



The Opportunities Party Democracy Reset

Description

It is our view that the strength of our democracy has been eroded over recent decades and the question now is how to restore full public participation.

Protecting full participation against the ongoing threats from sector interests and the unbridled power that Cabinet wields are the main challenges. This is going to take a number of reforms, but the dividend is priceless – a democracy where every citizen feels like they have a real say, where the government serves all citizens, and where intergenerational equity is respected.

A: OUR ALIENATING DEMOCRACY

A1 The numbers

Fewer and fewer people have confidence in our democracy. This is illustrated by the voter turnout.

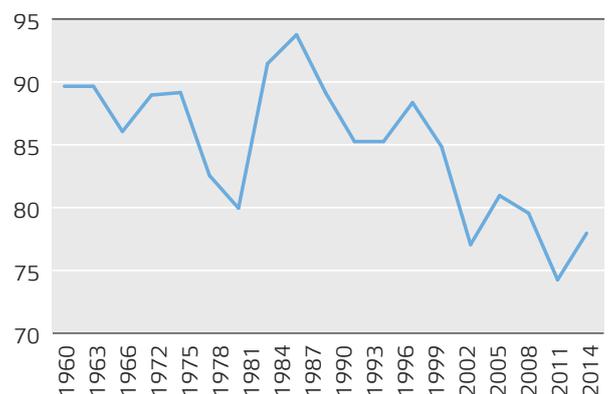
In addition there's a difference in the enthusiasm to vote between the age groups. The baby boomers, who are by far the biggest beneficiaries of the expansion of welfarism – whether from social policy (NZ Super), asset ownership (house prices), or corporate welfare (high levels of protection for senior management pay rates as opposed to average pay rates) – are the most enthusiastic voters. In the 2014 election, 85% of eligible Baby Boomers or older voted (81% of the total age group).

But for those under 50 only 70% of registered (51% of the total cohort) voted and it gets a lot lower for those under 30, who have lost the

benefit of free tertiary education, are saddled with student debt and are finding getting on the first rung of the property ladder incredibly hard compared to their parents. Only 62% of the Under-30's registered bothered to vote (45% of total cohort).

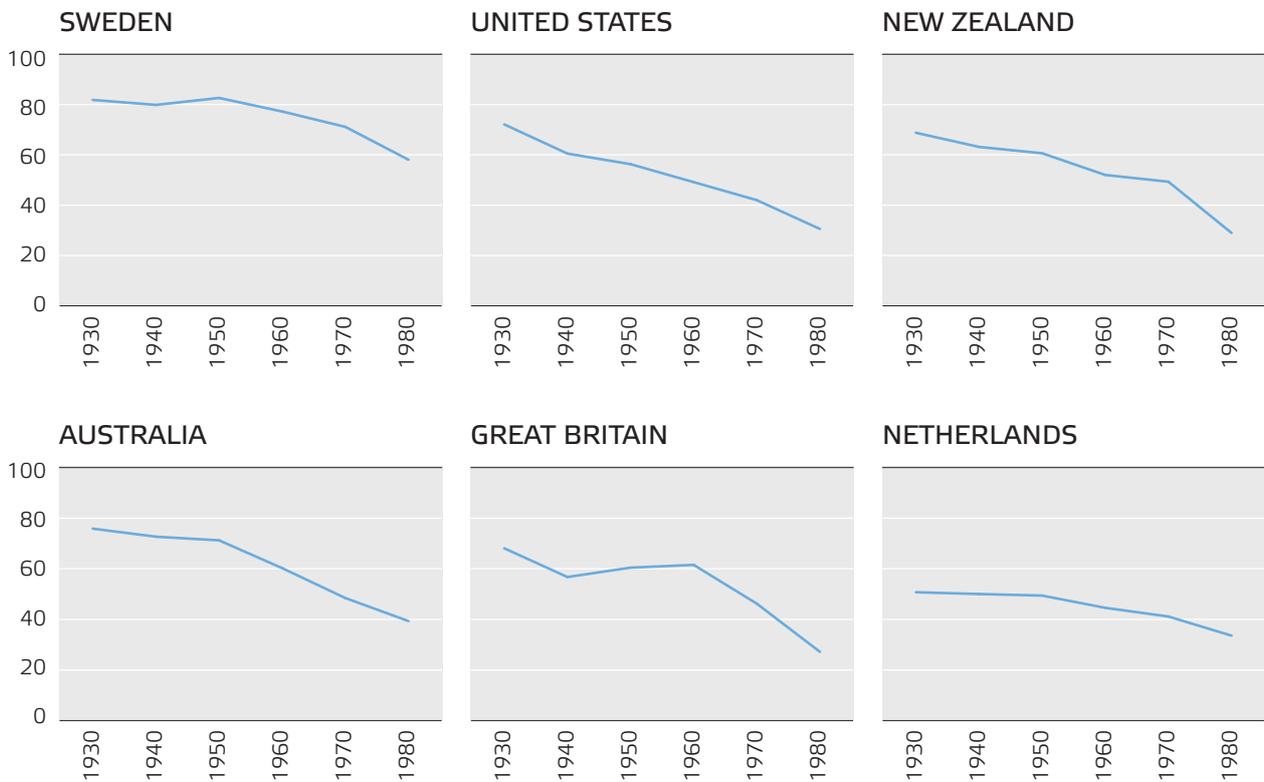
And this alienation from the democratic process is not just a New Zealand phenomenon – right across the Western World, people are increasingly frustrated that their democracies are not serving them. There is even a significant difference in opinion on the value of preserving democracy between young and old. In the US 43% of oldies see it as **illegitimate** for the military to take over if the government is incompetent, yet only 19% of millennials feel like that.

