involved with earlier this year. In fact, there are copies of it outside, but it has not quite been published yet in London. No new liaison committee has been constituted yet—or, at least, there had not been when I last checked at the start of this week, and they have to be constituted to endorse the thing and get it through the printing system. So it is still informal. The other thing is that I am very conscious of the time, so I am going to skip quite a few of the slides that I have got here.

Let me just start with a little bit of context. There are about 25 policy-focused committees in the House of Commons: five themed committees and 20 departmentally focused committees. The really decisive changes that happened were from the 2010 Parliament: chairs were elected by the whole House, independently of the whips, and members were elected by their parties—also, ostensibly, independently of the whips. But this has been a very significant boost to their committee system, and, of course, the committees in London have been building up, really, since the late 1980s.

I really wanted to start off on the issue of “Why public engagement?”, which is the first point that we go into in some depth in our report. I guess people in this room are very familiar with the levels of disaffection, cynicism, and so on that are out there. In the report, we argue that you can read this as a kind of slow-burn crisis of democratic legitimacy, which is, as others have observed, potentially quite serious for our system. We really draw attention to two major structural changes as the origins of this development, and they are inter-related.

One is the demise of the major party organisations. If you think back to the 1960s and 1970s, the party organisations—not the parties in Parliament—were very, very large institutions that mobilised, I think, about 10 percent of the community through membership. Through their agenda-setting processes, they set directions. Each party sponsored a kind of different vision of where our societies were going. The party brand had very powerful cue-giving powers in the wider community. All this was built on social class as a primary fault line in the political system.

We argue that the social movements of the 1970s really had a huge impact on that system of engagement. The various movements that then emerged—the women’s movement, the gay movement, the environmental movement, and so on—and the conservative counter-movements that have since come out have really pluralised and fragmented the world of politics to a very, very considerable degree. Our systems are still grappling with that, but, as I say, it is a very slow-burn crisis. It has been unfolding since the 1970s. But because the connections are critical—again, as some observed earlier this morning—the media have really moved into that space and become the principal kind of linkage point between the people and the system. I think common consent is that the media have had pretty baleful impacts on the way that politics is conducted. So it is in that context that we look at the potential of the select committees.

Although they have got, of course, a long way to go, at the outset we draw attention to some of their assets. One of the most critical ones is that they draw on the prestige of Parliament. As the data in the last session suggested, people really prize their democracy. They do not like political parties and they do not like the way politics is conducted, but they do like democracy, and Parliament is the kind of principal institutional expression of that fact, and committees draw on that prestige.

Secondly, they focus on single issues. A couple of years ago, the UK published a digital democracy report on how Parliament might use social media, and the very first item on that report was that the public cares about single issues these days. That is the way they want to engage in politics. Committees are the primary institutional custodians of those issues. They have got complete coverage of the policy cycles, so they can do stuff from agenda entry through to reviewing—and I will show you examples of this when we get to what the British committees have done. They have this complete coverage of the policy cycle, which is a huge advantage in being able to produce redress as well as agenda setting. They have transparency and objectivity.

Before I went to London, I went through the 146 reports of five committees that were used as a sort of base for the inquiry, and if you want to get information on any of the topics that those committees investigated, their reports are a treasure trove. They are an absolute treasure trove. They are hugely inaccessible—I do not think anyone but me has sat down and looked at 146 reports—but if you want to know about issues at any point in the cycle, the reports are terrific. The British committees, unlike ours in Australia, work largely to a consensus norm, which is a very, very powerful attribute in an era in which the public seems to want more bipartisanship and less adversarial activity. Certainly, the British committees, as you will see in a moment, put a lot of emphasis on this agenda-setting, agenda-entry phase of the cycle, which is not traditional scrutiny and oversight. We argue that scrutiny and oversight belong to the issue of strong political parties, when a lot of the agenda-setting activities passed into the party orbit.

If you are concerned about public engagement, agenda setting is an absolutely critical arena to occupy. It has lots of advantages. One is that most issues are not, at that point, subject to partisan debate—not subject to partisan divide. It is a time at which there is a chance for people from different parties to come up with a consensual definition—at least, a

definition of an issue. Then, of course, the access to the media that committees offer gives you a chance to reach into wider public opinion. This capacity to reach into wider public opinion is absolutely fundamental.

How did we work? Well, first of all, as I said, I sat back in Australia before I went off to London and categorised inquiries for five sample committees. We divided the inquiries into those categories: agenda entry, responses to medium-term programmes, oversight, appointments, pre-legislative scrutiny, and then current events. Off we went, and then I did these interviews in London.

I will not bore you with the detail of this slide; it is all in the report out there. But these were the five committees we looked at. Three of them are focused on departments, and two of them were themed committees: political and constitutional reform and science and technology. Not surprisingly, the agenda-entry inquiries were concentrated in those committees, but the Government medium-term programme inquiries were concentrated in the departmentally focused committees. But both of those do involve a longer-term focus.

The other number I draw your attention to is that over four sessions, these five committees did 141 inquiries of various sorts. That is a non-trivial number. If I had added this year's number—the last session of the House of Commons through the 5-year Parliament—of course, we would have got a few more.

We looked also at how the committees reached out to interests. In a moment, I am going to come to the various informal ways that they did that. This is simply a tabulation of the oral and written evidence that they had from various sources. The key number here is that over the 4 years, they had 5,201 bits of either oral or written evidence. So, again, they are reaching out to large numbers of people in the community—large chunks of civil society. There is some evidence to suggest that the usual suspects dominate hearings—not surprisingly, I suppose—but when you look across the range of formal evidence that the committees have got, there is no question that they reach a very wide cross-section of society.

Then we looked at how the committees approached public engagement through these four categories: how they selected inquiries and gathered evidence, how they prepared and disseminated reports, how they maintained their profiles and their agendas, and how they went about getting print media coverage. Again, I will not take you through all of this stuff, but let me just focus on little bit on this slide, which is about how they use social media to reach out in evidence gathering.

What you see in the first column is a very substantial use of Twitter to attract questions for Ministers when they had hearings. The communities department, the transport department, and the Education Committee, notably, got questions from the public via Twitter, which they fed straight to Ministers. They then made little compendia of these question and answer sessions using Storify and popped that on YouTube and on the parliamentary website. By these means, they tried to build public awareness.

The other notable use of social media, which is in the third column, involved the use of secondary platforms to reach out. Social media is a wonderful aggregating device at a whole lot of different levels, creating sites for like-minded people to come together around issues. Committees use these secondary platforms as ways of reaching into those communities. You can see here that Defence took evidence on service personnel. MoneySavingExpert.com is a site in Britain with about 2 million followers. The Treasury Committee used that site to get evidence on a number of things, as did the Justice Committee, and so on.

Further down that column, you can see that the Political and Constitutional Reform Committee was perhaps the most bold in its use of social media. It was running a line on the need for a new constitution in Britain, which is hardly a mainstream topic but is a popular topic amongst a number of agitating groups. It actually drafted a new constitution and got public votes on various clauses, and it got about 16,000 responses, largely by using secondary platforms as a way of reaching out.

This other dense slide is really just about the way committees gathered evidence by more conventional means—simple things like having witnesses in for a conversation before they

appear to put them at their ease, and taking hearings out to sites, as I think every Parliament does, rather than bringing people to Westminster. Some of the committees changed the shape of their rooms to try to create a more relaxed kind of arrangement.

I should have mentioned when I was talking about social media that the Education Committee took two interesting steps. One of the things committees do is look at pre-legislative scrutiny. They put the bills up on the website and invited public comments on the various clauses in the bill. Then it was pushed back to the department and to the Minister, where it got some modification as a result. They also got the public to suggest key issues that they were concerned about. They then had this voted on and filtered down to about six topics. They invited the department to say why it was taking the line it was on these six topics, and then they got public comment on that and fed it back to the Minister and the department and got responses.

The bottom line of all of this is that 25 committees in the Parliament in the UK over the last session were very active in all kinds of diverse ways in reaching out to their audiences. We categorised the committees in terms of three levels. At the most basic level, they used the new digital technologies in a sort of communicating and supplementary way, but, really, they were not too adventurous. At an intermediate level, committees responded proactively. They invited the public to suggest topics. They got Ministers in on Twitter. There were a number of quite novel developments, but, again, they tended to be one-offs.

At the most ambitious level, a number of committees adopted longer-term agendas that covered their work for the whole Parliament. For example, the Education Committee picked underachievement in education as its theme, and this theme ran through all its inquiries throughout the 5-year term of Parliament. The Energy Committee focused on decarbonising the UK economy, and this theme flowed right through all its inquiries and then informed a very big conference that I went to in London, where it launched its legacy report.

The committees that reflected on this in their legacy reports at the end of this current session suggested why whole-Parliament agendas are a big advantage. The Political and Constitutional Reform Committee said: "Our experience is that effectively planning a Committee's programme over the course of a Parliament—whilst allowing for the flexibility which is necessary to scrutinise emerging issues—has substantially increased our ability to both influence the Government's programme ... and also undertake substantial projects of our own." Really, that theme is repeated through the other committees that adopted that approach.

I will not bother about the survey we did of interest groups. I want to finish with a point about the change in the communications landscape and then our key recommendations. The Hansard Society in London put out—certainly for me; I was a social media Luddite at the start of this year—a very instructive, useful, and informative report called *#futurenews*, which is on its website. This is a quote from that report:

But increasingly the media landscape needs to be seen not as a pyramidal ranking of outlets according to perceived influence, whose foundational base is television, radio and newspapers, but as a flat, networked sea in which are interspersed a series of 'hubs' which represent a particular brand or community around which a specific audience interest can be built. Each of these entities will have connections to others through social networks, meaningful connections between them being drawn through a series of 'likes', 'recommends'...

—all that kind of stuff—

... what matters is the inter-connectedness of each entity; where they sit in the networked sea. The more connective capacity they possess, the greater their 'amplifying' power and influence. The landscape is unstructured and in a state of permanent evolution.

That, I think, is the world in which we have to adapt, as social media becomes a more pervasive tool for communication.

Our twelve recommendations—not surprisingly, we said “Get to it with public engagement and focus on agenda setting.”, because that is the area for public engagement, and, if you can, pick longer-term inquiries. When I was talking to people on the Defence Committee, they said: “Well, look, only experts are interested in defence matters.” I went away and reflected on this. There is a legion of ex-service clubs, war widows guilds, etc., out in the UK. If you want to build a profile, social media makes it so easy to get messages out to all these organisations, and profiling is very important for getting more attention for committees.

I have already talked about the intermediary platforms. There is a huge opportunity there. Media skills can, naturally, be enhanced. Democratised committee processes—the way you conduct hearings: whether they are accessible to the people who are excluded, and all that kind of stuff.

Last but not least, we suggested trying to integrate social media. A lot of the media activity of the House of Commons' committees was broadcasting out, and we were thinking about how we could use social media and link it and integrate it into a more conventional inquiry process. Think of the way, in the great days of the mass parties, you, Joe Citizen, would get a motion passed at branch level. It would go off to a regional conference and go off to the national conference. How would you do a functional equivalent of that with social media? We have got some ideas in the report, but that is the way we think it should go.

There it is. These are recommendations—no more than that. The Parliament is formed. It is going to be an exciting one. Let us hope some of this comes to pass.

Chair: Thank you very much, Professor Marsh. By my calculation, that was spot on 20 minutes. Thank you very much. Now our next speaker, who is going to address the topic of how well parliamentary committees connect with the public, is Dr Martin Drum, who is Senior Lecturer in Politics and International Relations at the University of Notre Dame in Fremantle, Western Australia. Good morning.

Dr Martin Drum: Thank you—thank you, Minister. Just by way of prefacing my comments, mine is a little bit different again. This is predominantly a WA pilot study. When I was asked to address the WA chapter of this group, I thought the first thing that we should do is really find out what is happening at the moment in that jurisdiction, and then maybe come up with a few ideas about what we need to change. So I started my assessment with an overall survey of our WA parliamentary committees and the level of public engagement that they had. I might come back to that picture on that first slide a little bit later on when I talk about the dynamics of public hearings at committee level.

I am not going to go over this too much. I chose a New Zealand cartoon to show that this is a New Zealand phenomenon as well as an Australian one, I think, somewhat—and that is around poor levels of trust in both parliamentarians and, to some degree, the political process. There is a lot of evidence of data for this. I know Ian touched on this, and I have heard a number of other previous speakers at this conference talk about it, so I am not going to go into it, except to say that this is something that is quite established. I think it is interesting because those of us who know parliamentarians and have met them and have worked with them see that there is a lot of hard work going on, that there is a lot of effort made to understand what their constituents' views are, etc., so there is sometimes a disconnect between people's perception of what is going on and the efforts made by people at the parliamentary level.

Within this, there are a number of assumptions that people make about Parliament and about its processes, and I have got five of those listed there—that it is always adversarial and that people from different parties are always arguing and debating. There is a lot of this happening in most Australian parliaments. I know it is slightly different in the MMP process here in New Zealand, but it seems like there is lots of that going on, I hear anecdotally, anyway. There is tribalism, where people stick to their own parties and do not tend to work together; political point-scoring being part of the problem—“I am always trying to get one up on my opponents, and sometimes denigrating them is part of the process.” And also this sort of saying that legislation is like sausage-making: it is best that you do not understand how it is done. You might like the product, but the processes themselves are quite poor.

The reason why I mention all of these assumptions is that parliamentary committees themselves are, in some ways, ways of breaking down these assumptions. They disprove them to some degree. There is a lot of consensus work that happens within parliamentary committees. A lot of negotiations and a lot of research that underpins the actual findings and the recommendations that take place. Committees routinely work together. In the Australian context, there are plenty of exceptions, but they are actually managed through this process of what we call "majority" and "minority" reports, so you can dissent and issue your own minority report, for instance, if you do not agree with the recommendations.

So parliamentary committees offer a way of getting around this but there is a problem, and the problem is that most people do not even realise that parliamentary committees exist. They are not even aware of them, and if they are, they have very little understanding about what they actually do. Now, I am assuming that most of you in this room are the exception to this. You are interested in the political process. But when we talk about public engagement, we are interested in those people who do not normally engage with the political process. How aware are they of the work that happens with parliamentary committees?

One of the things that I then thought about is that public engagement is a way around this. You know, that is easier said than done, but, at least, if we look at what the evidence says about consultation, for instance, we know that when someone engages with a process, they take a lot more interest in its outcomes. This is a fairly consistent thing that comes through public engagement. Parliamentary committees are that point in the parliamentary process where public engagement is taken and considered as part of addressing an issue. Now, I presume someone from the public gallery is welcome to shout during a parliamentary debate, but they would not last long in the gallery; they would probably be escorted out pretty quickly, I would imagine. But there is a formal process for engagement at the committee level. One of the things that this got me thinking about is: how broad is this, how deep is this, and how effective is this at getting a diverse range of evidence?

There is a lot to be said for different parliamentary reports. I have got one example there on the right. This was a report on Aboriginal constitutional recognition. This was a rather complex issue that was in fear of being dragged down around party lines and being politicised, but it was referred to a parliamentary committee. A unanimous report came back from this parliamentary committee. It had a broad range of people from different parties on it. The committee was quite effective in managing this issue, and it went through Parliament subsequently. I think most of the people involved in that process are pretty pleased with how it was handled. I might come back to a quote, though, from that committee report.

One of the things that is really challenging, and one of the biggest challenges, is getting people who are directly affected by an issue to contribute, and that is something that I want to look at. These are the questions that I asked our committees. There are 15 different committees that I surveyed. Twelve of them responded, so that is not a bad response rate, and what I am really interested in is how they go about consulting with the public—what methods they use to announce an inquiry, how many they are doing, what methods they have when they are conducting an inquiry, what they think about resourcing, and whether they feel that they are relevant in the public arena. These are interesting questions for us to try to get to the bottom of. Whilst every jurisdiction will be a bit different, probably some of the things I am going to talk about might resonate in other jurisdictions as well.

Moving quickly through some of these responses, there was a big variety in the number of inquiries held in different committees, and this is important because public engagement matters in some areas and it is not so relevant in others. Not all committees can engage. Privileges committees, for instance, are much less likely to engage with the public, because of the nature of the work that they do—and they had zero public inquiries. There is a picture over there on the right. There is a committee that oversees WA's Corruption and Crime Commission. That has a lot of confidential deliberations, and it oversees a number of confidential inquiries. Again, by its nature, it is less likely to engage with the public on some of the things that it does, because it is looking at internal processes of government. So this is going to be more relevant for some committees than for others. The largest number were the

committees that scrutinised legislation, so they had the most public inquiries and, typically, the most submissions. When you go online, there is a lot of public engagement happening around that space. So it is more relevant to some committees than to others.

The methods of notifying the public—the most common methods were traditional advertising, usually through the print media. Media releases were very common as well, and most committees targeted the known stakeholders. These were usually high-profile stakeholders—peak organisations, advocacy bodies, etc. Obviously, some of these are logical ways to do business. There was a challenge, though, in that I think they are using methods that attract people who already contribute regularly to the parliamentary process. Peak organisations are aware of what committees do. They are already engaged. Yes, they represent a lot of people, but they may not be aware of all the different aspects, such as some of the experiences of people affected by an issue.

There was some limited use of Twitter and Facebook. I have got the Legislative Council's website up there. I looked at some of the followers on those Twitter accounts. They overlap quite heavily between the Legislative Assembly and the Legislative Council websites, and, again, actually, if you drill down into that, they are not all parliamentarians, but there are parliamentarians and there are a lot of peak organisations amongst that group as well. So using social media is not necessarily a bad thing, but it is also, I guess, about how you use it, too. The challenge that I am throwing down is: how can we get more dynamic with the different instruments that we actually use? How do they actually extract information when they hold actual inquiries? I have bolded two particular forms, because they are the predominant forms that our committees in Western Australia have used. I suspect they are actually dominating forms of evidence in many jurisdictions.

There is a lot to be said for written submissions and public hearings. They enable in-detail analysis of a lot of issues. They enable organisations to contribute in written and oral format. There is a certain amount of dialogue that happens in public hearing processes. They are quite robust. They are good at extracting lots of specialist information. But, again, they are very good at engaging people who are more familiar with the parliamentary process. There is a certain professionalism involved with a lot of the contributors as part of these processes. The challenge is, then, how you get more people who are directly affected by an issue, or a diverse range of disengaged groups, to try to contribute. That is where the challenge is.

There are other things there—a lot of departmental briefings, a number of conferences that participants went to. The research by parliamentary staff is critical, I should say, because there is a number of our parliamentary staff here from Western Australia. They do an amazing job, and I think that one of the real strengths of our committee reports is the quality research that underpins them. So whilst I tend to focus on where the public engagement can go next, let us not forget that there is a lot of really good work happening already at the committee research level.

A number of other little things—one, overall there are 10 committees that held public inquiries in Western Australia; two used Skype sessions, one used specialist external consultants, and there was one online survey in the data I got. These seem to me to be more exploratory methods of obtaining information. One of the challenges is making some of these new forms ongoing and actually embedding them more into the processes that you have, because the first time that you run some of these ideas, they may not work perfectly; there is a certain familiarisation process, which is quite important. So the online survey, for instance, did not get many results—did not get that many responses. However, I do not think that means you toss it out; it still has a place and a role. I think it just needs to be developed and refined.

There were not any specific public meetings or forums hosted by committees that were referred to. I think that is a bit of gap, and it is an area that can be explored further. There are some challenges with this. One of those challenges is around public forums—I might show you two examples. This is a quote here; I am just going to read it from the Committee on Aboriginal Recognition: "...it has found that the Inquiry time frame—itself limited—has coincided with the period in which Aboriginal communities and stakeholders are limited in their availability due to other obligations, including the South West native title settlement

negotiations, school holidays, law, business, and weather." Western Australia is about a third of Australia's land mass. Some of these communities are hundreds of kilometres from the nearest town, let alone thousands of kilometres from the centre of Government, in Perth. The challenges of going to these areas and consulting are quite significant, so this is not easy. In some cases, it presents a lot of logistical issues. Online consultations can help, but they will not totally overcome some of these issues. So there are a number of issues there.

Committee resourcing—all of the parliamentary committees were happy with the resourcing that they had. I think this was due, in part, to the fact that there is a process for obtaining more resources through the presiding officers. Obviously, I think that that is good. One of the questions that I think we will have to ask when we are developing more processes and trying to seek further engagement is whether there will be a cost associated with this. If you are going to have a range of public consultations in regional areas—for instance, in Western Australia—the cost is significant. Travel is quite significant. Parliamentarians get criticised for travel. You have to justify it in the public arena. So these are issues that need to be worked through. Different types of specialist research are often expensive, as well. So that is something that still needs to be part of the conversation, even if, in this instance, the committees were happy with the resources that they actually had.

Recognition—this is a photo here of a busted-up car. My friends from Western Australia will probably understand what this is. This is a car driven by the then Treasurer of Western Australia, Troy Buswell, who, in many ways, was a bit accident-prone in his role. I put this photo up there to demonstrate that there is a focus in the public arena on the things that committees do, but it is not always the focus that helps committees explain their work. This committee was quite a high-profile committee. It looked at the events surrounding the former Treasurer's resignation. He busted into four cars on his way home from Subiaco. There is a lot of discussion about what other factors were involved and the juicy details etc. One of the things that the committee was trying to understand is how the executive responded to the allegations that surrounded the former Treasurer. The committee also raised some interesting issues about the availability of witnesses from the executive to appear before parliamentary committees.

These are very serious questions of accountability, but they were not the focus of what the media was talking about. So the media can focus on the things that committees do, but does that really help the committee explain what it is on about? Not necessarily. So I thought this was a good example of that. Committees were sometimes happy with the exposure that they got, but is it the exposure that we need to see around explaining committee work?

I am just going to move on now in the remaining time that I have, and I am just going to focus on two types of solutions; one of these is informative and the other one is deliberative. There was some discussion yesterday about deliberative, and I think that is an important part of what we are talking about. Informative means how people get better information about what Parliament is doing. Simply, how are they able to have better input because they know about things and because it is easier for them to have input? These are three different ideas.

A few other people have mentioned the same idea of making Parliament more accessible. There is a range of different areas—online consultations are part of this. For those people who cannot reach a consultation, or when it is difficult logistically, how can they actually contribute? They can contribute online. Ian had a number of suggestions about the House of Commons and the way that it did that. There are some challenges with evidence that is produced online. I think there are ways of managing that, around verification, but I think that that is going to be a more common experience in the future.

Secondly, there are specific groups that are under-engaged—for instance, enrolment to vote in Australia; there is a 10 percent gap in young people as opposed to every other demographic. And if you look at the submissions to parliamentary committees, there is a huge gap in young people. So that is one group that it is obviously very important to target.

Another group is regional voters—regional people in a state like Western Australia, but I think that is relevant everywhere as well. There are different ideas, say, in Scotland. They had a peer-to-peer education group, where peers, young people, invited other young people to have explanation sessions around parliamentary committees and also emailed them and

got them engaged with contributing through social media. If we can enlist young people to help other young people contribute, that is surely a positive thing.

Another thing is bringing in different types of human resources. We have excellent research staff, like I said. Invariably, though, there will always be things that our existing human resources cannot do, and one example that I think is really useful is: if you are going to have an inquiry on migrants, for instance, and their access to services and facilities, you would need to have some translation services. You would need to have other ways of helping someone like that contribute to a parliamentary committee. You want people who have got real experience of the issue to talk about their experiences—whatever support staff might be important in helping them contribute.

So these are ways around “informative”, and I am just going to finish with a couple of methods around deliberative solutions. Here are a few of those. These are quite robust ways of thinking about getting other people contributing. I am also interested in making sure that the deliberative function of Parliament is preserved—so there is a line there, but I think these methods can complement that. So if you are going to have a health inquiry, what sort of people are you going to bring in? Let us say it was an inquiry into prenatal or postnatal health services, you might have several people who have had some experiences with health services put on to a panel that you consult at different parts of the process. So you have this panel that advises you and has input at different levels, and because you have set up that panel, there is, of course, an obligation on you to listen to what they have got to say. So they become part of this deliberative process even though Parliament’s committees end up making the final decision.

Workshops are also really good ways of getting deep and meaningful feedback from constituents, and they are very effective at that. There are a lot of recommendations that people make when they submit to an inquiry that are not necessarily responded to. I have made recommendations, I have been invited to participate in inquiries, and I do not know where those recommendations go sometimes, so I think that is actually important.

And the last one is finding locations that absolutely suit the contributors—not necessarily suiting the committee members. I do not want to make it too uncomfortable, but would you go to a youth centre to engage young people? Would you go out of your usual places to engage and have dialogue? That is all I have got time for, but thank you for the opportunity.

Chair: Thank you, Dr Drum. So far we have heard about the way in which the House of Commons structures engagement, and we have seen a demonstration of engagement and some questions raised about that in the Australian context. I am now going to introduce the Hon Trevor Mallard, who is an Assistant Speaker of the New Zealand Parliament, a long-serving member and a previously long-serving Minister, who is going to address the topic “Enhancing the role of select committees, and other means to making Parliament relevant to the next generation.”

Hon Trevor Mallard: Thank you very much, Peter, and it is good to be here. I am not going to work my way through either a PowerPoint or the paper. I am going to treat you like people treat select committees and work on the basis that you have read and understood. Unfortunately, that is not always the case at select committees.

My starting point of view is that people will get involved in legislation and inquiries will be improved if individuals think that they can make a difference. If people believe that their involvement can actually have influence, then it will. I am going to give you an immediate example, which does not relate to select committees from the last couple of days. I am trying to select a Youth MP—we have a Youth Parliament every 3 years. We got the four finalists to make videos, put them up on Facebook. Over 2 days it has had a reach of over 50,000, and 9,000 people have viewed those videos in order to give their opinions as to who should be the Youth MP for Hutt South. So if you do things in the right format, it can work, but it will work only if it is interactive rather than broadcast. If people just broadcast at people, then it does not work.

The paper did start off being mainly about select committees, but I got to the point where I thought that, actually, select committees are probably not the most important part of the process and that if you have rubbish in, you have rubbish out. So the paper has some

comments about how we can improve the quality of legislation coming into select committees and then how we can deal especially with the less contentious legislation as it comes out of the committees. The reason for that is that I think that once bills have been introduced to Parliament and referred to select committees, there is a degree of political commitment to them that is quite hard for Ministers to move away from, and it is much better, if we can, to get the quality improved through better consultation before we start.

I also want to submit that the system is pretty badly understood by the vast majority of people. Gerald Gardiner, later Lord Gardiner of the Wilson Government, in his paper *Law Reform Now*, which is one of the standard works in the area, says that the system is not unknown to the community but unknowable, and my experience of the vast majority of colleagues—parliamentary colleagues—is that they do not know, either.

The select committees are the front-facing part of Parliament. They deal with bills, inquiries, and petitions. My view is that, in New Zealand, they had their height in the period from 1986 to 1996. They improved significantly as a result of the work of the now Rt Hon Sir Geoffrey Palmer, who was a Minister of Justice and the Deputy Prime Minister in New Zealand for most of the period of the Lange Government. He had written before about law reform and has since been a law commissioner. He is one of the heroes of the era. I am not sure whether Geoffrey's work in the law reform area ever changed a single vote, but what it did, I think, was improve the system for a period of time. I think it has declined since, and from my perspective, the main reason for that has been the introduction of MMP and something that has been referred to, I think by Malcolm Turnbull in Australia and certainly in the United Kingdom, as a movement towards the power of the Prime Minister and the leadership of the executive, in particular, and, as a result, Parliament itself being less important. So the appeal of people is much more to the leadership, because with our list system, that is pretty important for the future of many of the individuals in Parliament.

In the paper, I give quite a lot of praise to Allan Peachey. The late Allan Peachey was a former member of the New Zealand Parliament and the principal of one of the biggest schools in the country before he became a member of Parliament. I was Minister of Education, and he was my *bête noire*. But after he came into Parliament, he became, in my opinion, one of the best chairs of a select committee that I have seen. The reason that it worked was that he was positive to submitters. He worked on the basis that just about every submission had a nugget of gold in there somewhere and it was his job, like that of a good teacher, to draw out that nugget, to make people feel positive, to get them to open up, and even if the basis of the submission was fundamentally in the opposite direction to what he believed, he tried to make it a positive experience for people. And he was open to change. In fact, he was quite keen on change. He did not always get on with the Minister, and that was sometimes a useful way of getting change. People who came to the committee felt like they were valued and not a nuisance, and that, I think, was the highlight.

Since that time, I have been on some other select committees. People who have taken time off work, people who have travelled, people who have done original research, people who have quite distinct and different points to make have sometimes been given only 5 minutes to present and be questioned at a select committee. From my point of view, you might as well say to people: "Just go away. Don't bother coming. We're not really interested. We're going through this as a matter of form." That is just wrong, and it is a way of putting people off hearing the select committee. There is no politics in this. I know some of it has occurred when some of my Labour colleagues have chaired committees, but it has become more and more common over time, and I think it is wrong.

I think there is also a bit of a misunderstanding of what a good chair is. I heard probably my closest friend in Parliament, Annette King, deputy leader of the party, praising Simon O'Connor, who is one of our newer Government chairs of a select committee, because he was good enough to take an idea that came from a submitter from the committee to the Minister and to get a bill changed. My view is that that is just the opposite of the proper constitutional position. The bills belong to the committees. The committees should be making the decisions. If Ministers really do not like the changes that committees have made, then they have the power, on the floor of the House, to move amendments to move it back to where it should be. But I think the idea of people running back and forth is not a good one.

In the paper, I promote the idea of allocating the chairs of the committees—not the majorities on the committees but the chairs of the committees—on the basis of the non-executive membership of the House. My view is that when legislation especially is being considered, but even inquiries, there are two things. One is the question of substance, and it is appropriate that there be a reflection of the majority of the views of the House, and then there is the question of process. I think that we need to have more caretakers of process chairing select committees in the way, for example, that the Public Accounts Committee of the United Kingdom has been traditionally chaired by a member of the Opposition—normally a senior member of the Opposition.

I think we need to work through a bit more the role of officials who are advising committees. In New Zealand there is far too much, in my opinion, running to Ministers, and especially to Ministers' offices, so that the officials can decide what their opinion is before they tell a select committee what their opinion is. That is just wrong. In New Zealand, we are not big enough to have a group of specialist advisers who will bring people in on contracts. Our Public Service is generally where a lot of the expertise around legislation lies, but they have got to realise that when they are advisers to select committees, they are advisers to select committees and, for that process, responsible to the committee and not to the chief executive or the Minister.

We have got to work a bit more at the time of committees. When committees are working well, they can work out whether a bill is either unimportant and not that controversial, and can be tidied away relatively quickly, put back in the system, and churn its way through, or whether it is urgent. I think that if we get some trust in the process, we can work through bills that way—but it has to be done professionally. One of the interesting changes in my time was that in the 1980s this week would have been known as a “select committee week”. They are now known as adjournment weeks. A number of parliamentarians regard select committee sittings in adjournment weeks as a nuisance, but, actually, this was designed for members of Parliament to sit here and to get out, around the country, with their bills and with their inquiries so that they could be available to people. The amount of sitting occurs a lot less than it used to.

There will be lots of discussions, and there are always suggestions around—not so much in this session—ways of getting the interaction. I think e-petitions are a good idea. I think that if you have 25,000 or 50,000 signatures on an e-petition, lightly checked by the Clerk of the House against the electoral roll to make sure that it is not all a rort—it is easy enough to do that on a relatively small sample basis—then that should be enough to drive an inquiry at a select committee, and three or four times a year they should be at the front of the debates in the House. As long as we are not doing the same topic over and over again—maybe once per parliamentary session; once every 3 years—I think you can put out to the public the ability to have the House focus on something that is important to it.

In the paper, I suggest that we move away from our system of urgency in Parliament. We have made some steps towards that. But what I have suggested is that we have “emergency” legislation, not “urgent” legislation, and for something to be an emergency, there has to be 75 percent of the Parliament agreeing that there is an emergency and 75 percent of Parliament agreeing to each of the clauses in the bill that goes through. If you are going to avoid the select committee process, if you are going to ram stuff through, it should be really important and really urgent, not just a way of tidying up parliamentary legislation. It used to be used more, and it should not be used at all.

I suggest, as far as members' bills are concerned, that if 61 non-executive members are supportive of a bill, then that bill should automatically go into the first reading on a members' day so that it stops the Government using it as a system for getting extra legislation through and so that it gets things through that are less controversial but important. At the moment, it is all randomly drawn.

The other thing that the paper does is describe the full consideration of bills—bills that come out of a Law Commission programme or for which there has been a white paper that is laid on the Table of the House for a period of time, both of which will have draft legislation and from which feedback is received before the bill is formally introduced to the Parliament.

My suggestion is that bills that have gone through that quality, full consideration process are then available to be used in our extended sittings—so in the times on a Wednesday and Thursday morning when select committees on other topics are sitting, that the Parliament sits and people do the consideration of those bills through what is generally regarded as an easy track method. So if you do the work at the beginning, you have proper consultation—the Law Commission looks at it, or there is a proper white paper and there is an ability to provide feedback—then the Government gets an easier run with the bill later on in the process and it does not interfere with its other sitting times.

I will just finish where I started, and that is that if we do that sort of thing, people will get involved if they believe that they can make a difference, but it is up to Standing Orders committees and up to parliamentarians. As far as select committees are concerned, it is especially up to the chairs of committees to decide that they want to do their job properly and look after the process, rather than do the job as a method of appealing to the Prime Minister to get the next ministerial slot. Thank you very much.

Chair: Thank you, Trevor. That brings to a conclusion the formal presentations. If you think about it, they have been three quite distinct but interlinked presentations. They have been distinct in that Ian talked initially about the decline of party organisations and the fact that we now focus more on single issues, that the issues that committees confront in the UK are about agenda setting, not necessarily scrutiny. Martin went on from there to talk about the Western Australian experience regarding the disconnection between public and parliamentary perceptions and understandings, and levels of trust, and also the whole process of how you encourage new forms of public engagement.

Then Trevor took that a step further. He used a very interesting phrase right at the beginning. He talked about the need to be interactive rather than broadcasting, so it is a two-way process of engagement. The system was essentially unknowable, Prime Ministers have become more powerful, and now we are looking at not just select committees per se, but—he broadened the topic out to include—a whole range of methods that might be engaged to increase both the public credibility of and public participation in the wider parliamentary process.

So there is plenty of food for thought there. I am going to invite comments and questions. We have got about 20 minutes available to us. Can I just ask that as you do so, you identify yourselves and you speak clearly and precisely.

Clinton White: Hello. Clinton White from Canberra. I want to ask a question about “in confidence” evidence given to committees. Sometimes witnesses want to either make a written submission in confidence or give oral evidence in camera before committees. What is the role of in camera or confidential evidence in committees, and, in particular, what are the advantages and challenges? But more particularly, what impact does that have on the transparency of the outcomes of committee deliberations?

Hon Trevor Mallard: I am going to dig right back into the deep and distant past of my parliamentary career. I sat in on the rape law reform legislation in the 1980s and the homosexual law reform—well, both in the mid-1980s—and some of the evidence from there was exceptionally moving and was almost certainly available only because of the “in confidence” nature of the hearings.

My understanding, and I am not the technical expert, is that it is almost impossible for that sort of approach to be taken in New Zealand today under our Standing Orders—that you can do the hearings, but, eventually, people will talk about it. Now, I know I am getting a couple of shakes from the back of the room, but my understanding is that the guarantee of privacy is not there in a way that it might have been in the past. The question, then, is whether, through more general submissions, more academic submissions, you can get some of the same stuff anyway. My view is that it is not as moving and the connection is not as good, but, clearly, if you have it in private, the media are excluded, and people are not allowed to share the submissions, then the transparency is pretty badly affected. So, you can either talk about it or you cannot, and it will end up being a balance between transparency and effect.

Dr Martin Drum: You ask a really important question. It will be important and it will continue to be important, even if you are pursuing other methods of public engagement. Parliament is a separate institution from the executive and holds it to account, so people go to agencies, and sometimes they are treated appallingly, and they need to be able to come to parliamentary committees and explain that. Sometimes they want to do that confidentially. Sometimes they have got an ongoing relationships with these agencies, so it is important that that avenue is preserved. There is no reason, though, that you cannot have forms of public engagement and forms of confidential engagement. The only challenge with the latter is how you translate that into report findings and the like whilst preserving that confidentiality.

Professor Ian Marsh: There were very few examples in the last 5 years in the Commons. On the couple of occasions when people did give confidential evidence, the committees, I think, often either sought permission to publish it without identifying the person or subsequently got permission to put it in the public domain. Keith Vaz, for example, who runs the Home Affairs Committee, was enormously successful at getting media attention by getting people who were willing to speak up on very controversial topics, and he got lots of media through that.

David Meek: Hi, I am David. I am from the Office of the Clerk, here in Wellington. I have a couple of questions about the size of committees and, related to that, whether members should be on one committee and focused, or, like they are more often, on two committees, and the benefits and drawbacks of that. Also, I have a question about committees being able to initiate legislation, for example, in response to inquiries that they have initiated where they find cross-party agreement on a particular issue. Often they have an inquiry, they have recommendations that are made to the Government, the Government has to respond but not necessarily take those up, and I wondered whether that would lead to increased engagement or increased strength of the legislature as opposed to the executive if they could do that themselves?

Ian Marsh: Well, of course, the size of Parliament is very critical to how you staff a committee, so I think the story in the New Zealand Parliament is, for example, somewhat different to the House of Commons, with 630 members. Each Parliament has to solve that problem in its own way. You give me, however, the chance to ride a particular hobby horse. In the Australian case, for example, where we have two equal Houses, the Senate currently has Ministers as well as committees, and the late Liberal David Hamer—a late Liberal Senator—suggested getting rid of Ministers from the Senate and converting it into a committee House, which, to my mind, is a wonderfully logical and sensible solution. Also, it is how the Parliament worked in the 1901-09 period, when we had a multi-party Parliament. That would work in Australia. In New Zealand, you have a unicameral system, so it is not going to run here. Scotland has a similar problem to you guys, but the Scots have some interesting approaches to that, I think. But I pass it to the others.

Dr Martin Drum: Ian made the good point that it varies from jurisdiction to jurisdiction, so I do not want to be too definitive in that respect. But you raise a really important issue around Government responses to recommendations. That is absolutely critical, and one of the responses I got was that Governments sometimes take months and months to respond to these issues and that issues died out to some degree by the time they respond, or they respond in the middle of some other controversy or something like that, so no one ever hears about the actual response. So there are a lot of things about the way the executive responds that frustrate committees, so it is an important element.

Hon Trevor Mallard: On the question of the size of committees, one of the big differences when we made the 1986 reforms is that we went from having Ministers on committees and committees of about 12 down to committees of five and, I think, committees of five worked a lot better. That is harder to do with MMP, and you also have to remember that if you are on only one committee and the committees are all about five—we have a number of members who help make up the average for equality of members of Parliament—there is a real danger that you will have committees that are pretty lacking in talent.

Chair: OK, that is a point that we might want to come back to. Particularly in terms of the engagement issue, I think there is often a perception that you have come from some far-flung part of the country to present your submission, and there might be only two people who have read it, because the rest are all ring-ins, and of those two, one may understand it, and there is a sense, therefore, of "What has the process done for me?". Ian wants to make another comment before we move on.

Professor Ian Marsh: Just a very quick point. Of course, in the 19th century, there was a precedent for this. I mean, royal commissions are often constituted with MPs as well as outsiders, so the idea in a smaller Parliament of creating task groups or commissions or some body of that kind but compensating for the size of the House by reaching out—there is a precedent in our system for doing that in all kinds of different ways.