PERCENTAGE VOTER TURNOUT



Source: <http://www.elections.org.nz/events/past-events/2014-general-election>

PERCENTAGE OF PEOPLE (IDENTIFIED BY BIRTH YEAR) WHO BELIEVE IT IS "ESSENTIAL" TO LIVE IN A DEMOCRACY



Source: Mounk, Y and Foa, R (2016). The Signs of Democratic Deconsolidation: Journal of Democracy.

This couplet eloquently highlights the need to protect democracy, but also to work assiduously in helping people value it and lift their understanding of political issues. But as well we must remain vigilant about the limits of what it can achieve.

And in Europe the numbers were 53% and 36% respectively. The generation divide – wherein younger ones feel our so-called "democratic" government is not serving their interests – is stark.

Such a dichotomy between young and old can be seen again from the above graph.

We're all familiar with the post World War II, Winston Churchill quip of 1947. *"Democracy is the worst form of government, apart from all the others"*.

But he also went on to say: *"The best argument against democracy is a five-minute conversation with the average voter."*

A2 Some examples of Democracy Usurped

A couple of examples should serve to illustrate how politicians in New Zealand have been able to abuse the democratic process, serve directly the interests of a group, and in return get their political patronage. It matters not that the policy is not in the interests of the population as a whole.

Commonly known as the biggest election bribe ever, Sir Robert Muldoon in 1975 abolished contributory superannuation (very like today's KiwiSaver) and unilaterally decided that future generations could pay the bills for the State pension received by those who go before them.

He was well aware of the rising tide of Babyboomer taxpayers that would have no issue funding it from their taxes and as they matured would vote that their children do the same. The bribe was a winner of self-interest and subsequent governments have had no end of problems rolling it back.

Many now regard NZ Super as our 'birthright'. The point is – unlike the previous contributory scheme – it is an unearned privilege.

If a Second House and a Constitution had existed at the time we doubt that Muldoon could have got away with that outrageous bribe – the reason being, that inter-generationally it is so inequitable. Election bribes are common when there's not a check on the unbridled power of the government.

Populist politicians like Winston Peters still champion this technique of capitalising on extreme generational self-interest. In his own limited way he's tried his best to keep gifting to Babyboomers. His superannuitant "Gold Card" for instance, gives well-off people free public transport, when young families cannot afford it. That is just pork barrel politics playing to the greed of a section of the public – who again, will quite fatuously claim it's their due because they've "paid taxes all their lives".

Even the hugely popular John Key vowed never to adjust NZ Superannuation – despite acknowledging that funding it required cuts elsewhere in the budget. Apparently his resignation instantly puts the subject back on the table. What sort of total farce is that? It simply tells us that one section of the public – the retirees – can hold the government hostage.

Again an Upper House would long ago have turned over political pandering to such vested interest as Constitutionally unsound.