Chair: I am going to indulge the Chair's prerogative for a moment and ask a supplementary question, because one of questions that is often raised is about the merits of our system in New Zealand—unicameral versus the bicameral system—and, certainly, at the federal level in Australia. The counterpoint is often made that a number of the functions that our select committees do in New Zealand are performed by, particularly, Senate committees in Australia, and therefore the "House of review" concept we have actually devolved down to our select committees. I put that up as a proposition. I would be very interested in some comment, particularly from our Australian colleagues, on that point, and maybe Trevor might want to add as well.

Professor Ian Marsh: Well, there are people here from the Senate who are probably better qualified to comment than me, but my impression as a close watcher is that partisanship has totally poisoned, or largely poisoned, the role of committees, with some notable exceptions. There used to be a consensus rule in the Australian Parliament. That has diminished since, I think, about the mid-early 1990s. There was a consensus norm, at least, on committee reports. There are some really terrific examples of committees working this way in the 1980s and up to about the mid-1990s, but the general change in the political atmosphere since that time has, I think, had a very serious impact on committee effectiveness.

Dr Martin Drum: Yes, I share some of Ian's concerns, but I am perhaps a little bit more optimistic at some times. We have got a Senate at the moment that is quite diverse and fragmented, and when that occurs, it is incumbent on Senate committees to find areas of consensus, otherwise legislation would just die in the wool, so even Government members of committees are trying to work with cross-benchers on some of these committees to find these areas. It certainly looks better in the Senate than in the House. The House committees tend to be dominated by Government.

Hon Trevor Mallard: I think that in New Zealand we are, basically, beyond the idea of a bicameral Parliament. We are too small. We are the size of a small city and with too many layers of Government already.

I am going to do a quick correction now, having looked up our Standing Orders. We have private evidence, which does come out at the end with the report, and we have secret evidence, which does not. That is the result of my confusion. People can be heard in private, but their evidence is then available when a select committee reports, or they can be heard in secret on the proviso that the House can, in fact, decide to make their secret evidence public. People in New Zealand very, very rarely give secret evidence. Private evidence happens occasionally.

Chair: But I think that it is also important just to point out that under either provision, the person has to ask to give their evidence in private or in secret first. I have sat on committees where people have given commercially sensitive information and then said: "Oh, look. I'd appreciate that remaining in the room." It is actually too late at that point. If they actually say so first, they can be protected.

Hon Trevor Mallard: It is generally a guarantee for commercial information being on Twitter pretty quickly.

David Bagnall: I am David Bagnall from the Office of the Clerk here. There are so many different topics and discussions that could come out of what you have talked about,

so thank you very much for all those presentations. The two things that I am quite keen to pick up on is the point about pre-introductory consultation and consideration. The point was made that once a bill is introduced, you have kind of gone down the track that the Government has committed to a particular way of doing things, so there is obviously a lot of political capital there. So that pre-introductory process can be quite important. I guess one observation is that there is the capacity to do that already through white papers and so forth, but it seems to happen pretty rarely. One of the problems that we have is the 3-year term and that Governments want to “just do it”, I guess, as Minister Finlayson talked about this morning—actually get on with things. In a 3-year term, doing a big pre-introductory consultative process, doing a white paper—all that sort of stuff—and then introducing the bill and having to go through the whole legislative process, I guess there is a bit of a problem there.

The other point that I was going to ask about was with the committees, there are sort of two big picture aspects to what they are doing. One is letting people have their say and really trying to encourage people to engage, and, on the other hand, the committees actually need meaningful evidence and information that they can then use to actually make sensible decisions. I guess my question there is: how do you reconcile those two different roles?

Dr Martin Drum: The evidence issue is a really interesting one. I think, though, that you can include both experiential evidence as well as hard-core statistics and the like, so they are not mutually exclusive. There is a role for both of those. A number of our political leaders have said that they have had their opinion on an issue profoundly changed by talking to someone affected by that issue. The same applies with committee members. You can get a unique insight into an issue by looking at how that affects individuals, as well as, of course, seeing its prevalence expressed through statistics and the like. So I think there is absolutely a role for both of those types of evidence in an inquiry, and I think they should complement one another.

Hon Trevor Mallard: Yes, I will go on with the pre-introduction consultation thing first of all. My view is that in New Zealand—I think it is still the case—the Cabinet legislation committee legislative programme has generally been available online. Well, it has been available since the mid-1980s and is sometimes available online. My view is that that probably needs to be formalised—a rolling 3-year programme updated in, say, March each year so that people can hear what is coming. I think associated with that should be some discussions with the Law Commission as to which parts of the programme are appropriate for them to deal with, and for them to also publish a 3-year rolling programme so that people can see what is coming down the track.

The reports from there and the reports from what I would say are more political areas, the stuff that you do not really want your Law Commission making the big political decisions on—they are probably more white papers—so the codification law reform stuff goes one way, the more political stuff goes another, but they come back together with reports and draft bills before the House, which then makes it easier to move from.

Chair: A quick comment from Ian—particularly, I am thinking, in terms of the longer parliamentary term and the wider pool in the House of Commons.

Professor Ian Marsh: My comment would be—you may think it a more academic one—I think we have been living with the strong two-party system in various guises for at least the last 80 or so years, and we are now seeing the erosion or atrophy or transformation of that system. New Zealand has taken one big step with MMP, but the conventions of that system still sit very heavily across the whole structure of formal politics.

One of those conventions is that the executive makes most decisions and the Parliament responds to them. The notion of getting the Parliament on the front foot, the notion of the Parliament having a role in agenda entry on strategic issues, on where they stand, and the role in pre-legislative scrutiny are profoundly contested, and they run against some premises about the way the game is played that are deeply embedded in its DNA. There are examples in the UK—very good examples—of pre-legislative scrutiny and agenda setting, but

it is not surprising that the executive resists this stuff, and it is a hard fight. They do not want to let go on formal power, but I think “drip, drip, drip” is the way that it will occur.

I do not think the 5-year term in the UK makes a—the life cycle of an issue is much larger than a Parliament. If you take an issue like decarbonising the UK economy, which the Energy Committee tried to create a constituency around, that is going to run through the Cameron Government. It is a very large, very long-term issue with many complex facets. The committee wants to own the kind of unfolding of that issue. That, to my mind, is much larger than a 5-year term or a 3-year term.

Chair: Thank you, Ian. We are probably coming to the end of this session. If I can just try to sum up, I said at the beginning that I was not sure whether the title “Parliamentary Committees—Vehicles to Modernise Parliament” was a question or a statement. I think it became clear during the presentations that it is actually a statement. There is no question that they can be seen as vehicles for change. What the debate between the panellists developed into was a combination of experiences and also innovations that are being employed in various jurisdictions, not just in terms of the way in which the Parliament operates but also in terms of the way in which the Parliament interacts with the citizenry.

That opens up a whole new range of possibilities around social media—around traditional ways of contact. It is not that long ago that the sole means of select committees in New Zealand advising people of their intent was an ad in the public notices column of a newspaper. We have moved well beyond that these days, and the question now becomes, and I think all of our panellists tackled it from various perspectives: how does a citizen engage with a parliamentary committee in a way that is going to be of maximum benefit to that citizen but also have some real input into the process of political change?

It is not a one-way street, as Trevor pointed out. There are a number of other innovations that need to be made. Martin gave us examples of progress in Western Australia, and I thought that the original scene set by Ian, in terms of the way in which the House of Commons has approached this topic, was also particularly valuable. So can I ask you to put your hands together and thank our panellists for their contribution.

Therese Arseneau: Can I just add that I think the session really reinforces for me the beauty of the ASPG conference. We have two people who study so thoroughly select committees sitting together on a panel with two of our most experienced parliamentarians in New Zealand—people who have had incredible experience in our select committee system under both first past the post and MMP. So we are really grateful for that.

Another thing I would like to point out—you recall yesterday we opened the conference with an absolutely spectacular panel of former Youth MPs. You will recall that I said that each of them represented an electorate that was currently being held by a different party. I just want to point out that two of those youth delegates were actually the Youth MPs selected by Minister Dunne and Mr Mallard—Kieren and Jay. You should be very proud of your Youth MPs. They did an absolutely fabulous job in opening this conference and really bringing a youth voice to the conference. So well done, you two, for selecting them, and thank you to the whole panel.

Proceedings of Parliament: Modernising How Parliament Operates

Chair: Hon Michael Sutherland, Speaker, Legislative Assembly of the Western Australian Parliament, Australia

Presenters: Dr Kennedy Graham, Member of Parliament, New Zealand; Beverly Duffy, Clerk Assistant Committees and Sharon Ohnesorge, Principal Council Officer, both from New South Wales Legislative Council, Australia; David Bagnall, Senior Parliamentary Officer (Clerk of the Standing Orders Committee), New Zealand

Chair: Good afternoon, delegates. I would like to just welcome you to this session, which is "Proceedings of Parliament: Modernising How Parliament Operates". The first presentation is going to be by Dr Kennedy Graham, who is a New Zealand member of Parliament, so I will hand over to Dr Graham. Thank you.

Dr Kennedy Graham: Thank you very much. Tēnā koutou, tēnā koutou, tēnā koutou katoa. Welcome to everybody, and thank you for the invitation to do this presentation. I was asked to take as the topic "Guiding Principles for Modernising Parliament".

Let me begin with an apology: it was roughly 90 seconds ago that I submitted my paper by email, to one person. *[Interruption]* Yes, I could do worse. It will appear at some stage, in whatever format, and perhaps even be subject to revision. But what I have done, 90 minutes before that, was draw a PowerPoint from it, which concentrates my mind and increases the chances of me getting through it with some degree of structure in the 19½ minutes or so that I am allowed. What I am doing is looking to do an overview and look at three issues.

I just have an introductory comment, which I will not go into in the PowerPoint presentation, Optimality Between Tradition and Innovation in a National Parliament. The reason that I did not produce a paper, I forgot to mention, is that it is exactly in this Chamber, exactly at this time last week, Friday, that I held a 1-day conference, with about the same number present—about 150 or so present—from 9 to 6, looking at climate targets for Paris. I will have a little bit more to say about that, as a symbol of one or two points I want to make.

Just looking at the optimality between tradition and innovation in a national Parliament—it is almost a self-evident truth. If we err on either side, we either get speed wobbles or stalling. I think an august institution is more in danger of stalling than speed wobbles. Therefore we go to point two, and ask ourselves, as a check, what traditions—with great respect to the traditions—may require modernising so that Parliament can remain relevant to societal change. On the basis of answers to point two, we would move to point three and develop principles for guiding that modernisation. That is the logical flow.

I am not going to bother exploring any further the question of optimality. We will just go straight into traditions that may require modernising, and I think there are four broad areas: demographic composition; structure and function; the international role of Parliament; and the constitutional status of Parliament. So four broad areas to explore—we should be able to read this, with a bit of luck.

Demographic composition is simply a statistical, quick survey. We ask ourselves first: what is the political diversity of the Parliament? How accurately representative is Parliament of society? On that I think the New Zealand Parliament has scored pretty well, in so far as we undertook a major review in the 1980s and early 1990s of our electoral system. There has been a lot of discussion about electoral systems.

The one thing, I think, that cannot be gainsaid is that New Zealand society and Parliament and the royal commission of inquiry did a good job and came to a genuine popular decision to move from the British Westminster electoral system, first past the post, to, basically, the German MMP—mixed-member proportional—which is why I am standing here in front of you. I am from the Green Party. We have 11 percent, roughly, of the vote. We would not be in Parliament at all. We are the third-largest party, with 14 MPs. There would be none of us in front of you—and I will not invite any value judgments!

Whether political diversity necessarily results in ethnic, gender, and age composition that is accurate to society is not a necessary sequitur. It is a value in itself—political diversity. It is then a derivative from that whether we achieve ethnic, gender, and age diversity. Chances are much higher that you will achieve it, but not necessarily. You look then to the political parties that are thus represented in greater number and colour through the MMP system, through the political diversity, to see whether we have achieved a decent composition in our Parliament that is representative of society.

Very quickly, ethnicity: in New Zealand's case, taking the years 1900, 1950, 2000, and then the last 15 years, to 2015. Māori: 7 percent; 5 percent; 14 percent; 21 percent. Pasifika: nothing in 1900 and 1950; 2000, 3 percent; and 7 percent. Asian: 1 percent and 4 percent. Very, very broadly proportionate to society—doing all right.

Gender: men—100 percent; 96 percent; 69 percent; back up to 77 percent. We have got a way to go. When our former co-leader of the Green Party departs this mortal coil of the precincts in early November, and a new MP, next on the list, comes in, the Green Party will have a gender imbalance of eight women and six men. But you can see there is a way to go with gender composition.

Age is interesting. It is a misconception to think that the older parliaments were peopled by ageing, white, middle-aged males. In 1900 those over 60 were 20 percent; 1950, 39 percent; down to 8 percent; and back up to 18 percent. It is also, I suggest for contentious debate, an open judgment as to what the optimal spread of age is. There are cultural values inside a society that will answer that in a more self-evident way than we might presuppose, just looking around the world.

There is an argument in favour of experience and political judgment, flowing, the theory would go, from life experience. There is a counterargument—we heard it yesterday morning—of equal force or greater, that independent of your experience your intrinsic capacity to make judgments about the real world is obtained from 16 or 20 or 21, and therefore there should be a much more accurate correlation between age spread, or the cohort of age, through society and the Parliament. Clearly, we have a way to go on that, but I also think we have a debate ahead of us on the age issue.

Religion is of interest. New Zealand's head of State has to be an Anglican under the Accession Declaration Act and the Act of Settlement, notwithstanding that there was a national statement of religious diversity in 2004, which says that people of all faiths and of no faith are all to be treated equally. Governors-General used to be British-born, and then New Zealand - born, but they always had to be Protestant. We tend to mumble a little bit over our personal religious affiliations here in this country, and increasingly so. There was a previous Governor-General, appointed, I think, in about 2006, who either was a Roman Catholic or married into Roman Catholicism. And it is of passing, footnote, interest that the Buckingham Palace press release that announced his appointment made no reference whatsoever to religion.

We have the parliamentary prayer every day, and the parliamentary prayer refers to "the true religion". Our Queen, when she is Queen of England, is Defender of the Faith, as well as the Supreme Governor of the Church of England. When she is across the border in the north, in Scotland, she is a lay citizen and no longer the defender of the Anglican faith. When she is in New Zealand she is defender of the faith—small "f"—but it is not established in New Zealand law what Faith—capital "F"—it is. My understanding, subject to correction, is that Canada changed it to "defender of the faiths". If you look to the prayers, the only other chambers in the comparable jurisdictions of Australia and certainly the Commonwealth—Canada, the UK, and New Zealand—that talk about "true religion" are the British House of Lords and New Zealand. The others do not—including the British House of Commons.

There have been suggestions in 1961 and 2015 to revisit the issue of the prayer. In both cases they fell on stony ground, it being presupposed—in my view, incorrectly—that it is for the MPs to decide. Because there was simply a push back by majority, more or less, among MPs not to proceed to even consider changing the prayer, and the idea was dropped. I suggest that that is procedurally wrong. Whether there was prayer was, I would have

thought, a constitutional issue for public debate, as opposed to individual political judgment by 121 fallible MPs.

In terms of demographic composition, New Zealand—no doubt along with other countries—has done reasonably well in modernising itself in this New Zealand Parliament in some important respects; we have a bit of a way to go in others.

Structure and function: I think there are three issues to look at, to modernise Parliament. One is the time aspect. We could look at the relative time allocated between legislation, questions, and debates. It is of interest that we have 73 percent of our time devoted to bills, 20 percent of our time devoted to question time, and 7 percent devoted to general debate. Of that 73 percent for bills, four-fifths is spent on Government bills and one-fifth is spent on members' bills. So we could query the priority within Parliament in terms of how we devote our time. I do not have considered views, but I do think it is an issue to look at.

The Chamber: we heard this morning, and I think probably more frequently yesterday as well, about its adversarial nature. In my 7 years' experience in Parliament, the one—two; numbers two and three—searing impression, the optics of parliamentary life, is the excessive degree of adversarial exchange or relationships in Parliament. It is based on the proud Westminster system of competing parties, which is fine, but it is handled with far more dignity and grace in Continental Europe and Latin America. I used to run a parliamentary organisation in New York in the 1990s and I would visit 40 to 50 to 60 parliaments, and the majority of them—in Africa too—had the hemispherical physical layout where you do not eye-ball each other two sword-lengths apart as in trench warfare, but you look down. If you are talking you go down to the podium and you look back at everybody, including your own people. If you go into the glorious Chamber of Norway—it is unicameral, I think, from memory—it is not unlike this one, except that there are windows where you can see the real world. It is very beautiful and made of wood, like this place. Not only is it hemispherical but it seats people according to region, not according to party. They are evolved. A little bit of carpentry would not go amiss in our Lower House. You could arrange it so that we could be hemispherically New Zealand in the Parliament.

Then there is the behaviour. We shout, some of us, and clap as if it is a World Cup, and the schoolchildren look down from the gallery in varying degrees of white, pale horror. They have just come from a place where they are taught not to do that, so that they can become worthy of coming into Parliament and becoming political leaders. They come and they see the exact obverse—the violation of what they are taught. We are talking about quality of debate. We could be talking about the dignity of the institution, but we can also simply make the quality of debate criterion. We know from our debating societies that if you listen to the other person and accord them the dignity of silence while they talk, you might actually learn something, for a start, and, secondly, you might actually think better so that you can respond better. I think the Standing Orders need to be fundamentally improved, both made more strict and applied more strictly, for that to occur.

International role: I will not go into this in detail, because I got exhausted on this page, but the short story here is that New Zealand and, I think, Australia, have the dualist system of law, where, if we sign an international treaty, there is a firewall between that international obligation and our domestic obligation. It requires implementing ratification and implementing legislation, and the interaction between the two, before we actually make sure that our domestic laws are compatible with our international obligations and we actually genuinely, in terms of our internal behaviour, respect those international obligations. In Continental Europe, in the monist tradition, it automatically flows through, and if there is a domestic law that is incompatible, well, it then becomes immediately null and void. That is a major thing, and we will not go into it.

Constitutional status: all that Palmer, McDonald, and Cartwright are saying is that we are pragmatic, authoritarian, and egalitarian, and we have an evolved, informal, pragmatic approach to constitutions. The Privileges Committee, which Christopher Finlayson was talking about this morning, has done five major areas there: court orders; the Parliamentary Privilege Bill, which was a primary piece of constitutional legislation; the intrusive powers, which is pertaining to the sharing of information between the executive and the legislature—we all

got tripped up and wondered who owned what, and in gay abandon just shared the information with everybody. We got into an almighty constitutional mess and just scrambled out of it by pretending we could handle it, when we should have known better. Policing and search warrants: the SIS can come in and inspect your offices. It can open a file, but it now has to actually notify the Speaker and actually send written advice explaining why.

The point here is that, as far as I can see it, the Privileges Committee of the New Zealand Parliament almost by default is becoming the kind of informal de facto custodian of the constitution, because no one else does it. There have been attempts to look into changing the New Zealand constitution in its wonderful "scattered" form, as Christopher Finlayson said this morning—I think he was closer to the mark when he said "littered". They come to nothing. We look at it and we say: "Ah, we're OK. We're a practical, easy, decent, law-abiding people, so we'll just muddle through. We're practical—No. 8 wire—and we're a bit suspicious of intellectual abstraction. It might get us into trouble." We do not have a codified constitution, and I think, even though some people, including some of those experts whom I quoted, are "comfortable" with an unwritten constitution, Christopher Finlayson is in favour of it and so am I—to have a much more codified structure.

Now to my guiding principles that flow from all this. I suggest there are eight, and they reflect what I have been saying: appropriate representations, structural and procedural integrity, global responsibility, and constitutional integrity. The first one is societal, in terms of broad guiding principles—societal diversity, along the lines that I spoke about. Religious equality: we do need to revisit the issue of the prayer and turn it into a public discussion as opposed to a closed, parliamentary murmur, eyes-cast-down non-decision.