A3 Without democracy protected, concentrations of power arise

It has been a common trend in these Western-style democracies over the last 50 years for the disempowerment voters feel to coincide with the rise in political influence of business. The literature refers to the [rise of big business in the West](#) that has funded Establishment parties and actively and successfully extracted preferential treatment from governments in return.

The role of Goldman Sachs and Wall St generally in influencing the US government is the most high profile case but even in New Zealand corporate groups have been active protecting tax loopholes, lobbying for free trade arrangements that enhance their intellectual property rights, often to the detriment of the public interest.

The heightened power of corporations and their senior managers is also evident from the blow-out in the ratio of CEO pay to the average pay of employees in the same firm. While in the US – where many of the multinationals have originated, that has gone from 28 times out to 300 times, in New Zealand the ratio has still lifted – to around 40 times and interestingly the best performing companies have had the **lowest** rather than the highest CEO/worker pay ratios.¹ This suggests the trend in senior management pay does not reflect greater profitability but rather it is driven by the market power of senior executives in listed companies and SOEs – this group has, in effect grabbed a higher share of profits and national income.

How is it that managers have gained a greater share of the profits generated by large companies while their employees' wages have stagnated, even fallen in real terms?

COMPENSATION OF EMPLOYEES AS A PERCENTAGE OF GDP NEW ZEALAND

The popular explanation for the fall in the share of income going to wage earners is that the IT revolution and globalization have sent jobs to Asia. But there's another explanation: contrary to popular belief, our markets are far from "free and competitive" (meaning free entry and exit, with no market dominance by any player).² Rather, there has been a concentration of income that in turn has led to greater concentration of wealth, which spills over to greater political influence for a few, and then feeds back to even greater concentration of income, wealth and political power. It doesn't take much to understand why this has underpinned a surge of popular resentment, a deeper sense of disempowerment amongst averagely paid workers.

In other words, modern capitalism has turned increasingly into a world of big business – where markets typically are dominated by just a few sellers who are able to screw up the price to everyone who needs or wants their products; are able to keep wage costs down thanks to the disempowerment of Unions and by virtue of their ability to shift production abroad; and of course minimise their tax by transferring profits to tax havens. Further, these firms don't show any sign of decreasing profits as competitive conditions would predict. Their behaviour is more in keeping with firms that are protected from competition.

Is this the market working? We don't think so – we've witnessed a change in market power brought about by greater market concentration, a diminution in competition.

We are a long way from perfect competition – atomistic-sized firms which, by virtue of competition, maximize wealth as efficiently as possible. Policymakers shouldn't be "surprised" by the apparent paradox of lacklustre productivity since the neoliberal era kicked in.³

In summary, it's not accurate to conclude that it's globalization and technology that has led to low investment, little productivity growth, higher profits, and stagnant wages for the median and lower paid folk in developed countries over recent decades. Just as likely, it is the result of market concentration, business agglomeration, and disempowerment of individual investors and workers. There is a strong case to address the capture of market (and political) power by the few.

The imbalance of power makes addressing the social costs of business, such as environmental damage for example, even more difficult and certainly the possibility of industry "self-regulation" even more far-fetched. Greater transparency of the social costs of business is a prerequisite to the action needed to protect the public interest. But we would go further and say encoding issues like environmental rights into the Constitution has become essential, given the concentration of power amongst elites.

Obviously it's a matter of degree. In a world where fewer and fewer of the consequences of public damage are borne by the business, then the most commercially rewarding business is probably crime.

Even the most myopic capitalist probably accepts this is not desirable. So where do we draw the line, has the pendulum swung too far thanks to the polarisation of power (economic and political) that the neoliberal experiment has delivered?

The political reaction in the democratic capitalist societies discussed on page 2 suggests it has.⁴

Again it calls for democracy reset if our model of capitalism isn't going to disempower more and more citizens. This is not of course to deny that business is central to wealth creation, not at all. But concentration of market power can itself lead to unearned imbalances of income and wealth.

When that concentration spills over to political power the very fabric of democracy is at risk.

B: RESETTING DEMOCRACY

The pertinent issue is how do we reset democracy in New Zealand so those who are not babyboomers or older actually care, care enough to value their vote, and exercise it.

B1: Policies for All New Zealanders

On one level there just have to be political offerings that serve the interests of this group who after all, account for 54% of the New Zealand electorate. That, rather than having our democracy alienating them is a challenge TOP will meet by:

- a. integrating 'environmental protection and nurture' with economic policy – treating natural capital as one of our most valuable assets
- b. reforming education, particularly at pre-school but right through along Scandinavian lines where the 3 Rs (reading, writing and arithmetic) are replaced by the 4Cs (communication, collaboration, creativity, critical thinking).
- c. removing the bias in the taxation regime that makes housing unaffordable, suppresses household savings, limits the supply of investment capital to our businesses, and fosters low productivity
- d. getting on the front foot to stop the tax evasion by foreign entities operating in New Zealand. The lack of attention to this by governments of Establishment parties is not just harmful to local firms competing with the foreigners, but it is an affront to any concept of fairness that voters hold
- e. make sure New Zealanders save and those savings are deployed to expand New Zealand businesses. This, rather than continually relying on foreign debt is the only sustainable economic policy
- f. being less cynical about the intergenerational legacy we are leaving future generations to deal with on climate change. New Zealand has continued to expand its carbon emissions strongly since 1990, and used a raft of tricks, lies and deceptions to suggest otherwise. Younger people are disgusted – and so they should be given they will be left to deal with the consequences.

B2. Restoring the Sovereignty of Parliament

On another level, we need to reset democracy to ensure it continues to serve all New Zealanders and cannot be captured by one sector or the elites who are disproportionately benefitting from policy setting while still busy telling others what's good for them.

There are several strands to addressing this dislocation between policy-making and the interests of all New Zealanders. One is to increase the relevance of parliament and in doing so, curb the almost total sovereign power Cabinet now wields.

In our view this has come about from the confluence of two factors; the lack of a clearly articulated and widely valued Constitution which makes it clear what all New Zealanders' rights are; and secondly, the absence of a Constitutional body that holds the government of the day to account.

We'll deal with the Constitution below but correcting this concentration of power requires the return of an Upper House that can consider legislation that parliament has passed and can ask parliament to reconsider, especially if it feels that Constitutional rights are at risk. The Upper House is not sovereign, it can only recommend, but in so doing it highlights to the public the risks that proposed legislation poses.

New Zealand's second chamber was abolished relatively recently (in 1950) and our one House system has steadily seen the ability of the government of the day to move power further and further away from the parliamentary floor.

Bringing New Zealand back to a two House system – which is the most common model internationally – will discourage the government of the day from cutting off debate on its legislative programme through measures such as urgency, supplementary order papers and closure motions.

On any international comparison with other democracies, New Zealand's legislative approach is now very high risk. As JS Mill saw it, the one legislative chamber model delivers

"The evil effect produced upon the mind of any holder of power by the consciousness of having only himself to consult."⁵

"A majority in a single assembly, when it has assumed a permanent character – when composed of the same persons habitually acting together, and always assured of victory in their own House – easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority."

We would describe democracy in New Zealand as having become concentrated in the hands of a few. New Zealand has stripped layer after layer of safeguards away leaving us with virtually none of the checks and balances that prevent parliament legislating against the interests and possibly the Constitutional rights of some members of our society.⁶ Our government (or really its Cabinet) has virtually unbridled power by comparison with other democracies and that enables it to fast track policy through without check. Even the US President has nowhere near as much power as that – they need approval of both Houses to legislate.

It is no longer correct to say that in New Zealand parliament is sovereign. The reality is that it's the Cabinet that is sovereign nowadays; the other parliamentary members of the ruling party are simply voting fodder. The power of Cabinet to ramrod legislation through is without precedent in the Western world. There is no longer any sign of the "slow and steady forms that are necessary for good lawmaking".⁷

For example when New Zealand introduced and passed the Electoral Finance Bill (2007) it was at a speed designed to minimise objections. It didn't even have bipartisan support – which is the norm for such a fundamental law change in the US.⁸ In New Zealand no quorum is required in the House to pass legislation – we just require the Speaker, the Minister sponsoring the bill and the Party whips to count numbers. In the US 50% must be present, in the UK 100 of the 650 members must be there, Australia 30 of the 150.