Structural and procedural complementary function: I suggest we could look at the whole idea of opening this Chamber and re-establishing it as an informal forum for continuous general debate. We have 1 hour of general debate. We are all over the place in our 1 hour. There is no sequitur between the 12 speeches—other than mudslinging on what was previously said. We need a general debate focusing on portfolio subjects—Cabinet portfolio by portfolio—and an exchange of views looking for the common ground. This way, the red carpet here would complement the more adversarial green carpet over there.

Physical configuration: bit of carpentry. Global responsibility: treaty transparency. We are not especially attuned to knowing or judging what the Government does on treaties, and we need to improve that. Lawful use of force—hobby—10 seconds. I will leave that one. And public cognisance and public vigilance for the constitution: setting up an independent institute, which has been called for in both the 2004 Dunne parliamentary report and the Constitutional Advisory Panel last year or the year before, to have some kind of New Zealand national education and vigilance underpinning as guardians of the New Zealand constitution, such as it is. Thanks.

Chair: Thank you very much. And now we move on to the next topic, which is *Out of Step? The NSW Parliamentary Evidence Act 1901*. We have two presenters, Beverly Duffy, Clerk Assistant Committees, and Sharon Ohnesorge, Principal Council Officer, who are both from the New South Wales Legislative Council. Beverly is going to lead off, and then Sharon will follow her. Thank you.

Beverly Duffy: Thank you, Michael. Good afternoon, everyone—can you hear? OK. I just want to start off this afternoon by setting the scene for our paper. It was the impetus for our thinking that our Parliamentary Evidence Act was in dire need of modernisation, so let me tell you a bit about the select committee that made us think this way.

I want to take you back to Sydney in the early 1990s. Police corruption is spiralling out of control, especially in the King's Cross district—for you New Zealanders, you probably do not know where King's Cross is, but it is a notorious district in Sydney, and corruption was particularly bad on what they call the "Golden Mile". I do not know if anyone knows about the *Underbelly* series, a TV show about corruption—mainly in Australia, but I did discover that there is a New Zealand version, if you are familiar with it, *The Land of the Long Green Cloud*. This *Underbelly* series looked at this particular point of time in policing history in New South Wales. Things got so bad, particularly in King's Cross, that a royal commission was established, the Woodrow Commission, in 1994. It spent 3 years investigating corruption and found

entrenched, extensive corruption across New South Wales, leading to a raft of reforms to try to weed out this problem.

One of the key reforms was to set up a specific unit within the police, well-resourced, to prevent and tackle police corruption. That and a couple of other agencies that were established gave great hope to people that this police corruption would finally be addressed. It was very enthusiastic, this unit, in dealing with the problem.

One of the things they did in the late 1990s was to actually undertake an investigation that involved, basically, the electronic surveillance of more than 100 police officers. They basically bugged 100 police suspected of corruption. The discovery of this bugging operation, several years later, was the cause and continues to be the cause of major outrage within the police. They were completely perplexed by why so many serving officers, who were never found to be corrupt, would be subject to such extensive surveillance. The situation has not been helped by the fact that the two current deputy commissioners—these are two commissioners who are vying for the top commissioner's job, which is due to become available anytime—are key players in this whole affair. Deputy Commissioner Kaldas, on the left, was actually one of the officers subject to surveillance. In fact, he was bugged for 2 years, he and his family. His fellow deputy commissioner, Catherine Burn, was actually quite a senior member of this new unit that was responsible for the actual bugging, so you can imagine the tension that exists in the upper echelons of the police force, which continues to this day.

More than a decade after all of this had happened, the ombudsman was asked to investigate. There had been some internal police investigations that had not gone anywhere and had not been released, so the ombudsman was asked to look at it in New South Wales. When that ombudsman's inquiry was not completed within the expected time frame, that is when the select committee came on board. That is when it was established, to try to find out what was going on with the lack of progress of this inquiry. So you can imagine that, given the subject matter of this inquiry, we are looking at entrenched police, longstanding police corruption, use of police informers, and very tense relations in the higher levels of the police service.

We expected that this would have a lot of major procedural and legal issues involved. One of the things we thought would happen was that witnesses might turn up and not answer questions because of statutory secrecy provisions, but as it turned out, despite our fears, the ombudsman, senior police officers, and senior public servants were incredibly forthcoming and definitely divulged material that in any other context would not have been protected and would have been, basically, in breach of the Acts that they work under. This was a milestone inquiry for New South Wales' Upper House committees, in terms of asserting committee powers to seek information covered by such statutory secrecy provisions. That issue that we thought would arise did not happen.

We had some other concerns. We wondered—and a particular member asked us to explore this—what if a witness turns up and then refuses to answer a question because they think it might incriminate them? Would we then use our statutory power under this Parliamentary Evidence Act to detain that witness, to give them a bit of time to consider whether they wanted to answer or not? What would we do? Fortunately, neither of those scenarios arose, and I say fortunately because there were no precedents that we could rely on. It would have been really unclear for us to work out exactly what we would have told members if that situation had arisen—and it would have arisen under some pressure and stress—so we were pleased that it did not.

But it made Sharon and me think: just in case there is a next time, which in the current environment would not be beyond belief, let us think about some of these issues so that we are really well-prepared. That was basically the genesis of our paper. Then, when I saw the theme for the conference, I thought this would work particularly well, because we knew from our little examination of the Parliamentary Evidence Act—it is a 1901 Act—that it really was not fit for purpose, so it was time to look at that.

Sharon particularly looked at the issue of self-incrimination, and I looked particularly at the power of the committee or the House to imprison recalcitrant witnesses. Whilst we looked at

different things, we both came to the same conclusion that that Act is well out of step with modern perceptions of what the role of a Parliament is and procedural fairness.

Before I go on to talk about my bit of the paper—just a very brief overview of parliamentary privilege in New South Wales. Unlike the Australian Senate and New Zealand, we do not have a Privileges Act. We just rely on the common law concept of necessity, which we have done pretty well in relation to. It helped us in a number of situations. We also rely on a couple of statutes, including the Parliamentary Evidence Act. Sharon and I spent a lot of time over the last few months looking over this Act—in particular, section 13, which I will just take you to now—can everyone read it? I am happy to read it out if you are struggling. I will just read it anyway. This section says: “if any witness refuses to answer any lawful question during the witness’s examination, the witness shall be deemed guilty of a contempt of Parliament, and may be forthwith committed for such offence into the custody of the usher of the black rod or serjeant-at-arms, and, if the House so order, to gaol, for any period not exceeding one calendar month, by warrant under the hand of the President or Speaker, as the case may be.”

It is a kind of intimidating section, and the language is arcane, and it looks like an Act drafted in—well, actually, it was drafted in 1880.

One of the things that the Clerk did, because we thought these issues might arise—do not worry if you cannot read all the detail on this slide. What our Clerk did, because the issues were quite complex, was he provided diagrammatic procedural advice to the committee. This is just a small excerpt of the large diagram he presented to them. This is about section 11 of the Act, and he is pointing out in this diagram what some of the concerns are. For example, this idea that a person who just refuses to answer a question in a committee hearing would be deemed to be in contempt was problematic, obviously, because it is the role of the House, if anyone, to find someone in contempt. In fact, some work we saw by Enid Campbell, when she was asked to comment on section 11—she does not believe that a person could be deemed in contempt without the involvement of the House. That is the first area of confusion.

But then once deemed to be in contempt, the usher can take that person into custody and the House could then lock them up for a month. This raised very practical questions for us. We were considering, really, where do we take this person while they are thinking about whether to answer our questions—like, who wants to volunteer their office, and do we provide them with pyjamas, or porridge for breakfast? Do we allow their lawyer to visit, or their partners but not their children? We really thought, because of the mood of the committee and the incredible tension around this issue that had been bubbling away for 15 years, this issue could arise. We were a bit flummoxed by what we would do on a practical level.

But it also raised that more integral, fundamental question of if it is ever OK for a House or a committee to lock somebody up, to deprive them of their liberty, when you do not necessarily provide them with the sorts of procedural protections that a court or an administrative tribunal would offer. In New South Wales you are even less protected than, say, witnesses in the Senate, where there are procedural guidelines at least for the protection of witnesses that the House has agreed to, which you can point the members to. Whilst we generally follow those sorts of guidelines, there is nothing compelling members to do so.

This kind of Draconian section 11 was a particular concern to the staff in any event. As I said, what the paper deals with is that big question of: really, should a Parliament deprive someone of their liberty? Sure, we need strong powers to assert the role of, particularly, an Upper House to scrutinise the executive. This was a really intransigent issue that needed the light to be shone on it. There had been secrecy for way too long. It is really important to have those strong powers, but there are a whole lot of issues involved with punishing, basically, witnesses.

In New South Wales the House cannot punish for contempt, yet we have got this Evidence Act that allows you to punish non-members. I do not think that would go down very well at all in terms of public relations in parliaments—the fact that we could send someone to jail for 5 years. We looked at some of the literature about imprisonment. There is quite a bit from

Western Australia—we could see that you have had some recent experience of it. It was obviously very controversial back in 1995 when somebody was in prison for 7 days at the behest of a committee, I understand.

We looked at that literature. It was not anything new to consider that there was an inherent unfairness with a committee or a Parliament being both accuser and a judge. The Privy Council recognised it in 1866. That is not a new notion. What we thought was relatively new is that over the last two or three decades a much greater emphasis on the need to provide procedural fairness, natural justice, and that expectation has grown in recent years. We figured that it was even less acceptable these days for us to be able to exercise this power without offering those protections—or, at least, controversial.

In terms of what we do about that—as I said, we were definitely grappling with the issues. We have not necessarily come up with all of the answers. We know that some people suggest that committees in Parliament should divest themselves completely of that power, and other people suggest that maybe they should be transferred to the courts. We found some of the themes that have come out in this conference in the last day and a half really helpful for our thinking about what the solutions are. We have got some proposals for what we think should happen in case this situation were to happen again, and Sharon will give you some details on those.

But I must say, some of the themes that have come out yesterday—talking about not modernising for modernisation's sake but thinking about what the role and function is of the institution; thinking about what the inquiry power is and how it should be exercised; not wanting to lose powers; wanting to clean up legislation, as Minister Finlayson was saying this morning, was really interesting; and wanting to make things coherent so people knew where they stood—there have been lots of issues that have come out today. But we do have some suggestions for what we think is the way forward. I will let Sharon share those with you, after she talks about self-incrimination.

Sharon Ohnesorge: Thanks, Beverly. As anyone who has ever watched a police drama on television knows, you have the right to remain silent, and it is that right to silence that was, as Beverly said, of concern to us in preparing for the police bugging inquiry.

Before I go on, I just want to map out the questions that were going through our minds in thinking about the right to silence or privilege against self-incrimination. The first one is: does a council committee in fact have the power to override the right to silence, or does the right to silence effectively trump the committee's inquiry power? The next question we looked at, particularly in the context of the theme of this conference—modernising parliaments—is whether parliaments should have that power. And then we next looked at some areas for reform.

I want to turn now to the first issue: does the privilege against self-incrimination apply? I guess the starting point in addressing that question was advice that the council received from Brett Walker SC in the context of the police bugging inquiry. His advice to the council was that parliamentary proceedings are by their special nature an exception to the privilege against self-incrimination. In other words, you do not need to look at the Parliamentary Evidence Act to see whether that abrogates the privilege, because the privilege never applied in the first place. Walker's view is that section 11 of the Parliamentary Evidence Act, which Beverly had up before and which talks about committees asking lawful questions—his view is that that is not in fact the source of the power for committees to compel the giving of information. And as to what is the source of the power, Walker argues that, at least, the New South Wales Legislative Council can look to House of Commons precedents. In terms of what those precedents say, well, that takes me right back to 1828. That was the year in which Robert Peel in the House of Commons unambiguously affirmed the power of the House of Commons committee to compel the provision of self-incriminating information.

New South Wales, of course, in 1901 saw the introduction of the Parliamentary Evidence Act, but since that time we have not been able to find a single example in New South Wales of a committee compelling an answer where a witness has claimed the right to silence. In fact, on the contrary; in 1985 a joint select committee on parliamentary privilege recommended that witnesses be able to claim this power. That recommendation was never

implemented, and, of course, the position of the executive in New South Wales is that—their advice to public servants is that committees have the power to ask only lawful questions under the Parliamentary Evidence Act, and that a question is not lawful if it is trying to get incriminating evidence. That is obviously in direct contrast to Bret Walker's advice, which is that the Parliamentary Evidence Act is not the source of the power.

Where does that leave us? Well, in New South Wales, on its face, our position is that the right to silence, just like other common law privileges and immunities, has no application to parliamentary proceedings. That is obviously quite different from the position now in New Zealand under your new privileges legislation, where section 25—as I have recently learnt—says that a witness does have the right to claim any privilege or immunity that they can claim in a court. In New South Wales it has never been looked at by a court, so our advice to a committee is that they have to proceed cautiously, that they have to look at any objection to a question on its merits, and that cautious approach is still one that Bret Walker very much advocated in his advice. I guess that is a question of whether the privilege against self-incrimination does apply.

What about whether the privilege should apply? Well, I guess we are—on the slide—contrasting two considerations. On the one hand, in terms of protections for witnesses, we have looked at the protection offered by article 9 of the Bill of Rights. One of the things we have been thinking about is the fact that, of course, article 9—absolute protection, anything you say to a committee cannot be used against you. But we have also been thinking about the fact that that would not prevent investigative agencies from using that evidence to frame their investigations and gather admissible evidence that they could then use, and that certainly supports that cautious approach that Walker has urged.

But on the other hand, we think there are a couple of considerations that weigh the other way. On the one hand is Parliament's role in a system of responsible government, and in that context talking about the power of committees to undertake free and uninhibited inquiries into matters of public affairs—and sometimes it will be that evidence that would otherwise be covered by the right to silence that will be critical to a committee's ability to conduct an effective inquiry.

Weighing those considerations, our conclusion has been that committees probably do—and in any event should—have the power to compel self-incriminating evidence, but, effectively, with great power comes great responsibility. I guess our point is that section 11 is really not fit for purpose in terms of helping committees to exercise that responsibility. I might just skip—that is just section 11 again.

In terms of where to from here, our colleague Stephen Frappell has recently written a paper where he argues for the introduction of a comprehensive Privileges Act in New South Wales, and that obviously would be the ideal opportunity, if we were to go down that path for modernising section 11, to think about whether we want to transfer some of Parliament's penal jurisdiction and also, of course, to make clear that the right to silence and other common law privileges do not apply to committees.

Just touching on what Beverley said before, we also think that Senate-style procedural protections for witnesses would be a great road to go down, even if we do not have statutory reform. We think that they would provide committees with a formal framework where currently there is none, as Beverley said. They do not have to think about any objection by a witness. They do not have any formal rules to guide them. We think from a witness's perspective it would provide some much-needed procedural protection and some confidence that when they object to a question, that objection is going to be handled fairly. We think—thinking about modern parliaments—that that is the very least that our committees and the witnesses that they depend upon should be able to expect. Thank you.

Chair: Thank you very much. And now we'll move on to the third part, which is *Reviewing the Standing Orders—How to Make Dreams Come True*. Our presenter is going to be David Bagnall, Senior Parliamentary Officer, Clerk of the Standing Orders Committee, New Zealand.

David Bagnall: Thank you, and tēnā koutou. When I heard about the topic for this conference, I was really busting to do a presentation, particularly because this conference is

about modernising Parliament. I find this sort of theme really stimulating and quite challenging, and also quite inspiring. I am sure that there are a lot of people sitting here who also feel the same way. You come away with a whole lot of ideas, but there is one big problem, and it is this: sadly, Parliament is not modernised by conferences. But there is hope, and I think if there is one key message I would like you to take away from this presentation, it is to ask yourself how you engage with the process that your Parliament has to actually take ideas, take innovations, take suggestions, fix problems, and actually implement them. If you have an interest in Parliament, if you have an opinion about how it should be modernised, then engage with it. You will not necessarily, I guess, get the outcome that you want, but at least engage with that process and have that discussion.

The reason why I say that Parliament is not modernised by conferences is this: only Parliament can modernise Parliament. It can pass a law. It can adjust its procedures. I guess that is the stark reality. There is this underlying sense of what we call exclusive cognisance, this principle that the House determines its own procedures. It is an essential part of parliamentary privilege that there is no formal outside interference. The courts cannot intervene, and, at least in New Zealand, the executive cannot determine parliamentary process. Obviously, Ministers are members, and they can use that capacity to make suggestions, but it is up to the House to decide how it operates. The other side of that is that the House respects and observes the law—there is that sense of responsibility that comes with that independence.

Just to take a step back and talk about the Standing Orders—I think that is one of the first barriers: the very phrase “Standing Orders”. It is not a very accessible phrase. People do not realise that we are actually really talking about the rules of the House, how it operates. There is an awful lot of detail and prescription in there: questions are lodged by 10.30; your select committee has to have a quorum, otherwise the meeting falls over; members have to declare the very specific pecuniary interests by a very specific time; they have to meet very prescribed requirements.

There is a lot of detail in there, but there are also principles, some quite big-picture principles, in there. The House must meet—that is a big one. The Speaker maintains order and decorum. There is a sense of mutual respect with the judiciary. Speeches and amendments, believe it or not, have to be relevant, and answers must be given that address the question—that sort of thing. Those are really big principles that actually exist within the Standing Orders. As well as all that detail, there are also some really big statements about how Parliament should operate.

The rules, the prescriptions, and the principles are all there to protect the different interests that come together in Parliament. You know, you have got a Government that wants to progress its legislative programme; you have got an Opposition, I guess, that wants to slow it down—but, in doing so, to sort of constrain the level of reform that can take place, I guess, to allow there to be a sense of pace there, accountability, and scrutiny, and that sense of representation. Those are so many different interests that come together, and it is a matter of balancing what they are.

We are starting to move a bit beyond seeing the Standing Orders as a prescriptive set of rules, and regard them more as a baseline—a default setting, I suppose—for how Parliament operates, but enable from that baseline people to do political problem-solving, to actually work out if there is agreement or what is the best way of doing things. There is a reasonable flexibility there, if there is agreement, for members to actually find new ways of doing things or to adjust their approach in particular situations. In my paper I have described the Standing Orders as an evolving accord of the accepted balance of parliamentary interests. All those interests that we have talked about—the current accepted balance of those is set out in the Standing Orders as they are.

The Standing Orders are seen as constitutional rules, so they are not in the usual list of suspects. They are not up there with the Constitution Act and the Electoral Act—and now we have got the Parliamentary Privilege Act, and so forth—but they are accepted as a part of our constitutional arrangements, that sort of fluid constitution that we have here in this country. But it is the same in every jurisdiction: because the Standing Orders and the rules

and practices of the House are so crucial to the use of legislative power in that country, obviously it is one of the crucial forms of public authority. They are definitely constitutional rules, and members accept them in that light.

Just talking about practice—this sort of very vague concept, which is really just the way things are done in Parliament, the way that things happen. Not all the detail, believe it or not, is in the Standing Orders. There is a lot of stuff that happens in the background—you know, the final Order Paper comes out at a particular time. We have got simultaneous interpretation of speeches, for example. The Standing Orders do not require that. The Standing Orders say that members can speak in English or in Māori, but I guess the practice is that we have got a system of simultaneous interpretation there. Members access their committee documents through the e-committee system or, in some cases, and possibly the majority of cases, they actually get them printed out and sent to them. But that is all part of the practice, the ways things happen, and I think it is important to remember that. It is not just about the particular rules; it is about how things are done.

Here we get to the nub of it: the review of Standing Orders. The Standing Orders Committee is a select committee just like any other, really, and the review of the Standing Orders is this triennial process. It is a bit like an inquiry: the receiving of submissions, hearing of evidence, and receiving of advice—in this case, the Clerk of the House is like the departmental adviser. The committee decides the outcome and instructs the drafting of amendments, and there is a narrative report prepared explaining them, and perhaps actually talking about some of those aspects of practice that are not going to be written into the Standing Orders themselves. That is the formal process, I guess.