While voters feel increasingly disenfranchised, so are ordinary MPs. Parliament has become little more than a place for ritualistic statements of position of Government and Opposition – nothing more. Then once that say is had, closure is called and the legislation is passed. There is no real debate any longer – no debate that actually amends the proposal.

A two House system – where the second House doesn't have the power to legislate, merely to scrutinise and suggest amendments – would stop such a fast track process and force debate by throwing dubious legislation back to the House for reconsideration. This serves the purpose of heightening public awareness on what the proposal's weaknesses are. A tandem of public discussion plus Parliament reconsidering clauses of a proposal will more likely ensure that the final form of legislation is both Constitutionally sound, and practically robust.

It would in effect, restore the sovereignty of Parliament. The question of membership of the Upper House is beyond this paper but suffice to say it would be a lot smaller than the Lower House, and must be constituted via a very different process. Perhaps a mix of appointed and elected members would work best with a term of office that is differentiated from the 3 year political cycle. The role of this body is to **independently** consider legislation.

Indeed with this additional check in place, New Zealanders may be willing to grant politicians a 4 year term and reduce the huge costs associated with constant electioneering. Encouraging longer-term thinking would be no bad thing for parliamentarians.

B3. Devolution

While at a national level power has become more and more concentrated in the Cabinet (to the extent that Parliament is pretty much neutered) – there's a strong case to suggest that the empowerment of citizens is required if we are to rediscover our belief in democracy. This requires even further devolution.

The idea of community-led initiatives, that central and local governments facilitate and support, is one that is not just central to the Māori concept of rangatiratanga, but also finds support in the non-Māori world. The idea is that communities sort out what's best for their interests and so long as their plans fit within an overall national framework then regional or community variation is fine. Electricity trusts, school and health services enable more participation by communities in self-determination. Such an approach would de-emphasise the influence of national politicians who often have no appreciation of community differences and certainly are not able to accommodate them in their decision-making.

However the risk with devolution is that higher costs come with replication of resourcing. What we have seen in New Zealand of late is an almost worst of all worlds – where responsibility is devolved but no resourcing is provided. This renders small communities ineffective at fulfilling their mandates. The RMA, the freshwater guidelines, requirements for local bodies to comply with Treaty of Waitangi principles – are all examples of initiatives that some communities really struggle to fulfil competently.

So devolution is fine in theory but it must be adequately resourced, otherwise it is little more than buck-passing by central government. And the result of that is that people are alienated from what nominally is a democratic, empowering process.

B4 – Deliberative Democracy

We also need to remodel the way we engage citizens in democracies. Modern technology means people are more suited to continuous interaction and less suited to queuing up at a polling booth once every 3 years. There is also (thankfully) a blurring of traditional, tribal approaches to party alignment. The old two-party left-right ways are outmoded and outdated. This is a challenge to the current model of representative democracy, but opens the way for more thoughtful deliberative democracy, if it is well designed.

If elected, TOP intends to make strong use of deliberative democracy such as collaborative software, participatory budgeting and citizen's juries/ assemblies. To walk the talk in the mean time, once our TOP 7 policies are released we will be trialling some of these deliberative democracy approaches amongst TOP members to determine our position in areas where we don't have a position. Our members have already given a strong signal that they would like the first cab off the ranks to be drug law reform.

Of course the problem with deliberative democracy, as we have seen with various referendums is that the public is capable of choosing contradictory positions. In California for example people have voted for more spending on education as well as for tax cuts. You can't run a country that way, so more sophisticated methods are needed, that ensure the public has a say but in a way that is informed. TOP is committed to learning from experiments overseas, such as in Taiwan, and developing models of deliberative democracy that work in the New Zealand context.

Finally with all the above in place we see no reason why compulsory voting is not introduced, albeit with an option "None of the Above".

C. THE IMPORTANCE OF A CONSTITUTION

Why Do We Need One?

- Because ordinary people want a central reference in plain English and te reo that summarises what the values of our community are. New Zealanders (migrants) in particular need to know the societal values they are signing up to when becoming New Zealand citizens.

What Should it Do?

- Be a reference for all New Zealanders to identify with, take pride in, defend the principles of, and live our lives by. Necessarily it must be dynamic.

Is it primarily for Constitutional Lawyers?

- You might think this given the recent debate initiated by Constitutional lawyers Sir Geoffrey Palmer and Andrew Butler. For sure law provides the skeleton and mechanics of how a Constitution is defined and implemented.

But the soul of a Constitution is the value set our citizenry holds dear. This comes first and has very little to do with the legal definitions of entities and due processes of government and the judiciary. India presents a plain English meaningful template – way more meaningful to citizens than the effort at a codified Constitution from Palmer and Butler.

The seven fundamental rights recognized by the Indian Constitution are:

1. **Right to equality:** Which includes equality before law, prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles.
2. **Right to freedom:** Which includes freedom of speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (some of these rights are subject to security of the State, friendly relations with foreign countries, public order, decency or morality), right to life and liberty, protection in respect to conviction in offences and protection against arrest and detention in certain cases.
3. **Right against exploitation:** Which prohibits all forms of forced labour, child labour and traffic of human beings
4. **Right to freedom of religion:** Which includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes.
5. **Cultural and Educational rights:** Preserve the right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.
6. **Right to Constitutional remedies:** Which is present for enforcement of Fundamental Rights.
7. **Right to education:** It is the latest addition to the fundamental rights.

In forming one for New Zealand there's an opportunity to include issues that are distinctly New Zealand – such as obligations under the Treaty of Waitangi, and the rights of Nature wherein ecosystems have the right to exist and flourish and government is required to remedy violations of this right. Given how important natural capital is to the New Zealand way of life, codifying the rights of Nature is well overdue.

How do we form one?

- There are plenty of precedents around the world. We can draw from them, add our own unique nuances, and then road test a final form from a succession of citizens assemblies.
- The second stage is for it to then be drafted, probably by, but not exclusively by, Constitutional lawyers. It's vital the document does not lose meaning for everyday people. We must be able to pick it up and understand quickly what New Zealanders hold dear.
- Then as a second order task define clearly for citizens what the procedures and avenues of redress are for breaches of the Constitution.

C1 What defines New Zealand's Constitution?

Central to this is our Bill of Rights, our Human Rights Act and the Treaty of Waitangi. Together they cover all the individual and group freedoms that are protected, protections of the cultural, language and language rights of all ethnic groups, and of course the undertakings of both Treaty signatories. Taken together this is a set of democratic rights that is unique to New Zealand.

That uniqueness is something New Zealanders generally are unaware of but should be something we are immensely proud of.

A Constitution would draw the elements of these three documents together so first and foremost, all New Zealanders are totally conscious of their rights and obligations. We need our Constitutional rights to be part of our DNA if we are to prevent them being run roughshod over by fast-tracking, political actors in future.

C2 What messages should our Constitution convey?

The provisions of our Constitution that expound the matters we all hold in common as citizens of our country should include;

Individual freedoms, rights – such as civil rights that include rights to – life and security, voting, freedom of expression, association, free speech, movement, peaceful assembly, freedom from discrimination, criminal justice and a fair trial, natural justice.

Religion – we are a secular society, religious freedom is fine but only up to a point. That point is where it clashes with our human rights and anti-discrimination legislation. At that point religious mores are subservient – they cannot abuse our Constitution and any religious leaders or followers that incite such behaviour are breaching the law. In particular the rights of religion are subservient to the rights of the child; that is an issue that needs to be watched closely.

The Treaty of Waitangi – this is a unique and essential element of our Constitution which holds that the Treaty must be honoured so both societies – tangatawhenua and the rest of us can live in harmony as New Zealanders, with a duty of care to each other, and doing all we can to ensure each society fulfils its aspirations as the Treaty and its principles outline.

Women's rights – New Zealand has a proud record of protecting women's rights and while we are by no means perfect in this regard, we seek to continually improve our record. Until equal rights for women are established and assured we will not rest.

Ethnic rights – New Zealand is a multicultural society and strongly defends the rights of its ethnicities to protect their cultural values and customs. This is subject only to the Constitution which outlaws discrimination, restricts the influence of religious mores, etc. New citizens need to understand that while New Zealand is multicultural, it has a bicultural founding document that binds all New Zealanders who are not tangatawhenua to defend the treaty and its principles.