Really, the thrust of it is to find the right balance, because it is a very constructive sort of process, or at least it should be, and there are elements of give and take, compromise, finding what members have called the “least bad solution”, and coming up with an overall package that has the overwhelming support of members of the House. Because these are constitutional rules, they really matter, so there is a sense that they want buy-in from across the Parliament.

So there we are: constitutional rules, overwhelming support, and, also, there is a sense that there is a bit of a reverse arms race going on. This is the sort of pragmatic side of things, where members are aware that following the next election they might be on the other side of the fence; they do not want to equip the other side with weapons that could then be used against them, and so forth. That is a natural balance that becomes part of it. With all those constraints, the question is whether there is a danger that we might just end up with this sort of freeze-dried Parliament—one that is sort of stuck and cannot move on—because you need all these ingredients of overwhelming support and making sure that the change is not too drastic.

How do we move towards that—what we might call—relevant Parliament? Or you could call it modern; I do not know. Well, there are a few tricks to this, I guess. One is to have that regular review cycle—to accept the fact that you cannot do it all at once. Over time, if you are having a regular cycle of review, then change can happen. Our parliamentary procedures have changed vastly over the last three decades especially, and there have been regular reviews. Having that regular cycle is actually really important. It is that sense of wanting to promote the interests of Parliament, and sometimes you have this external impetus, which I will talk about in a moment.

You need to give members an opportunity to cooperate, so that means not cramming your review of the Standing Orders into the last few weeks before an election when their minds are elsewhere—where, if a proposal comes up, it seems a bit difficult at first—they have not got time to go back to their caucus and have a discussion and come back and actually problem solve. You need time to problem solve. I think that occasionally we have run up against that ultimate deadline of the 3-year term, and sometimes problems that perhaps could have been solved with a bit more time, a bit more discussion, have not necessarily been resolved, and so you revert to the status quo, I guess.

You do have this other mechanism, which is to trial new procedures. There are various ways of doing this. One is to have the promise of another review within a short time frame.

You can have sessional orders—just resolutions of the House that have a limited lifespan until, say, the end of the term of Parliament, or whatever—and that means that members have the comfort of knowing that if they have not quite got the formula right, then it will lapse and they can have another go next time. The other, new way of trialling procedures is through the Business Committee. I will talk about that shortly.

The fact is that there have been major, one-step reforms in New Zealand, and I will just run through a few. We have had, in 1962, question time. Questions had been asked for a long time in our Parliament, but in 1962 we came up with the current model of questions, supplementary questions, and so forth. It was a substantial change to the way questions were asked.

In 1985 we had a really major review. The context here was that we had a period following the sort of strong-arm, domineering Government of Robert Muldoon, when there was a perception that the Government was possibly a bit fast and loose with lawmaking—especially with regulation making, which was Government by fiat, almost. There was a reaction to this. The incoming Government launched a huge platform of constitutional reform. We had the Constitution Act in 1986; we had a royal commission appointed to look at the electoral system, and that started us on the road to MMP; the Public Finance Act; the Reserve Bank of New Zealand Act; and so forth. In the middle of all that there was also a sort of constitutional reform process going on internally as well. The Attorney-General, who was also the Leader of the House, organised a reference to the Standing Orders Committee to look into a lot of the big-picture stuff, especially around select committees.

Our modern select committee system has just celebrated its 30th anniversary, and dates to back to when we had a system of subject select committees set up with the ability to initiate their own inquiries, and so forth. That was a really major period of reform. I have got a quote here from one of the members of the committee talking about the process—remembering that you would think you have got a strong reaction to a previous Government, possibly quite partisan—and this is what he said: “The work of the committee has been done in a thoroughly co-operative manner. There was no degree of dissent. When the various proposals were referred back to the party caucuses it was found that a spirit of compromise prevailed. We came together to reach agreement, rather than sticking to the original point on every side. As a result, we have something that I hope the House will accept in due time. Let us try it. Let us try to make it work.” The remarkable thing is that that quotation comes from none other than the Rt Hon Sir Robert Muldoon, who was a member of the Standing Orders Committee and participated actively. He apparently turned up to every single meeting and was meticulously prepared, and really bought into the process. It just shows what can go on in the Standing Orders Committee.

In 1991 we had a reform of our financial procedures. In 1995, of course, we had the impending change to MMP, and there was a really major reform of the House's procedures as a preparation to that. In 2005 the system of registering pecuniary interests was brought in. The interesting thing about that was that it had been raised in the mid-1980s as part of that whole package, but the Leader of the House reported that there had not been sufficient agreement on that, while in 2005 the Government actually brought in a bill to implement it through legislation. This was one of those—I guess—“least bad” situations where members agreed that, in fact, it was far preferable to have these things in the Standing Orders than to have separate outside legislation, with all the possible tensions that could arise from that. In 2011 we had a real beefing-up of the Business Committee's powers, with a theme of enabling the committee to work out, to problem solve, and to give incentives for constructive negotiation about the arrangement of the House's business. It was actually quite a substantial change to how things should operate and, in fact, it has actually really resulted in quite a significant change.

There have been times when the Standing Orders have been amended by majority in New Zealand, and these are the three examples. The first two were the responsibility of King Dick, as we call him—Richard Seddon—whose statue is out on the front plinth there, and who, more than any other member, is responsible for the curtailing of members' speaking opportunities in the House. It is kind of ironic that he is out there in front of Parliament House, but, actually, probably most people would say that that was no bad thing, necessarily. In

1931 the closure was introduced, and there was a huge stoush about that. It took days and days and days, and I have got some details about that in my paper. They had been considering closure since Seddon's time; he tried it and it was even pushed back by his own party. But in 1929 the Standing Orders Committee had gone to great lengths to avoid bringing it in, coming up with all sorts of "honourable" and "experimental" ways to avoid having closure by reducing sitting hours and speaking times, and so forth. But in 1931 Prime Minister Forbes gave up and moved for there to be a closure procedure—I know I am running out of time, so I had better get on with it.

What are the factors driving change? Law changes—if the law changes, the Clerk will advise the committee that it is probably time to make some adjustment to the Standing Orders to reflect that. Evolving practice—you actually really want rules and practices that reflect each other, rather than Standing Orders that are quietly ignored because they are not the real way that things happen. New technology—such a big challenge at the moment.

Social expectations and politics—I thought I would introduce you to this scene here. This may look to you like an antique table and chairs in the Speaker's office, but it is, in fact, the nerve centre of parliamentary innovation. That is the place where the Business Committee meets, and with all the powers that the Business Committee has to arrange things there really is a real opportunity for innovation there, and quite often it does happen. We have had special debates and we have had arrangements for extended sittings, really constructively arranged, to enable that to occur. As well as the Business Committee we have got the Privileges Committee, which really has been a source of constitutional guardianship.

It does not stop there. Practice—there are all sorts of ways to update the way the House operates. While those of us with more clerkly inclinations can be all anxious about the issue of social media, at what point things are part of parliamentary proceedings, and what about the trolling that will happen, and who is going to moderate it—well, actually, some people just go ahead and do stuff. In the middle of all that discussion one of our select committees has established a Facebook page, and I would like to pay tribute to the people who have done that in not perhaps being quite so conservative. It has been really well received. We can still work through some of the issues that arise.

Yes, Parliament can modernise Parliament, and that is technically true, but Parliament does not exist in a vacuum. I think that is a really major point. What can you do? You can help provide that impetus for change. You can ask the question: what does it mean for Parliament to be effective? I know that question has been asked previously in the last couple of days, and it really is the question that should be asked. Our tendency is to adjust the wording of the Standing Orders, but, really, ask the questions: "What are the various functions of Parliament? How do you balance them in the way that is most effective?"

Conferences and the exchange of ideas that can happen in places like this are a really great place for those sorts of things to happen, as long as we get the engagement happening as well—and that goes both ways. You know, if you went out there and asked people on the street how they think Parliament operates and whether it could be better, you would probably get an opinion from every single person. The last review of Standing Orders attracted 17 submissions, so obviously we were doing something wrong there in terms of the way we engaged and, hopefully, we will get a bit more of a response next time. I would encourage you to go back to whatever jurisdiction you are from and really keep an eye out for these sorts of things, to develop your ideas, and to develop your thinking about how Parliament can be most effective. And then when you get your chance, just get in there and make some suggestions and see what happens. Thank you.

Chair: Thank you very much. Those were three interesting topics, of course. Kennedy spoke about the potential change to Chamber layouts, which I have also spoken about on the radio in Western Australia. I think it is high time that we looked at a different layout of the Chambers, and also the behaviour—which a lot of people find intimidating in lower houses—and what balance there should be to keep some traditions but also to move on.

The second paper—New South Wales always has very interesting sets of circumstances, so we followed with interest your Parliamentary Evidence Act. When I was elected to the

Western Australia Parliament, I heard that there was a cell that was somewhere in the Parliament building where we could incarcerate people whom we found to be in contempt of Parliament. Unfortunately, we do not have a cell—or fortunately.

David spoke about the freeze-drying of Parliament and the difficulty in amending the Standing Orders. We have had a crack at doing that in Western Australia—and Isla MacPhail sitting there—of course, we keep hitting walls. As David said, there is so much vested interest, and people will tell you: “Oh, you know, we’re in Government now. It suits us, but we might be on the other side shortly, so we might have to use some of these things.” It is not easy to do, but some very interesting points were raised. I invite some questions from the floor.

Samantha Lassen: Hi, I am Samantha. I work in Megan Woods’ office here in New Zealand’s Parliament. This is, I think, probably a question more for Kennedy Graham, but maybe also David. We have Standing Order 48, which says that we cannot sit on a Sunday, even under extraordinary urgency. And you have to make an oath when you come into Parliament, you have to do a prayer. We have all these things, and yet in 2013 the census says that we are a secular country due to the rise of non-religious people and the rise of Eastern religions, and so on. My question for you is: do you think that the Standing Orders are biased towards Anglicans, and is this still appropriate in our secular Government and wider society?

Dr Kennedy Graham: I did touch on that, in the sense that, as I understand it, it is the formal constitutional principle in New Zealand that the head of State has to be an Anglican. Personally, I do not have strong views between monarchy and republicanism, but as long as we have a monarch or a head of State who is on the other side of the world and is of one particular faith, then that will influence, unavoidably, the society and the parliamentary tenor.

It is worth distinguishing between the formalities and the practicalities. In the practicalities of daily life in Parliament you do not experience that. We have had Muslims, and I think we have got a Sikh now, and others, and stout atheists. Nobody really cares much, but all the more reason, you might argue, for the formality to reflect that. We are becoming far more multicultural. It is—a personal view—a bit of a relic of a colonial age.

You could argue that we could move to develop a constitution that eradicated any devotion to a particular religion, sect, or denomination, while still acknowledging, if you kept the monarch, the ultimate dimension there. You could probably do that. It would require innovative thinking, and that is not a strong point of ours historically, when it comes to the constitutional thought.

David Bagnall: I could go on about this for quite a while. I think, at a very self-interested level, I am really pleased that Standing Order 48 says no sittings on a Sunday. I do not see that necessarily as a religious thing. I think it is quite nice to have a day when there is no prospect of the House or committees sitting. There would be quite strong resistance from people of all creeds, I would say.

In terms of bias, the parliamentary prayer has been an issue. I am sure you know—you probably do—that the very first division in our House, back in 1854, was about whether there should be a prayer. It has come up very frequently ever since. It has come up—several times we have had petitions about it. I guess the real question, and it is something that Kennedy Graham talked about, is the decision-making process that you follow.

In the last review of the Standing Orders the Clerk did raise the question, after submissions came in, with the Standing Orders Committee about whether the prayer is an appropriate reflection of the House’s observation of the Bill of Rights Act. The Bill of Rights Act and the Human Rights Act talk about non-discrimination. I can comfortably say that it could be regarded as a coercive imposition of a religious observance. The reason I am reasonably comfortable about that waffly statement is that there is case law where counsels have had that very question raised, and of course this is one of those times when it comes back to the hold of exclusive cognisance thing. It is about how the House decides to come to a decision. It has come up, and so far we are still with the same prayer that we have had since 1962, but the question has not gone away. It is still there. I am sure it will come up again. I invite you to make a submission to the Standing Orders Committee on that.

Isla MacPhail: I am asking my question as a Serjeant-at-Arms, so therefore the person who probably would be dispensing the pyjamas and providing the office, but also as Clerk to the Legislative Assembly, Procedure and Privileges Committee. In respect of, I guess, exclusive cognisance and the penal powers of Houses, I think every Parliament now is very concerned about parliamentary privilege as being the abominable instrument of oppression, and it is not a good look to not exercise it responsibly. But I still was very persuaded by the UK 1999 Joint Committee on Privilege when it wrote: "... unless a residual power to punish exists, the obligation not to obstruct will be little more than a pious aspiration. The absence of a sanction will be cynically exploited by some persons from time to time." I guess it is just a general comment on that.

Beverly Duffy: I think, as we say in the paper, we know those powers are significant. We give some examples of witnesses who would never have even shown up if we did not have that threat. What we are saying is that we probably need to be a little bit more fair about it—with those powers is responsibility. The fact that the section of the legislation is so old and outdated, and that we do not have guidelines—in the wrong hands we think those powers could be misused. We do not want to do away with it, we just think that probably by having comprehensive privileges legislation, where you really think through those issues—and at the very least, if not that, some kind of procedural guidelines that would even spell out—say, for example, in Sharon's issue with self-incrimination—what the steps are that should be taken. In the absence of that, there are very few protections for those witnesses.

So not doing away with it—I do not think that is what we are suggesting—or even transferring it to the courts. We just want to look at it. We just think it needs some careful looking at.

Delegate: I have a question for David. The problem he adverted to, about the lapse between Parliaments and transferring business across committees, was a real issue in the House of Commons this year, even with committees, because when the writs were called in May the committee website said there was nothing happening, and when the new committee got appointed in August the website got reconstituted.

I am just wondering, on your point, why would it not be possible to write a Standing Order that says the first item of business for an incoming committee would be material referred from the preceding committee? I mean, they do not have to be obliged by it, but at least it would serve that purpose of creating a pipeline or continuity.

David Bagnall: Well, we do have opportunities there. In 2005 the law was changed so that—previously you had what was called a carry-over motion. Richard Seddon did not have a carry-over motion. He had a real problem with legislation falling over at the end of every session, and that was part of his problem. Only about a third of Government legislation actually got anywhere, in the end. Whereas we had the carry over, so you had this sort of big wash-up at the end, where the House resolved to carry business over into the new Parliament.

That was changed in 2005, so it is really the initiative of the new Parliament to decide what it wants to pick up. What the House has tended to do since then is just simply resolve to reawaken all business. In fact, I think almost without fail business has actually been reinstated in the new Parliament.

In terms of committee business, well, it is a new committee. But the new committee does have the option to reinstate self-initiated business, and that does happen. If a bill was in front of the previous committee at the end of the last Parliament, then it resumes in exactly that place. I guess we do have the luxury of a bit of continuity there, built in not only into the procedures of the House, but the Constitution Act that enables business to keep going. Does that answer your question? I hope so. *[Inaudible]* Oh, in terms of sessional orders. That is right.

[Inaudible] I was thinking there more in terms of like where the House has resolved a particular procedure as a sessional order. For example, in the last Parliament there was a new procedure around recording members' attendance. Members were a little bit circumspect about that, and so the House passed a sessional order that, at the end of the term of Parliament, was just going to fall over. But, in fact, in the meantime the Standing Orders Committee looked at how it was operating and incorporated it completely in the

Standing Orders. It is that chance to test things out, give it a go, just to give members a bit more of a level of comfort about how things might work, because quite often this is the problem with modernising. You are sort of looking into the future and you do not know how things are going to pan out. That does give that chance. The fact that those orders lapse does actually give you an opportunity to test things out, without being too committed to them.

Hon Ruth Forrest: I am Ruth Forrest. To me this is a bit of a challenge in terms of the modernisation of Parliament and the taking on of new technologies, being more accessible, having more timely responses to things, and not throwing out the things that matter in terms of the rules. You have all talked about that as well. There has been a bit of a push in the Tasmanian Parliament, in the Upper House—the “House of Review”—for things like a quorum call, to get the business on the Notice Paper to give it time to sit there for the 3 days before it is debated. It should not be necessary any more, because you can get the information electronically—so why do we need these time frames?

But what we are seeing as a result is that now there are repeated requests for the Government to take everything under suspension of the Standing Orders so that it just gets rammed through, and we are seeing that an awful lot. When you have got a clear majority in the Lower House, it just goes through the Upper House—they just stick a rubber stamp on it and let it go.

There has to be a balance somewhere between the use of technology—acknowledging that, yes, you can get the information you need, like second reading speeches, fact sheets, clause notes, and all that sort of stuff in a more timely manner—and the proper process that, I believe, should unfold in order to give adequate time for scrutiny. How do we deal with those sorts of challenges? We are facing that repeatedly at the moment, with people pushing back against that.

David Bagnall: I would say that if that is the case, then you really need to look at the procedures and whether they reflect practice. We have got provision for the suspension of the Standing Orders, as well. It is not very often used, and when it is used it is a debatable motion. It is something that the Government does not tend to do very often. I know that that does contrast. I remember being in Queensland a while ago and people kept talking about “law 6326”. I had no idea what they were talking about and eventually I asked what it was, and they said: “Government 63, Opposition 26”. They actually had a full-time staff member whose role was to basically write suspension orders. I am not sure whether that is still the case in Queensland.

But you should not have constant suspension of the Standing Orders, because it really does indicate that there is bit of a problem there with practice and the effective operating of the House. I think that is an opportunity to raise that and ask what the best balance is, what the best procedure is, and how we can actually make this effective so that we do not have to do that sort of stuff.

Adjunct Professor Colleen Lewis: I have been listening to fabulous debates for 2 days, and I have a few comments. One of the things that Martin Drum said today was about the assumptions about Parliament—that it is adversarial, that people are ashamed of the conduct there, etc., etc. Then I listened to what David said, when he said that the only people who can change Parliament are parliamentarians. I wonder whether a lot of the debate that we have had for 2 days could be distilled down to the public interest versus the party interest, which sometimes is melded in with self-interest. I guess that the central question for me about trying to modernise parliaments is: how can we actually get that shift where parliamentarians are really there to respond to, and act in, the public interest, rather than their parties’ interests or their self-interest? I guess that is a question for parliamentarians—anybody who is a parliamentarian.

Dr Kennedy Graham: Well, every one of the 121 New Zealand members of Parliament will say they are pursuing the public interest with every word they utter. You do encounter occasions—you maybe count one or two a week—where it is blatantly clear that the party interest in a tactical sense is trumping the broader underlying interest. That is because we choose to structure our political life according to Western-style political parties.

They are contained items and they therefore develop their own particular party interest. There is a tectonic tension there.

On the broader issue, I just think that, obviously, for the historical right to change the Government you need different political parties. That is the theory that has historically developed. I just think, as I was saying earlier, that the way we structure it is to an unnecessary degree inflaming the adversarial dimension of that competition and diminishing the scope and the invitation to find common ground. I say that as a member of the Green Party, which, in a sense, has a fundamentally different world view from that of the other parties. It is a new party with a new philosophy. Yet I recognise that for all practical purposes we have to find common ground.

Gabor Hellyer: Hi, I am Gabor Hellyer, from the Office of the Clerk, New Zealand. My question is directed primarily at Dr Graham, and it follows on quite closely from Colleen's question. You mentioned behaviour and then you mentioned the Standing Orders. I am just curious—given that we have already got some Standing Orders that are not really fully implemented in terms of that standard of behaviour in the Chamber, I would posit that it is a lot about institutional culture. I just wonder whether you could elaborate a little bit on what your thoughts are in terms of the role that the Standing Orders could play in addressing the behaviour.