Transparent government – New Zealand has a strong history of good governance, with low levels of public sector corruption. However, in recent years our status has slipped, and the public sector has increasingly become captured and corrupted by the governments of Establishment Parties. Public sector advice is no longer free and frank, and instead, Ministerial offices are having greater say over what advice they will receive and what the public will see. "De-corporatising" our public service, re-establishing its obligation to independence is a priority.

Equal opportunity – This includes equal effective access to publicly funded health and education services. Necessarily this requires an element of cultural and ethnic empathy with the recipients of those services – including language, customary and traditional practices. This is an aspirational objective; resource constraints necessarily limit the ability to perfectly replicate the practices of places of origin. But a reasonable effort must be made by the public sector. The exception is for Māori, who are guaranteed this under the Treaty.

Rights of the child – these are strongly protected in New Zealand as well, again something that not all societies do, so all permanent residents need to be aware of this. Having said that, child poverty here is unacceptably high and if we enforced our child rights more would have to be done simply not to be in breach of our Constitution. So there's plenty of room to walk the talk. Having this highlighted in a Constitution and subject to legal challenge would promote that cause. TOP wants to see equal opportunity for children enshrined in the Constitution, with that covering access to healthcare, housing and schooling. And we very much like the Brazilian Constitutional approach wherein any advertising to children is regarded as child abuse.

Rights of Nature – New Zealand has yet to recognise these but it is overdue. Bolivia and Ecuador provide precedents for how this right can be defined and protected.

C3 Role of the Treaty of Waitangi

The Treaty is our founding document. It defines the relationship between the two societies that signed it, how they coexist in occupation of these lands and work together to ensure the aspirations of their members are fulfilled. The signatories are Māoridom and all subsequent settlers in New Zealand, as represented nowadays by the Government.

Together the populations constitute the New Zealanders, one citizenry albeit comprised these days of a multitude of ethnic groupings.

The Treaty and its established principles is not that difficult to summarise – it establishes the Government as the ultimate authority (the Kawanatanga Principle), with the right to govern, although that right is subject to conditions outlined in the other two clauses. Clause 3 (the Principle of Equality) acknowledges that every individual New Zealander has equal rights under the law. Clause 2 establishes that Māori (meaning Māori society) has the right to rangatiratanga (self determination), and has autonomous authority over all unsold natural resources and taonga (intangible cultural assets).

The principle that binds the Crown to active protection of the signatories and a duty to consult is known as the Principle of Cooperation while The Principle of Redress confirms that the Crown has a responsibility to provide a process to resolve grievances that arise from the Treaty.

To date Government has almost completed negotiated settlements with Māori over all historical Treaty breaches. It remains uncertain as to how honouring the Treaty will be achieved going forward, but in essence there is a duty of care required of both signatories to ensure the above principles are honoured. In general, Māori understand these principles, but Establishment party governments have avoided the challenge of communicating the process to the public. Many Pakeha remain unaware of their Treaty obligations.

Consistent with the principle of rangatiratanga as well as the obligation under Article 3 to ensure Māori have equal effective delivery of public services (such as health, education and social welfare) is the goal of devolution of provision of such services. Their delivery must meet needs effectively – rather than nominally only. This, rather than a centralised, homogeneous, one-size-fits-all delivery structure recognises there are significant differences between what's appropriate delivery for Māori and the other Treaty signatory.

So the parameters that define New Zealand's democracy nowadays need to acknowledge both the unique rights that Māori has in terms of the right for its society to be protected, as well as its role in the determination of our country's future.

This is another reason why the establishment of an Upper House as a safeguard to ensure the House of Representatives executes its duties in a manner consistent with the defining principles of our democracy, is sensible. It also suggests that that Upper Chamber should unambiguously reflect the reality of the treaty, that it has two signatories who have a duty of care to one another, and each signatory must be represented in that Upper House so that in restoring the sovereignty of the Lower House, the Upper Chamber both protects the Constitution and has the ability to check the scope for the Cabinet to ramrod its legislative programme through. Due process that ensures democracy has been fully served is vital. Ensuring that the parliamentary representatives have fully considered legislation will be a "back to the future" experience for the Lower House.

C4 Equipping all citizens to participate

As well as getting a short, crisp Constitution in place, one that means something to everyone, introduction of civics education is a prerequisite for democracy reset. If New Zealanders aren't acutely aware of their rights and, equally important, their duties – then we are vulnerable to the influence of elites that reflect the preferences of just one sector of society, not the whole. That education needs to begin in school, so that by the time they are entitled to vote, New Zealanders are acutely aware of their rights and will staunchly defend them.

In order to assist non-Māori New Zealanders appreciate fully the obligation the treaty requires on both signatories, and what actually 'honouring the Treaty' means, it is vital that young New Zealanders continue to grow up with a far stronger appreciation of its importance. It is to the credit of our education system that major efforts are being made in this regard through the schools. However, the treaty is of such importance that it behoves us to ensure that all New Zealanders feel that importance in their hearts, respect it and nurture the principles of the treaty.

To quote Nelson Mandela, when explaining why he had learnt Afrikaans, the language of his prison guards

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart."

And then when talking of the need for peoples sharing a land to have a full understanding of each other's aspirations and perspective;

"Without language, one cannot talk to people and understand them; one cannot share their hopes and aspirations, grasp their history, appreciate their poetry, or savor their songs."

New Zealand's Constitution is unique; the presence of the Treaty of Waitangi ensures it always will be. But to ensure New Zealanders forever empathise with our bicultural foundations and our multicultural reality, it is critical that the understanding all New Zealanders have of the Treaty is clear and durable. To that end, *te reo Māori* the other official language of our country needs to be afforded the same rights as English. That includes the requirement that it be taught in all schools.

Unless this step is taken the language will continue to be under-resourced, the connection between non-Māori New Zealanders and our cultural heritage will remain weak, the underestimation of the importance of the treaty will remain common amongst non-Māori – and most importantly we will simply not respect the duty of care that is has been promised.

Media also plays a crucial role in an informed democracy. With the shift to online media from print and television, advertising revenues have shrunk and largely been snaffled by large overseas corporates (which is another good reason to make sure they are taxed). Combined with heightened competition for the public's attention, this has led to fewer resources being devoted to true public interest journalism. Corporate media is no substitute for independent, public interest journalism.

TOP will sell TVNZ (which is now a commercial operation) and use the proceeds to set up a Public Journalism Fund as part of NZ on Air. The existing Platinum Fund money will be folded into this. RNZ will be able to compete for this funding alongside other platforms.

Finally, the public sector itself plays an important role in an informed public. As mentioned above, New Zealand has a good record with transparency and low public sector corruption, but in recent years this has been slipping. There is an urgent need for more open and transparent government, starting with greater investment in open data, more independent evaluation of policies and a refreshed approach to official information.

D. CONCLUSION

While our policy suite seeks to rebalance the economic strength of firms, employees and consumers, doing the same with political power would see governments beholden to ensure the slide in voter participation is reversed, that voters have more reason to exercise their rights in our democratic system, and that our democracy makes parliament, not the Cabinet, sovereign. As well we would devolve decision-making to an extent that individuals and communities feel and are, sufficiently empowered to champion our democracy.

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- ¹ <http://www.otago.ac.nz/business/research/department/otago119826.html>
 - ² <http://www.nybooks.com/articles/2015/12/17/robert-reich-challenging-oligarchy/>
 - ³ [http://www.productivity.govt.nz/sites/default/files/Achieving NZ%27s productivity potential November 2016.pdf](http://www.productivity.govt.nz/sites/default/files/Achieving%20NZ%27s%20productivity%20potential%20November%202016.pdf)
 - ⁴ <http://www.journalofdemocracy.org/sites/default/files/Foa%26Mounk-27-3.pdf>
 - ⁵ John Stuart Mill, "Representative Government", (1861), https://ebooks.adelaide.edu.au/m/mill/john_stuart/m645r/index.html
 - ⁶ See speech by Professor Jeremy Waldron, "Parliamentary Recklessness", 2008, <https://vimeo.com/41447215>
 - ⁷ Walter Bagehot, "The English Constitution", 1873 <http://socserv2.socsci.mcmaster.ca/econ/ugcm/3ll3/bagehot/Constitution.pdf>
 - ⁸ For example John McCain(R) and Russ Feingold (D) sponsored the McCain-Feingold law(2002) to change electoral financing in the US,
 - ⁹ <http://www.stuff.co.nz/business/76317907/nzs-anticorruption-record-slipping-watchdog>