Dr Kennedy Graham: I am not sure that the Standing Orders are strict enough. Obviously, the Speaker has to have a degree of individual discretion, and by and large I have come to respect the individual judgments of the Speakers I have served under. But for the life of me I cannot understand why we allow clapping in a debating chamber. I find it degrading. It plays to the belly of the beast. There is no need for that. It is a more marginal call in terms of the extent to which you allow interjections, because interjections are seen as part of parliamentary debate. This is a tough one, because there is a fine line between interjecting and bellowing from the back—and I have experienced the lot. If you are a backbencher you are closer to the stentorian—you can feel the wind. It inflames passions and it is unnecessary. That is an art form for a Speaker.

Chair: Thanks. I think we will just wind it up. Thank you very much to the presenters. We are going to break now for afternoon tea.

Ethics, Transparency and Professional Development—Keys to a Modern Parliament

Chair: Lyn Provost, Controller and Auditor-General, New Zealand

Presenters: Hon Dr Ken Coghill, Associate Professor and Dr Julia Thornton, both from Monash University, Victoria, Australia; Janine McGruddy, Director, Transparency International New Zealand, New Zealand; Adjunct Professor Colleen Lewis, National Centre for Australian Studies, Monash University, Victoria, Australia

Lyn Provost: Good afternoon everybody, and welcome back after the photography and afternoon tea. My name is Lyn Provost and I am the Controller and Auditor-General of New Zealand so, as you might expect, this is a topic that is dear to my heart. I am very interested in ethics, I am very interested in transparency, and I am very interested in accountability, and all of those require a development of capability. I have no doubt that the fact that you are all still here on a Friday afternoon means that it is also important to you.

When I was asked to chair this session I wondered whether anyone was going to be here, given the timing of it. So we have achieved goal one. We have got people here. Goal two is that we finish the conference on a high. Without further ado, we have three presentations this afternoon and we have four presenters. So I would like to introduce the presenters who are going to talk to us about making parliamentary ethics relevant for the next generation. They are the Hon Dr Ken Coghill of Monash University, Victoria, Australia, and Dr Julia Thornton from the RMIT. The floor is yours.

Hon Dr Ken Coghill: Thank you, and thank you all for staying for this last session. I hope that I do not cause any of you to leave before I have finished. What I would like to do this afternoon is particularly talk about some work that colleagues and I have been doing on benchmarks or guidelines for codes of conduct. As you will see from the presentation, we see that as an important part of the modernisation of parliaments, and we see that really as something that arises from an earlier set of benchmarks—the benchmarks for democratic legislatures. One of its recommendations was that parliaments should adopt codes of conduct; hence what we have been doing in our presentation today. It will be talking about the role that Parliament has in the overall integrity system, which I will explain in a few minutes.

But putting it in context, the codes of conduct are just one part of a larger parliamentary integrity system, which in turn is a key part of the overall integrity system. In doing so, we will also be thinking about how it is that members of Parliament acquire or enhance, or both, the skills that they need for Parliament as distinct from other functions they may have. I will then go on to describe the research that we have been doing on benchmarks for codes of conduct, and have a little to say about trustworthiness and parliamentary culture and the ways in which ethical competence might be enhanced, and finally just a few words on future directions for research.

This diagram here is the diagram developed by Transparency International to illustrate what it describes as the national integrity system, but obviously it can also be scaled back to sub-national level. You will notice that it has got a large number of pillars, not only within the public sector, all of which are important for the integrity of a political system, and you will see that the first pillar there relates to the legislature or, in our terms, the Parliament.

The way in which we have approached this, then, goes a bit beyond the normal sort of political science approach to the way in which Parliament is studied and dealt with and verges on public administration or public management, if you like. The integrity systems that we talk about enhance the ethical culture or enhance the culture of ethical conduct, and through doing so it is generally accepted that that also has a positive influence on the way in which the Parliament performs each of its several functions. As I have indicated, the Parliament has a key role in that.

One of the important considerations that does not get much mention is: just what is the constitutional status of a member of Parliament? There is learned opinion from learned judges and court decisions that recognise that members of Parliament are public officers, so they bear a particular responsibility as public officers. The underlying legal principle, then, has two main features of it. The first is that the member of Parliament, as a public officer, has a fiduciary duty towards the public, and at the national level that is for the nation as a whole rather than only that person's own constituents in a single-member or multi-member electorate. The second is that the member of Parliament, as a public officer, has imposed upon him or her a public duty and a public trust. When we are talking about public trust there, we are using trust in the sense of entrusted responsibilities.

So thinking, then, about the functions that the parliamentarian and the Parliament perform—in this case we are particularly thinking about the parliamentarian—we are not thinking about those important roles in campaigning and winning votes and winning elections, but rather we are thinking about the four functions that have been identified as the key parliamentary functions. They are, firstly, legislating; secondly, budget-making; then representation; and, of course, a scrutiny or oversight of the executive.

As I think everyone here would agree, parliamentarians do not require any formal knowledge or formal qualifications or training or particular educational level, at least in our systems, to be elected to the Parliament to fulfil their roles as parliamentarians. In most cases they do have some form of induction and certainly an orientation, but an orientation is simply referring to getting the keys to the office, how you get paid, and all those sorts of mechanical things, whereas induction is more to do with training and enhancing the skills required to perform a particular function. Our research has suggested that the standards of induction programmes vary enormously, and there are many Parliaments, unfortunately, where they are very perfunctory and really not very effective at all.

What is also important—and it is something that Julia will touch on more than I will—is the importance of incidental and informal learning, which does constitute a large part of the way in which members of Parliament learn and enhance their skills. Sometimes they learn bad habits from people around them. So it was in that context that the Commonwealth Parliamentary Association commissioned me and my colleagues to prepare some benchmarks or guidelines for codes of conduct for members of Parliament.

It is worth noting that the Commonwealth Parliamentary Association has about 200 Houses of Parliament, both national and sub-national, unicameral and bicameral, so it is quite a large sample that we were looking at when we were considering the implications of codes of conduct. The approach that we took was, firstly, to do a survey of all of the Houses and to ask them just what they had in place by way of either a formal code of conduct or some like instrument. Just in the last session we had some discussion, some mention, of New Zealand's incorporation of certain provisions in the Standing Orders. So we included that sort of thing in what we were looking at.

Having got that base information from the survey, we then conducted interviews with a significant number of members of Parliament and parliamentary officers who attended the last Commonwealth parliamentary conference in Cameroon in October last year. That then enabled us to develop a first draft of what could be the benchmarks or guidelines for codes of conduct. That was circulated, with a month for people to get back to us, and after that we prepared a revised draft, which was considered by a 3-day workshop that was run at the Victorian Parliament last April. That workshop included representatives from each of the CPA regions, except one where the person pulled out at the last minute, and a number of other officials who had experience in it and people who had experience with parliamentary strengthening programmes, for example. That led to the agreement on a text, which was then published and is available on the Commonwealth Parliamentary Association headquarters website, and you can download a document that looks like this.

The principles that we followed have been both aspirational and prescriptive. Sometimes there is an argument that things should be one or the other. We found that there really was a case for both. So it does specify particular values and principles—for example, endorsing the Nolan principles, which many people here will be familiar with, which in turn have a close

parallel to those adopted in Queensland after the Fitzgerald royal commission. It does go on to specify some particular areas of misconduct, which should be covered by a code of conduct, but I want to emphasise that because it is intended to be interpreted and applied by a very wide range of parliaments, we have tried not to be prescriptive in general as to exactly what offences should be identified in the code.

There are some other really important features of what we have proposed. The first of those is that members of Parliament should have available to them someone with whom they can discuss ethical concerns or possible conflicts that they might be faced with. We believe that that person should be someone who is very easily and readily accessible by the members of Parliament so that it is quite routine for a member of Parliament to talk to their ethics adviser, whether it is about the cricket or the rugby—whatever it might be—or about some particular issue that might be concerning them that is coming before them.

We believe that the ethics adviser should not be a person who investigates alleged breaches of codes of conduct. We think that it is really important that those two be separated for the obvious reason that the ethics commissioner does not want to be having to pass judgment on some matter on which he or she has previously provided advice. So our view is that there should be an independent person who establishes the facts of the matter of the allegation that has been made, dismisses it quickly if it is trivial or vexatious, and provides the facts surrounding a particular case to the Parliament, and the Parliament is then to ensure it takes effective action. Our expectation is that in that way it is more likely that the Parliament will take effective action and will not be subject to some sort of conspiracy between the major parties, for example, to bury something. But we think it is also really important that there is the capacity for members' ethical competence to be developed—in other words, for their capacity to identify that, yes, there is an ethical issue here and to think their way through how to actually deal with it.

Just before I hand over to Julia, this is a summary we prepared of just a small number of the parliaments that we have thought about, including the United States House of Representatives and Senate. I think I am right that New Zealand does not have a code of conduct at the moment? That is correct—I have got that right, thank you. So I will just leave you to look at that and hand over to Julia for the next important part of this presentation.

Dr Julia Thornton: My contribution is really to look at the broader context—the cultures that enhance codes of conduct and any other part of the ethical systems that might be in place in parliaments. My background is as a sociologist, not a political scientist, and the research I am referring to here is actually slightly wider than the research that Ken was referring to. That was a specialised code of conduct piece of research. We also co-interviewed in a number of parliaments around the world around the broader question of parliamentary training and ethical training in particular to see how the different parliaments carried it out.

There are several rationales for actually looking at ethical cultures, and these are to assess what the prevailing climate is like, what sorts of structures are in place that either cement things into position or allow you points of leverage, so it is looking at what the common practices are and where there are points of change. The second one is to look at the kinds of networks of relationships and points of intervention that are identifiable in those kinds of systems. Ken referred to informal and incidental learning. If you are going to undertake that kind of approach as opposed to formal training sessions, which, I guess, from our understanding, parliamentarians are reasonably resistant to, then you need to be able to identify leverage points. We were lucky enough to interview several education officers whom we thought did a spectacularly good job of it, and I will highly recommend both the National Assembly for Wales and the Senate education officer in Washington, whom we both thought did spectacularly good jobs at identifying those sorts of things. Thirdly, as I have already said, the time of parliamentarians, is extremely busy and so working out what fits into their day, what fits into their workflow, is incredibly important if you are going to produce points of influence on ethical behaviour.

These are conditions that are more or less likely to be found in parliaments generally. So the sorts of conditions where cultures are likely to be established include the reference

authorities like Lyn over here, who has quite a bearing on—or would at least quite like to have quite a bearing on—the ethical culture of New Zealand, parliamentary staff, experienced members, and people who are seen as kinds of elder statesmen; the kinds of people whom people turn to for ethical advice and to just feel their way through what they are doing.

In terms of role models, this is often a leadership issue. When Ken was a parliamentarian in Victoria his leader was John Cain, and John Cain, when he came to power, made a particular point of not only buying his own postage stamps but making sure it was known amongst his group of parliamentarians that he was doing so, with the objective of fostering an ethical culture within that group of parliamentarians. The advisory specialists are the sorts of people we were talking about before—people like Lyn and like the ethics advisers in both the Canadian Parliament and in Westminster. They have a big bearing. Then there is the presence or absence of a code of conduct, which Ken has already referred to. Political parties also can foster particular ethical climates, and that varies depending on the party and on the level of media scrutiny, I guess, which can be somewhat variable across different jurisdictions.

Perceptions might be different in terms of ethical climate—and this not an exhaustive list. It is a sort of a grab bag, I guess, of the sorts of things we picked up as highlights of the research. So there might be differences in broad norms of corrupt behaviour, for instance. So in terms of Westminster-type systems, again I will refer to Ken's practice when he was in Parliament, which was to solve problems of individual constituents in his constituency. I think people refer to it sometimes here as clinics. They are called surgeries in Britain. So it is the level of fixing problems for individual constituents, like, perhaps, finding housing, or solving legal problems, or telling people where to go.

We were interviewing in Argentina, I think it was, and we raised this particular case as an example. The person we were interviewing looked completely horrified. For that person this was a complete conflict of interest. For them the idea of representation was that you did it at the level of generality and that to intervene on specific matters with specific people was somehow or other to raise them, I guess, above the generality and to enhance their interest at the expense of other people's interest. So it was quite a different definition of conflict of interest from the one you would get in a Westminster system.

So, as I said, there are clearly also differences in the degree of press scrutiny in terms of the recency of political scandals. This was a comment Richard made over dinner the other night. In Australia a lot of our anti-corruption commissions have come about as a result of a scandal, but Richard was saying that every time they hear about this in Fiji they regard it as a justification for their current practice.

There are also institutional climate setters and a big one is the size of a House of Parliament. Westminster has, I think, 650 MPs. I do not know whether anyone is familiar with Dunbar numbers, but Dunbar suggested that the maximum number of associations you can have where you have a meaningful sense that the person out there is one you know is about 150. So 650 is clearly beyond anyone's ability to maintain personal links with.

So what happens in that Parliament, and in other Parliaments too, is that you get these sub-affiliate groups growing up. These are actually very interesting groups. They are trust groups. For one of them—again, referring to Westminster—there was an intake in 2010 where all of the parliamentarians felt completely at sea because there were so many newbies there. There was another one, a cross-party women's group, and another one, a prayer group, which I think is also cross-party. They are people who trust each other and talk to each other about matters to do with all sorts of things, including references to conflicts of interest and ethical behaviour in that particular setting, and the answers are from people they know and understand.

Size is one of the matters—I will let you read the paper, I think. The age of the institution makes a difference too in terms of the inherited practices that have really been imbedded into place and to what degree people are actually free to reinvent themselves somewhat. In terms of the induction and training systems it really does depend on how legislators understand their accountabilities, to what degree it is actually physically possible to run those

kinds of training sessions, and who is around as education officers and trainers. I will leave it at that because we are running out of time. I will leave it to Ken to sum up.

Hon Dr Ken Coghill: In the time available I will just put the last slide on and leave it at that. This slide is basically making the point that having developed the code or the benchmarks is not an end in itself but that there is a further step to go.

Lyn Provost: Thank you very much, Ken and Julia. Would you join me in thanking them. We will have time for questions at the end. So do record your questions, and we will make sure we have some time for questions and answers at the end. The next topic we are going to hear about is "Rethinking the future of Parliament – Openness and Transparency in Government", and I would like to welcome Janine McGruddy, who is the director of Transparency International New Zealand.

Janine McGruddy: Good afternoon, everyone. Thank you very much for giving me the opportunity to share my thoughts with you all today. I am here not just as a director of Transparency International but also as a passionate member of civil society and a believer in civics education. So I would like to apologise in advance to our Australian colleagues. This paper does focus on the New Zealand context, but I imagine that there are many of the same issues facing future Australian parliamentarians as well.

New Zealand has historically—and I say "historically" because we are not No. 1 anymore—been ranked as having one of the least corrupt public sectors in the world. This reputation for high standards of accountable and transparent government has relied on many factors. Leading factors include a merit-based Public Service, an independent Auditor-General, a strong judiciary, and a world-class Ombudsman. Our reputation has unrealised potential to draw global interest to New Zealand. Building strong integrity systems and creating a positive spiral that will strengthen all organisations, be they public, private, or voluntary, as well as financial markets, and, through this, building our economy.

So why do we need to rethink the future of Parliament in terms of openness and transparency? It is basically because, as James Madison said: "What is a government itself but the greatest of all reflections of human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary." I am sure that none of us here today are angels, so it is pretty hard to expect our parliamentarians to be.

Rethinking the future of Parliament in terms of openness and transparency can happen only by building a sense of expectation and commitment in favour of honesty, transparency, respect, and accountability in government. Our future parliamentarians can be catalysts for revitalising New Zealand's reputation. Sadly, currently a major outstanding issue vis-à-vis corruption in governance in New Zealand is our non-ratification of the United Nations Convention Against Corruption, or UNCAC. With almost every country in the world having ratified UNCAC, including Australia—congratulations, Australia—New Zealand stands out like a black eye, especially given the international perception that we address corruption better than other countries.

I had hoped that by the time I made my presentation it would be ratified, as the suggestion was out there that it would happen in September, but, sadly, it has not yet happened. An important role of future parliamentarians will be to ensure not only that UNCAC is fully implemented but that the proper gathering and analysis of data is prioritised and shared to guide capacity development efforts and inform policy decisions in Government departments.

Countries that ratify UNCAC have the value of basically being reviewed every 5 years, and by doing that they get to see what other countries are doing well. So it becomes a global learning experience. Sadly, very low public engagement with opportunities such as the Open Government Partnership, which is currently under independent review, coupled with declining voter turnouts, shows that something needs to be done to rouse citizens out of their apathy. If we do not do this we are not going to ensure the future of strong, democratically elected Governments in New Zealand.

In recent years the New Zealand public sector has faced significant domestic and international challenges to its public integrity and a direct threat to its ranking as the least

corrupt public sector in the world. This is illustrated, actually, by Transparency International's 2013 Global Corruption Barometer, which found that 3 percent of New Zealanders reported that they or someone in their household had paid a bribe to a public official within the previous year and that 65 percent felt that corruption had increased in New Zealand in the previous 2 years.

The word "perception" is important here. Our Australian friends will remember the quote from Dennis Denuto in the excellent film *The Castle*, which I think sums it up: "It's the vibe." It is how people feel and how safe they feel. By association, this decline in perceptions about the New Zealand public sector has an impact on its overall reputation, including that of the voluntary and private sectors. Also, these indices, by the time they were published, are clearly reporting on what was a point in time, so they are kind of historical already when they come out, and I am very much looking forward to the next perceptions index coming out to see where we sit.

I want to thank our friends from Monash for explaining what the national integrity system is from Transparency International. I do not actually have a slide of our pillars, so it is clear that they have shown that. We need to ensure New Zealand is, and stays, as good as it is perceived. Future parliamentarians can do this by building resilient integrity systems, calling for more transparency around political party financing, strengthening the Office of the Ombudsmen, supporting our public sector to be independent and to provide free and frank advice without fear or favour, and, finally, by joining the global organisation of politicians against corruption.

Serious problems exist at the interface between political party financing and the public purse. The combination of continuing concerns about the transparency of political party financing and of donations to individual politicians, a long-term decline in the number of New Zealanders belonging to political parties, thus reducing their legitimacy and increasing their reliance on private donations and public funding, and, finally, a lack of full transparency of public funding of the parliamentary wings of the parties. These all interact with the continued refusal to extend the coverage of the Official Information Act 1982 to include the administration of Parliament. There are also serious concerns about the interface between the political executive and public officials. There is increasing evidence of an erosion of the convention that public servants provide the Government of the day with free and frank advice. This contributes directly to an apparent weakening over the last decade or so of the quality of policy advice that public servants provide to Ministers and the public concern that perceived, non-merit public appointments are happening.

We spoke earlier about the national integrity systems. This shows a lot of work that was done in 2013 by civil society to look at all those pillars and work out where New Zealand sat in relation to them. New Zealand did really well because we are very strong in those areas. There are probably five recommendations that came out of that, and we have tried to deal with in the public sector, and there are definitely things that need to be addressed by politicians. So future parliamentarians need to look closely at the national integrity systems. The definition, for the purposes of Transparency International, is that a national integrity system is the institutions, laws, procedures, practices, and attitudes that encourage and support integrity in the exercise of power.

I will not read the five recommendations out to you—you can see them there, and they relate to the things I am talking about in this paper anyway—but I think the most important thing to remember is that national integrity systems go beyond restraining the abuse of power. Integrity systems should also be designed to ensure power is exercised in a manner that it true to the values, purposes, and duties for which that power is entrusted to office holders, whether in the public sector, the private sector, or civil society organisations. Future parliamentarians need to realise that in order to meet the needs of future citizens, integrity and good governance are essential, as they underpin government legitimacy and the desire of citizens to participate in the democratic State.

Political party financing is one of those areas that needs closer scrutiny. Concern over political party financing includes donations made by non-citizens from overseas, the lack of a cap on parallel campaigning—this type of activity is fundamentally corrosive to our

democratic system; future parliamentarians should not tolerate this lack of transparency around funding—and the possibility of undue influence from wealthy funders. It is important that there is transparency around who is involved in funding campaigns and how they are spending, as secret campaigners cannot be held accountable for their activities.

New Zealand simply cannot afford to take its status as one of the least corrupt countries for granted. Work is required to wake up to the fact that our reputation is slowly slipping away. We must ensure that in the rapidly changing New Zealand and global environment, we equip future parliamentarians to maintain and improve New Zealand's reputation, and open and corruption-free government is vital to build on our successes and to be responsive to the challenge to do even better.

There are weaknesses in parliamentary oversight of the executive. These include the use of urgency to pass controversial legislation and the lack of specialist expertise in committees to hold the executive to account. New Zealand's hard-won reputation as one of the least corrupt countries in the world is at risk. Other countries look to New Zealand for leadership in good business conduct, and transparency is one of the central pillars of that behaviour. In order to maintain this success, we have become established as a leader in the fight against corruption. Future parliamentarians must lead the strengthening of these pillars, even if at times it means agreeing to checks and balances they find uncomfortable. Shying away from openness and integrity will have no place for the future parliamentarian. Backroom deals just undermine democratic process, and demanding accountability for this kind of deal is exactly why civil society and academics need to come together to hold power to account.

So I hope this presentation has helped to clarify not only that there is much work for our future parliamentarians to do but that the tools to do this work have already been developed for them. If they choose to step up to these challenges, they do so with the support of every New Zealander who is proud of our history of leading on issues, from the signing of Te Tiriti o Waitangi to being the first country to give women the vote and the country that said no to nuclear-powered ships and—after quite a bit of robust public debate—refused to tolerate apartheid in South Africa. Should our future parliamentarians shy away from the challenge of increasing transparency, integrity, and good governance in New Zealand, or should they look back at New Zealand's proud history as a world leader on matters of integrity and be determined to make it part of our proud future in their role as parliamentarians? I, for one, know who I will be voting for in future elections.

Thank you very much for your time.

Lyn Provost: Thank you very much, Janine. The next session is on the professional development of members of Parliament, and our presenter is Adjunct Professor Colleen Lewis from the National Centre of Australian Studies, Monash University. Thank you, Colleen.

Adjunct Professor Colleen Lewis: Thank you. It is a real pleasure to be here at this wonderful conference, and thank you for accepting my paper. I think it is really important for me to make it very clear from the outset what I am not arguing, because I do not want people to go away with the wrong impression. I am not arguing that there should be an educational bar for anybody wishing to come into Parliament. So when I use the word "candidate", clearly it is for first-time people, and even for sitting members who are going for re-election. By that, I mean you do not have to have year 12, you do not have to have a BA; you can just be drawn from the community. So I really want to stress that because when I have raised this issue before, the first question is: why are you trying to stop democracy by putting an educational bar? So I really want to make sure.

But I will move on to tell you what I am arguing, and that is about a compulsory performance development programme for sitting members. So every single person once elected to parliament should have to go through a continuous performance development programme. I think that what I am about to talk about can, hopefully, convince you of the reasons as to why this is so important.

You probably all know this already, but the role of an MP is very, very complex. It is not like going to Cole's and checking out the groceries. The legislator role is complex because you deal with wicked problems, the ones that there does not seem to be a solution for, and also very complex issues like climate change.

There is also the scrutinising role of MPs. That includes Budgets, and I know from the research that I have done around the world with MPs that a lot of them do not even know how to read the Budget or understand it, and they are quite open about telling you that in private. They are not very keen on saying it much further than that.

They also do not have an understanding of accountability and transparency in issues about what it means to be an independent officer of the Parliament and the role of the Ombudsman or the chair of an anti-corruption committee. They do not quite always understand that they do not report to the Government; they are independent officers. So that is another issue that I think education and training would help.

The representative role of an MP is like running a small business, and a lot of them have never done that. It is a small customer-focused business and it is becoming more and more demanding. All the research shows that the demands made by constituents are increasing dramatically, and especially since the advent of social media. When MPs are first elected they cannot understand that they have just received 12,000 emails in the first month and they are still trying to work out how the photocopier works. When an MP is elected, it is immediate. Nobody says: "Oh, well, look, I'll give him 6 months to settle in and then I'll give him a call." It does not work like that, so it really is very, very demanding. And each one of those roles requires a different skill set, from an MP's point of view—and these quotes on the slide come from, I think, Wales, Canada, Australia, the UK, Ireland.

MPs are starting to feel a little bit overwhelmed. They are just busier than ever. Some are saying that they really cannot deliver all that is expected of them anymore. One even says: "Look, the role is just too much for any one person to perform. It's just so multifaceted." Some MPs felt absolutely and totally overwhelmed. They felt a sense of anxiety and nervousness, and that anxiety and nervousness was because they thought: "Am I doing my job correctly? I've been elected to represent these people but I don't really know whether I am doing that in the way that I should be." They were just taken back by those high demands of the job and unsure about what the job actually entailed.

Also, there were some MPs who went from the role of senator to go down to the Lower House. This, I think, if I remember rightly, comes from Australian research. They were just overwhelmed, oppressed by the constituency demand. It says there: "a mind-blowing experience" for them, even though they had the experience of legislation, even though they understood the culture of the Parliament and how the Parliament worked and all that—some of them stayed in the Upper House for a couple of terms. So it was not as if the institution was foreign to them. Then when they got to the House of Representatives they just thought: "Wow! What is going on here? I am totally unprepared for this." If they are saying that, what about those who have never worked in a parliament or who have only worked in a parliament for a short space of time? How are they feeling?

I will go on to "Would enhanced professional development help?". This presentation comes out of about an 8,500 word chapter for a book, so I am going to have to condense it right down. Within the book we actually do talk about the importance of human resource development in all other professions, in all other occupations. There is just such overwhelming evidence of the positive value of education and training that it really is not something that needs to be debated. The research is there. If we did not believe in the value of education and training, why would we bother to have a university? We could make them redundant. We could all go out and learn on the job. Why do we need schools if education and training is not going to enhance anything for us? Clearly, we know that that is not the case—that it lays the theoretical and quite often practical foundations or it links those two for us.

Within the professions and occupations there has been a shift in the last 20-odd years to continuous compulsory education and training or performance development. You cannot renew your licence to practise unless you actually do that X number of hours. So my physiotherapist has to do X number of hours. Doctors have to do X number of hours, and that is so their knowledge is kept up to date but they are still being involved in their profession.

Governments of all persuasions strongly support education and training. They have strongly supported the shift to compulsory professional development, but for everybody else but themselves—not for MPs.

You hear an array of reasons for that: "I'm too busy." Well, a lot of other occupations and professions are just as busy as MPs. I do not think MPs can say that they have the busiest job of anybody in the world. I do not think that we are going to accept "too busy" from doctors, from physiotherapists, from dentists, and from all these other professions. We do not accept that, so why should we accept that from a role that is as important to us all as member of Parliament?

There are a few who think that nobody should be able to tell an MP what to do. They think that once an MP is elected, they should be able to do what they think is appropriate and run everything the way they think that they should run it. There is also, in fairness, the nature and delivery of the current programmes that are offered to them. Sometimes important things have been left out of those programmes. They are far too condensed. The chapter in the book notes that information overload must be absolutely mind-blowing. You get everything you need to know about being an MP in all these booklets, and all in 3 days. It is really quite interesting.

The other thing is that you can only learn on the job. That is the only way you can do it, and I do not think that that argument applies to other professions. I am not going to let a plumber into my house who has not done any training apart from what his friend Joe taught him. When you think of it logically, you will not accept that kind of argument. No doctor is going to operate on me if the only training he has had is he has sat around and looked at what other doctors have done and asked them for advice. None of us would accept that.

There is a lot who say: "Oh, look, we prefer mentoring." Look, mentoring is wonderful. I am not taking it out of the equation at all. I think it is very important. But before I got interested in parliamentarians, I did a lot of research on police corruption. I have looked at many reports and done a lot of research. It showed that you could have a really nice young recruit, 6 months out of the academy and with all the ideals in place, and if you put him with the wrong mentor he would, in a short period of time, be standing in front of a royal commission explaining his behaviour. So mentors have a really profound effect on people who are not used to the particular role or profession.

I am not suggesting that there is an analogy there for parliamentarians in terms of corruption, but that mentoring role depends on the amount of time the mentor is prepared to spend with that person and the resources that are available and the mentor's approach to the job. So I am not discounting it, but it should not be the overarching one.

There is recognition of this as a problem by some MPs, and I just thought this quote was a really interesting one that wraps up how some feel, but also I think it wraps up the approach to the education and training of MPs. I will let you read the quote.

It is as if there is an idea that you walk through the doors, having been elected, and by osmosis all this wonderful knowledge comes into your being. We know it is not like that. I said earlier that it is a complex job and a great responsibility it is, and at times the public make unreasonable demands. So I just think we should be giving as much help as we can.

How are we going to deal with this problem? How are we going to deal with the fact that it is not compulsory even to go to an orientation programme. In a lot of places you do not actually have to go. It is not compulsory. May I add that everybody turns up to them because it is the basics and it includes things like where one's office is and how to fill out expenses forms. It is the basics that you need. But when it comes to host those, the attendance level is really bad—really bad.

In the UK the Hansard Society does wonderful research on this. At the 2010 election they put forward a well-researched, really thoughtful programme of orientation, followed by induction, and with the induction they took into account the time pressures on MPs. They tried to think of absolutely everything. They established a committee to do it. They brought in stellar experts, the names in the game that everybody knew, and the orientation was terrific. At one stage they had a drop-in session so that MPs could fit it in with their busy schedules and just pop in, and there would be parliamentary staff to help them. When the parliamentary staff had sat there for week after week, they thought: "Well, this is a waste of our time too.", because nobody came. So they stopped that. When they had absolutely

fabulous stellar stars, a portion came in the beginning but then that tapered off, so it got to the stage where we had eight stellar stars and six MPs.

It is not for want of trying, I would say, from parliamentary staff. I am not sort of discounting the busy life of an MP, either. But somehow, some way, there has to be a breakthrough here so that MPs get the skills and the education that they need to do their job better. I think if that is given to them we will not get some of the remarks I showed you earlier, about being totally overwhelmed, out of their depth. There was a very good survey done on former MPs by the Samara Institute in Canada. I recommend samaracanada.com to you. They have got fabulous exit interviews and fabulous interviews with former MPs. They are all complaining about the fact that they were not given the proper education and training that they needed. This is in hindsight for them, because they are former MPs, but they are being more honest because they are former MPs.

I thought and thought about how you could do this. I really think that the best starting point is a parliamentary standing committee that takes this into account and can actually talk to MPs to see what they think they need. Some of the problems with the existing training that there is for MPs is that there is not a training needs analysis done at the beginning. So the academic experts think "Oh yes, I can go in there and I can tell them this, this, and this.", and it is not what the MPs want. Even after the extensive research that was done by the Hansard Society on the programmes set up, with the special committee, and a couple of years in the planning for the UK MPs, they forgot to put in time management. What would be one of the most crucial things that MPs need to know about? It is time management. So the feedback came back and said: "Well, we didn't want to sit through all that. We want to know about how to manage our time with these competing demands." So we need the feedback from MPs, and MPs are the ones who have got to be talking here.

There was a lot of criticism from developing countries too about the fact that experts fly in and do not even understand necessarily how their parliamentary systems work. They are flown in from other countries. So there has been quite a lot written there, and some suggestions were made that in the developing countries it could be a matter of training parliamentary staff. Some of the research by a PhD student that Ken and I supervised was that we should not concentrate all the money. Donor agencies should not be spending all the money on parliamentarians. They should be spending a huge portion of that money on the parliamentary staff, because they are going to be there permanently and the MPs come and go.

My thought was that an all-party parliamentary standing committee would be a good place to start, because I think if we are going to modernise parliaments it would be a really good idea if we brought the education and training of parliamentarians to do their job, to carry out their profession—something that at the moment is pre-education, and we are just not seeing the value of that.

So that is an element, for me, that is fundamental to achieving all the rest if we want to modernise Parliament. You have to understand the institution that you are working in at a theoretical level as well as at a practical level. Communication is so important for MPs. But how do you use this technology? I think a wonderful place to start in the all-party parliamentary committee would be asking for those wonderful four young people who started off this conference to please put in submissions. Thank you very much for your attention.

Lyn Provost: Thank you very much, Colleen. We now have time for questions and answers, and I am pretty sure there will be some good questions given that there have been a number of good ideas put out and a number of challenging ideas. The floor is open to any questions you might have.

Clinton White: I am Clinton White, from Canberra. I have got two questions, actually, if I may. One is to Colleen. Colleen, at the very end of your talk you mentioned the staff of MPs. I want to give a bit of a shout out for the staff of MPs. They are not actually necessarily long in the job—they turn over quite quickly, generally—but none the less they are as busy and have to have as much knowledge as MPs, often across a range of different portfolios. They have got to write speeches, they have got to do research, they have got to develop

policy, they have got to deal with constituents, and they have got to deal with administrative matters—a whole range of different jobs all meld into one staff member.

If I can give you an example, my being here for this conference swallows up around about half of my boss's annual training allocation for her staff, and there are three other people on her staff. So I have probably denied somebody else the opportunity to get some training. I think that the staff of MPs are just as important to be trained and developed as the MPs themselves—probably more so, in some respects. Often people say that MPs are only as good as their staff or it is the staff who make the MPs look good. I think that is probably true, to some extent. So I would not mind a comment on that from you.

The other question I have, I think it was to—I am not sure. Somebody talked about the role of the public and the media in ethical behaviour or ethics generally. Often the perceptions of the public and the treatment of MPs by the media set a very high and indeed often unrealistic bar of ethics. When MPs do things within the rules, sometimes it is the case that the public or the media interpret that as being outside the rules. So how high is the ethical bar to be set if the public and the media are to be taken into account in setting ethical standards for MPs?

Adjunct Professor Colleen Lewis: You are not talking about parliamentary staff now: you are talking about the private staff of members of Parliament. OK. Usually, as I understand it, if I was an MP and I wanted somebody who is an expert in policy, that is who I would hire. I would make sure they had those qualifications, that they were very astute with policy analysis, the public policy process. If I wanted a media adviser I would probably go to a communications expert or to a former journalist who has come across.

Whilst I think that the MP may wish to let them go for some education and training, I do not know whether the public purse should have to pay for the education and training of the experts that the MPs hire, because those experts should have those skills. I can see some value in some courses being run, though, by the Parliament even, that explain perhaps the Westminster system and some basic political science themes and structures in which it all operates. I can see some logic in that. If I was an MP I would be hiring the experts I wanted.

Clinton White: Can I just respond to that?

Adjunct Professor Colleen Lewis: I do not know about the time.

Lyn Provost: If we have got time we will come back to you. I would like to comment on it. I think it is very important that people in the offices of members of Parliament actually have complementary skills to them and keep their particular member safe. Often in the inquiries that I do into an individual member, which are not that often, but I know they have an incredible impact on that member at that time, their office and their people have said: "Actually, there are some rules to keep you safe.", and that MP is well served. Often you need different skills to be a member of Parliament. So having complementary skills and thinking "Have I got all the right checks and balances?", is actually just a sensible thing to do. It keeps you from having to meet people like me. We will come to you once we have answered the second of your questions.

Hon Dr Ken Coghill: Thanks for your question on the media. I think we do have to accept that freedom of speech comes at a price, and part of that price is that some media will take the barest of grains of truth and turn it into a sensational headliner and sensational story. That was certainly a significant issue in the expenses scandal in Britain, at the House of Commons before the 2010 election.

Firstly, the information came to light because the FOI Act had been extended to members of Parliament and parliamentary staff. So that is how the information got out. There were examples where members of Parliament had simply made an inquiry to the parliamentary office as to whether they were entitled to make a certain claim. They never actually made that claim, but the press reported it as if they had. That was clearly an unfair and, I would say, improper thing to do, but it was the consequence of freedom of expression.

Hon Louise Upston: Prior to being a Minister I was a senior Government whip, and, clearly, in order to support MPs to not get into trouble you have got a high degree of interest in them knowing the rules and being well trained. So the first comment I would make to Colleen is that I think over the last two terms of Parliament, the New Zealand orientation and induction

from the Parliamentary Service has significantly improved. I guess my question really might be for other members here. I am wanting to know how many other whips have taken on the responsibility of training and development for their caucus, because that definitely was a big part of my role. I am interested to know whether that is something that is replicated in other parliaments.

Lyn Provost: Does anyone, either on the panel or in the audience, have any comments?

Adjunct Professor Colleen Lewis: I can answer in terms of the UK Parliament. One of the things was that they tried to engage the whips, and in the planning stage it was all: "Oh yes, yes. We'll do that." What it turned out to be, in the end, was the odd email saying "Don't forget ... " whatever, and it was not enough. The parliamentary officers, the people responsible for the education and training, were asking for more involvement by the whips. They said that if the whips said "You will go to ...", they went. But it fell away. So in the planning stage it was terrific; in the implementation stage it dissipated.

Hon Louise Upston: We did it throughout the term of Parliament. We had worked with our caucus and got them to identify what their training and development needs were and then we organised it. It was not just in the turnover.

Adjunct Professor Colleen Lewis: I will come and chat to you about your system, because I did not look at New Zealand.

Lyn Provost: While other people are thinking, I would just like to pick up on the induction. Certainly, over time the induction of new members of Parliament has improved. I have to put up my hand as a guilty party. When we had 15 minutes we thought we had to tell everybody everything we knew that they might need. I am sure everybody else came and did the same thing. So it was death by PowerPoint—you need to know this, this, and this. People would glaze over, and you could then ask for questions.

This time we asked for 5 minutes, and said we probably would not use it all. We said we were there to support them in their important job of scrutinising the estimates and the financial reviews of the Government. I said that in every way I could possibly think of, and we left.

We have then just kept following that up. People in those first few days just cannot take in all the information that is thrown at them. My learning from doing a number of these inductions is that there is a need for clear, important messages about the critical things they need to know and remember. I think that that was the difference between the last lot of induction and this lot. We all were more succinct and focused on the vital.

Dr Julia Thornton: Can I just come in behind that and endorse what you are saying in terms of the short, succinct introduction to where you find information. In some of the successful jurisdictions that we looked at, they had tried many, many ways of bringing people to the training table and been unsuccessful, and then they had come to that position where they just offered the bare bones of "this is where you find information."

But this is also why I am such a strong advocate for expanding the concept of training so that it is not training with a capital "T"; you know, on stage, as we are here, but also includes concepts of incidental and informal learning. We want trainers to seek out those opportunities, which will be different in every Parliament. Training will even differ according to the type of personality that any given parliamentarian has. Some people are autodidacts and they are really happy to be pointed at information, and they will go away and do it. Other people are networkers. They use the network. It is really a question of looking for opportunities that interrupt workflow, from the parliamentarians' perspective, in the least onerous way possible.

Hon Dr Ken Coghill: One thing that has emerged in Britain is that at the most recent election the parliamentary staff were concerned about the limited success, if I can put it that way, kindly, of the 2010 programme. So what they have done is they have assigned each member of Parliament to a parliamentary officer as a sort of buddy system, and for each parliamentary officer to have a number of MPs. They say their preliminary assessment is that that has worked much better than what they have done in the past.

Adjunct Professor Colleen Lewis: Can I just throw something that is a bit controversial out there for thought. We never test MPs' knowledge. You cannot become a plumber unless you pass the exam and you know that you have got the knowledge to be a plumber. So I am not suggesting pre-education or anything, but it would be really nice to know about the sessions that were sat through, and whether some of the material that was found in some MPs' offices in the UK had been read. Some of it had never come out of its cellophane when the offices were cleared after the person was not re-elected, and you wonder whether they had read it all.

We just assume that MPs have this knowledge, and yet we ask them to do probably the most important role. MPs can decide about our safety. They decide on life and death issues. It is just so complex, and yet we say "Oh, well, here's your 3-day induction. Get on with your job.", and it is a really difficult job.

Lyn Provost: Anyone who works in the parliamentary system or in public management and tells me that they have read every single thing they receive cannot be telling me the truth.

Adjunct Professor Colleen Lewis: I agree, but they can open the cellophane and read the introductory script.

Lyn Provost: Well, actually, one of the challenges of the whole system—and this is both at a political level and at an official's level—is just the sheer quantity of information that we all have. We did a piece of work and calculated, scientifically, that the amount of information a particular governance group got was physically impossible to read before the meeting. We said: "For goodness' sake! Give them what they need, not everything you want to tell them." So I think it is a two-way system here that all have to work together.

Peter Watson: I am Peter Watson from Albany, Western Australia. I have been a member of Parliament for 15 years. When I went to Parliament I did not know anything about Parliament, but I listened and I learnt and I used the common-sense rule. So that is what you do. You can train people as much as you like, but when people come into your electorate office it can be difficult. On my first day in my electorate office a gentleman came in—unfortunately, his name was Watson. His Western Power bill was 0.15c more than the month before and he wanted to know why. The second person I got in wanted to borrow \$15 million to put a railway from Albany to Perth. That is what you are dealing with. But you sit back and you listen.

When you get into Parliament you do the same. I was told by a politician from the other side of the House, Andy Cowan, to sit back and listen for the first 6 months. Take the good advice from the people who are good parliamentarians and disregard how the other ones do. So you can have training, but I have learnt more over my 15 years in Parliament by listening and by the common-sense rule, and it will get you there most of the time.

Adjunct Professor Colleen Lewis: I would buy that argument if we allowed the common-sense rule for a lot of other professions and a lot of other occupations, and we do not. But we allow the common-sense rule for parliamentarians, and that is my concern. I do not think that everybody has the same degree of common sense. Some people have it and other people simply do not have it.

Steve Cutting: I am Steve Cutting from the Office of the Clerk in the New Zealand Parliament. Colleen, thank you very much for your presentation. I really enjoyed that. I was particularly taken by your comment around parliamentary staff and the institution and the importance of investing in that. Our Speaker has spoken quite strongly about that.

I would like to put that together with another thing that he has said, so I would be quite interested in your comments on that. Along with the importance of investing in securing parliamentary staff education and professional development, we are in the Pacific and we have a huge number of parliaments in the Pacific that are very vulnerable. We have had situations whereby senior staff in those parliaments leave or they get offered a better job, and their democracies come to a halt, or they can come to a halt very, very quickly. Our Speaker has spoken very passionately about the fact that the stronger democracies—and I include in this the Australian states as well—actually have a huge responsibility to assist those

parliaments, not only the MPs in those parliaments but also the staff. I would just be interested in your thoughts on that.

Adjunct Professor Colleen Lewis: I think parliamentary staff assisting other parliamentary staff is an excellent idea, because, I think, to begin with you would think: "Oh, well, this person's been where I am. They've walked in my shoes although they might be in a different parliament." The research that Ken's and my PhD student did was on the resentment not of other parliamentary staff but of what they called the "fly-in, fly-out". One of them said "the fly-in, fly-out Aussies". So there was a resentment being built up about the amount of money that had been spent doing this, but I think that training up parliamentary staff, interacting with parliamentary staff, and helping the skills development is an excellent way to start.

Hon Dr Ken Coghill: Can I make a further comment in response to Peter's comment. I did much as was recommended to you when I was first elected in 1979, and I am sure it was valuable to me. But I am very much persuaded by the observations of Australian Senate officers who upgraded very significantly the way in which they conduct training. They noticed that the new senators who were part of the new induction programme got on their feet much more quickly. They developed the skill in the House much more quickly than those previous ones who had not had the same intensive training programme or induction programme.

Lyn Provost: Both are important, though. Training and experience always have to go together, and I do not know any profession that does not have a bit of both. I mean, Parliament still has some training and a lot of experience, but most professions have a bit of both.

Can I pick up on the Pacific. I am the secretary-general of PASAI, which is the Pacific Association of Supreme Audit Institutions. Just ignore the "supreme"; it is the only word that translates into our five official languages in the same way, which is why we are supreme. In terms of the comments about the Pacific, we have democracies that work with people who have a lot of skills in our parliaments. We as auditors-general are trying to help the Pacific nations, both in terms of auditing but also in their financial management, and one of our realisations is that we have to help the select committees and their scrutiny of the Budgets. Often it is not done, and often it is not done because it cannot be done. So there is a certain role for agencies and academics to actually help our very near neighbours. So it is a very good point. I see it on the ground all the time.

Delegate: My question, prefaced by a bit of a comment, is to Colleen. Thank you again for the training. In terms of the Parliament, we have heard this weekend that we want it to be more diverse and we want it to have more ethnic diversity. We want it to have all of those aspects. You then talked about needing to pass some sort of test in the Parliament—like the plumber you mentioned. We are representatives of a variety of different areas.

The person who has just come into our Parliament and been able to challenge our Parliament to introduce a recognition of Aboriginal people in our constitution probably does not have a university qualification like I do. I am pretty sure she does not, but she has challenged and performed and created something that was, you know, awesomely changing. That came through a parliamentary committee. I suppose what I am saying is that I do not disagree that we should have training, but given what we have heard over these 2 days, do we not think that a better way of doing that is through giving parliamentary committees the capacity to grow that understanding of members of Parliament? That gives them the skill and nature. It brings in the stakeholders. It brings in conversations. It brings in the civil society. Instead of just saying "We're going to send you off to a training course and you're going to become a lawyer.", and then you start getting caught up in the technical issues of Parliament. I know you are not saying that, Colleen. I am just saying that I think it is not just about training; I think it is about the structure.

Adjunct Professor Colleen Lewis: Look, I agree it is not just about training, but what we have at the moment is no compulsory training for parliamentarians in a lot of jurisdictions. One of the people whom I interviewed in South Africa was a parliamentarian who is illiterate but he still went to the training that was on offer there and was reading things—other MPs helped him with that. He was a fabulous person to discuss things with. I said in my opening

address I am not talking about a bar for anybody coming in. I really stress that, because I am a great believer that everybody should be able to, and I think our Parliament will be richer in a lot of jurisdictions if we had people who were not from the business community, lawyers and teachers—the usual. I am quite passionate about that so I made that point very strongly.

I just threw in the comment about whether you had thought about the fact that we do not even test parliamentarians yet we would not let any other profession or occupation do anything without at least knowing whether they have understood the knowledge that you have tried to give them. So we are making this total exception for MPs. We are actually saying that MPs, who have probably the most important job of any, are the ones who say “We can do our job without any of the requirements that we say other professions and occupations should have.” once they are elected to Parliament.

But there are a lot of MPs who do not think they need it. They think they can just get it—like in the quote from the other MP—by a certain amount of osmosis. Any job you learn on the job. You get the skills the more you do the job, but in a lot of those occupations and professions there is a requirement that you have some basic knowledge, some theoretical foundation that goes with the occupation or the profession. The only one where you do not have to, if you are going to classify anything as a profession, is MP—if you are going to classify an MP’s role as a profession. There is a debate about whether you can do that or not and the debate about whether an MP is a profession or an occupation revolves around the fact that they do not have the education and training and that is why a lot of people put them in the class as an occupation, not as a profession. That is my point. I have every sympathy for MPs. I think they do incredible jobs under very difficult circumstances. Even some of my best friends are former MPs.

Janine McGruddy: I just want to back it up by saying I would really like to think that the person I elected was a lifelong learner like I am. I never think I know it all. I am continuously seeking knowledge and I am curious and I want to learn. So I think it is good to think that politicians would be as well.

Adjunct Professor Colleen Lewis: Look, I threw that out as a comment to say “Look, think about that.” to see what reaction it would get—and that is the reaction it has got. So if we could train MPs but we will not test them, but we will train other people and we will test everybody else, that is fine.

Delegate: We are tested. We are tested every 4 years. Fully tested.

Adjunct Professor Colleen Lewis: No, we will have that debate off the programme!

Lyn Provost: I think I am going to let Ken have the last word before I wrap up the session.

Hon Dr Ken Coghill: Just in the particular area of ethics, ethical conduct, and ethical competence, in other professions there are self-administered assessments or tests, if you like. Part of my continuing research programme is to see whether we can develop something that is suitable for members of Parliament to use online to run through a series of questions or scenarios—whatever it may be—and assess their own performance in, firstly, identifying what the ethical dilemma was and then how it might be addressed.

Lyn Provost: I know there are more questions. I keep seeing people’s eyes and more hands going up, but we have come to the end of our time. I said I hoped we finished on a high. I think we have actually finished on a very challenging and thought-provoking high. There are different opinions around at this table; there are different opinions around the room. Different opinions are great because it means we get to debate ideas and set an equilibrium that is sensible as a way forward. It does not mean one lot is right or wrong. It just means there are different ways of thinking about things. So I would like to thank the panel for challenging us, for provoking us to debate and think about things. I hope you continue to think about things; I certainly will be. There are things where as chair I am thinking: “I do not agree with that, but I like that.” I am sure that will continue. So if you will all join me in thanking our four panellists.

Therese Arseneau: Thank you very much. This is almost the end of the conference. The panel can stay there if they like or they can move off; it is their choice. Colleen, I believe you are going to come up and say a few words as president to close off the conference.

Adjunct Professor Colleen Lewis: This will not be controversial, I promise. It is sad to be standing here and giving the closing address because it has been such a wonderful 2 days. I just wish I could say "I look forward to seeing you tomorrow." , but we cannot do that. Look, from the very, very beginning this has been such an engaging conference. At the opening session we had those four wonderful young people, and from that point on it has just got better and better—well, I should not say that, because they were pretty terrific, but I think you know what I mean. It has just been a really intellectually stimulating conference in so many ways. It has allowed us to debate and to discuss and to learn from each other about that crucial issue that is modernising parliaments.

I said that it is a really crucial issue because the old way, the traditional approach that we have had for so long to the role and functions of Parliament, is not working in the way that the community necessarily wants, and I think that is evidenced by some of the lack of trust and, unfortunately, except for some blips the trend is not good. So we have to find other ways to engage citizens and to respond to citizens' wants and needs. I think if we can do that in the shorter term rather than the longer term it is going to be easier to turn round that level of trust and to increase that level of engagement. The longer the reforms do not happen the harder it is going to be and the longer the road to get back.

I think people want to engage with their parliaments and their parliamentarians because as much as there is bad press sometimes about them, people are always rather chuffed when they have met their parliamentarian or they come to Parliament. So it is something that they want to trust and something that they want to respect, and I think we need some reforms and to make people understand the good work that goes on in parliaments and what the alternatives are in some other parts of the world.

I was teaching some recently arrived migrants English 1½ weeks to 2 weeks ago when Tony Abbott was deposed by Malcolm Turnbull, and this woman from Somalia could not get it. She said: "We have civil wars. People get shot, they die. The reason that I am here today is because two members of the same party could not agree on who was going to be the head, and I had to get out of my country because my family was attached to the other guy who didn't win." She just could not get over this wonderful democracy that we have and so I thought we have really got to do everything we can to protect it. It is just so important.

I think we have debated, we have agreed, we have disagreed, we have had great conversations at an intellectual and a practical level and, quite frankly, on an intellectual level I think it is one of the best conferences I have been to in terms of debating the issues of Parliament. Clearly, we have found out there is no one solution; it is a multi-faceted approach. But the experts to make these things happen sit in this room and sit in the rooms of other parliaments, and I am sure that it is going to be a different trend curve coming up.

The other things I want to talk about—the other aspect of this conference—are the things that have been built around our sessions here and have made them so very, very special. It started from the opening ceremony, and it was wonderful. You just felt so good after the opening ceremony, so welcome. It was done in such a gracious and warm way. And then we went to the cocktail party afterwards, and I thought: "This is fantastic."

Then I got to last night. I could think of more sophisticated words to say about last night, but the one word that comes to mind, sorry, is just "Wow!". It was a terrific night. It was fabulous, it was fun, and I now know how to do the dance, a little bit. It was great to see the guys doing it. It has just been such a lovely feeling in this conference. It is just really special, I think.

I think there are some people I want to just mention. Therese and Lesley in particular, and their team, have worked tirelessly for 12 months, and they have worked tirelessly in the last few days to make sure that every single thing we could possibly want we have had, at the highest level we could possibly want. So thank you. Thank you, Therese and thank you Lesley, who is hiding up the back.

We are holding it in South Australia, in Adelaide, next year and I know that people from South Australia, from Adelaide, have come here and everybody in New Zealand has been very generous in suggesting and helping and have said they will send all these things to them. New South Wales, which held it the year before, have said the same thing. So I just

know that in Adelaide it is going to be fantastic. We look forward to our Kiwi cousins coming across and seeing us in Adelaide. I will see you in a year's time. But in the meantime I will be working behind the scenes to implement all those wonderful things you agreed to from the review process. But, again, to New Zealand, thank you so much. It has been wonderful.

Therese Arsenau: My final task is just to add to Colleen's very kind words, and thank so many people who have really made this conference possible and, I think, really a success and really a pleasure for us to host.

I thank the Speaker of the House, the Rt Hon David Carter, who allowed us to have this conference in this room, which I think has been a very special location. I thank Epicure, the people who kept us fed and watered. I thank Pete and his sound tech team, who made sure we could hear each other and also recorded the proceedings. The conference will be transcribed and the transcript will be available, so if you have missed something, you can pick it up again afterwards. I also thank the staff generally around the parliamentary complex. We disrupt their routine and they handled it all with such grace, I feel. We really are very grateful.

I want to acknowledge Mike Fokker and the New Zealand Business and Parliament Trust, who kindly sponsored some of the young people so they could be registered for this conference. We all know in ASPG branches how much we depend on the Office of the Clerk in our various organisations. Here in New Zealand we could not do what we do if it were not for the support of the Clerk of the House, David Wilson. I also want to acknowledge his predecessor, Mary Harris, who also did a lot of the work that led to this conference.

Colleen already mentioned, I think, really what has made this conference pop. We have tried very hard for our visitors to really experience New Zealand and to experience our rich culture, and that could not have been possible without this man, Kura. Please stand up. I thank you.

I know I do not sound it, but I have been here for 20 years, and as I walked up the stairs last night, being led on to the marae, I had goose bumps all over me, and I was very proud to be a New Zealander. Thank you.

Lastly, I need to thank my organising committee, who have been phenomenal. We have worked on this virtually every week for about a year, and in the last few months we have worked on it daily. I want to acknowledge the programme committee. Together I worked with the Hon Louise Upston and Louisa Wall, who come from opposite sides of the House and really demonstrate how well parliamentarians can work together for Parliament. The logistics team from inside Parliament—Darryl, Carol, Charlotte, and Sammy, who has been ringing the bell all day, have been wonderful.

But there is somebody in particular whom we all owe a great deal to. At the meeting we had just before the conference started, we all acknowledged that the presidents get to stand up at the mike, but it is really the secretaries who do all the work. We really do owe a great deal to Lesley Ferguson. I know she likes to hide in the background, but I am not having a bar of it. Get up! Come up here! I think we all need to acknowledge the incredible work that Lesley Ferguson has done. I am delighted that Lesley has been elected as the vice-president for the ASPG organisation. You have got a real treasure there, and I am really pleased to see a New Zealander back on the executive.

So, looking forward, papers have been printed off. There are some outside, and you can pick them up and take them if you like. Others will be available online. But I know Colleen, wearing another hat, as editor of APR, is also very interested in people who might want to submit their papers for publication. You are invited to just kick your shoes off, cross the street—well, cross the street first, then kick your shoes off—to the Back Bencher pub, which is a treat in itself, and you will see what I mean once you go in and see the puppets up on the wall. It is a cash bar. Can we get a show of hands? Are many people likely to come? Does that give you an idea, Lesley?

My very last thanks are to all of you, and particularly to the people who have come from away. We really do appreciate it—from Aussie, from the Solomon Islands, from Canada. Safe travels. Thank you for embracing the theme of this conference, and thank you for embracing New Zealand. Thank you.

Kura Moeahu (Kaiwhakarite): Arā, tēna tātou katoa e huihui mai nei. Kua tae atu rā ki te toene o te rā, ā, kua mutu ō koutou mahi i nāianeī, tahuri te tauihu o ō koutou waka ki te kāinga.

[And so acknowledgments to us all assembled here. We have arrived at the point where the sun sets, your tasks are now completed, and the prows of your vessels turn towards home.]

As the setting of the sun, so is this meeting. Tuia te kawa tairanga, ko te kawē, ko te kawē ōi i te kawē o te haere.

[I perform and stitch together these comments of farewell.]

At the setting of the sun we now start to pack our bags and journey, ka huri atu rā ki ō koutou kāinga *[as you turn towards your homes]*—to head home towards our loved ones. Hoi anō, i mua i ō koutou we'enga, i ō koutou rironga, haere ora!

[But before your departure and leaving us, go well!]

But before you do go, we want to wish you good travels. I te mutunga o te rā o tēnei hui, e rua ngā koke kōrero i waihotia mā koutou—

[On the final day of this conference there are two snippets of sayings that I leave with you as a collective, and the first one is—]

I would just like to leave you with two whakataukis or proverbs. The first one is “Tō piki amokura noū. Tōku piki amokura nōku. Koinā te kaupapa i tō tātou rerekētanga.”

[Your sources of knowledge are yours to take. My sources of knowledge are for me to keep. That, indeed, is the basis of our differences.]

Your sources of knowledge and information are correct, in accordance to those who pass them on to you. My sources of knowledge and information are correct for those people who pass them on to me, which allows us to have differences, which allows us to debate. Hoi anō rā i te mutunga o te rā, ka tika atu rā ēnei kōrero, ka pai te whare kai muri, ka pai te whare kai mua!

[And so at the end of the day, how apt are these words: if everything is humming along at the back end of the house, all is good at the front end of it!]

And to enable an operation of a traditional meeting house, the house does not operate unless you have the workers in the back to enable the front of the house to operate.

Nō reira, ki a koutou e ngā ringaringa, ngā waewae, to you the organisers nei rā te mihi, nei rā te mihi ki ō koutou komiti, ā, e Te Minita, ko koe, ko Louisa Wall me ngā ringaringa i whakarite atu rā i tēnei hui kia tū.

[Therefore, to you the organisers, to you collectively who worked behind the scenes, to your committees, to you, especially, the Minister, to you, Louisa Wall, and to everyone who made it possible for this conference to be held, I thank and congratulate you all.]

To the coordinators, no doubt you have had an enjoyable time. Hoi anō, he mihi tēnei mai i ngā uri ō Tamarau e tū i ngā pō, kai te koa ana rātou ki te tū ki te waiata, ki te poi, ki te haka ki a koutou.

[And on behalf of Ngā Uri ō Tamarau, who were here each night, I want to say how much joy it was for them to stand before you to waiata and to perform the poi and haka.]

On behalf of Ngā Uri ō Tamarau I would like to thank you all for allowing us to share our songs, our poi, our haka, and also for your participation in both the poi and the haka. As I said this morning to my work colleagues, you would not believe I had 60 Australians on stage doing our haka.

But at the end of the day, i te mutunga o te rā, koinei te whanaungatanga i runga i te ara whanaunga ā koutou hara mai ki te akoako tō mātou tikanga pērā ki a tātou i haere ki waenga ki a koutou.

[At the end of the day, this indeed is the kinship founded on your coming here to learn about our way of doing things, as we would when we come in your midst to learn from you.]

At the end of the day we shared with you some of our culture as, no doubt, we will share and learn about your culture when we travel to Australia next year. Hoi anō, ka mutu! *[And there, it is done!]* Can I ask you to stand, and I would like you to turn to page 35 of your

booklets. There is a waiata there. I was going to do "Ehara i te mea" there but I think for the closure it is appropriate to do "Te Aroha", which talks about through love, faith, and peace together we will achieve and be successful. Following that I will do a karakia, and this karakia is about lifting the mauri from this hui, and for those who are going to carry this gathering to the next phase, to Australia, and wishing that those who carry the mauri, the life essence, the life force, of this conference take it to Australia with care, and we look forward to seeing you there. Kia ora tātou.

[A waiata was sung]

[A karakia was spoken]

Haere ora, hoki ora mai.

[Go well, come back well.]

Travel home safely but, most important, travel back here just as safely. Kia ora tātou.