

Nau mai, haere mai! Welcome to Aotearoa, Land of the Long White Cloud or about Culture and Management in New Zealand

*Amedeo Istocescu*¹

ABSTRACT

The Pacific nation of New Zealand may be geographically isolated but it's easily accessible and very much in tune with international trends in technology and lifestyle. And once you're here, you'll discover a technologically and socially advanced nation. Also you're never far away from the water and boating is a way of life. As in most developed nations, the majority of people live in cities and towns, meaning that vast areas are sparsely populated and numerous national parks and mountainous areas are inhabited by nobody at all.

KEYWORDS: *New Zealand cultural story, Maori people, Westminster system of parliamentary*

JEL Classification: Z10, Z19

I. The New Zealand Cultural Story

History

New Zealand's human story began with the Maori, thought to have arrived over 1000 years ago on canoes from a South Pacific homeland known as Hawaiki. Maori named their new land Aotearoa, "Land of the Long White Cloud", and developed a thriving, successful society.

The first European to sight New Zealand (in 1642, but he never set foot on the soil) was Abel Tasman, a Dutch explorer. He annexed the country for Holland. In 1769, Briton Captain James Cook was searching for a southern continent when his cabin boy sighted land near Gisborne (North Island). Cook circumnavigated and mapped the country, landing at various places on both North Island and South Island. European migration began soon after and by 1839 there were an estimated 2000 Europeans in New Zealand. On 6 February 1840 the Treaty of Waitangi was signed. It was an agreement between the British Crown and some 500 signatory Maori Chiefs, establishing British law while guaranteeing Maori authority over their land and culture.

¹ *Amedeo ISTOCESCU*, The Bucharest Academy of Economic Studies,
e-mail: amedeoistocescu@yahoo.com

Society

The majority of New Zealand's 4,2 million people live in the North Island. The South Island is sparsely populated with only 1 million people, including the main cities (Christchurch, Dunedin, Queenstown, Nelson, Invercargill). Auckland City, in the north of the North Island, is the nation's largest settlement, with a population of more than one million people. The capital is Wellington, at the southern tip of the North Island.

New Zealand has a very diverse population. The majority are of British descent – often referred to as Pakeha – but other European cultures such as Dutch, French, Italian, Greek and Dalmatian are also well represented. Many New Zealanders originate from the Pacific Islands or Asia, but the largest non-European group is the Maori Population.

New Zealand is a sovereign state with a Westminster-style democratic parliamentary government.

Economy

New Zealand's mixed economy is dominated by an export-focused agricultural sector, manufacturing and service sector. The country has a reputation for top quality produce, from meat and dairy, to seafood, fruit, vegetables and wines. Service industries, such as tourism, are also significant to the economy.

Environment

New Zealand is located in the South Pacific Ocean, 2000 kilometres east of Australia. With a land area of 268,000 square kilometers, there are two main islands – North and South – a third, smaller one – Stewart Island – and a number of small satellite islands. More than half of New Zealand is farmland, and than a quarter is forested. Thirteen percent is alpine terrain, with many peaks rising over 3000 metres.

New Zealand separated from the prehistoric continents at an early stage, resulting in an extraordinary blend of native species. With virtually no land mammals, and birds as the main predators, the safest place was often close to the ground – hence the flightless kiwi.

Culture

New Zealand's unique blend of Maori, Pakeha (New Zealand European), Pacific and Asian cultures results in a vibrant cultural identity. It's been said that a Kiwi (a New Zealander person) could fix anything with a piece of standard gauge fencing wire. When New Zealand's geographical isolation meant a spare part could be weeks away, this was an essential skill. Nowadays that creativity is still an essential part of the Kiwi identity. Since early colonial days, when New Zealand looked to Britain for cultural leadership, the country has matured into a self-confident place where local idiosyncrasies and diversity are celebrated.

Maori culture

The Maori are descended from an ancient line of Polynesian people who made epic journeys in waka hourua (voyaging canoes) from an ancestral homeland known as Hawaiki to reach these shores over 1000 years ago. Gradually settling throughout the country, Maori established deep relationships with the land, personifying its natural features to create a history in which the people and the land are interwoven.

From the earliest years of European settlement, trading relationships were established between Maori and the new arrivals. In 1840, at the Northland settlement of Waitangi, the relationship was formalized in an historic treaty between Maori people and the British Crown, signed by chiefs from many Maori tribal groups. Today the Treaty of Waitangi remains a cornerstone of New Zealand's law and is fundamental to contemporary settlements negotiated between Maori and the Crown in compensation for losses of land and rights during the colonial era. The Maori rich cultural heritage makes a unique and important contribution to the character of the country.

Before European colonisation, tradition and history played an important role in a unique and complex social structure. As the Maori people had no written language, they preserved their past through spoken stories. This spellbinding art is preserved and performed at various places all around the country, but first of all, in the North Island in the area of Rotorua.



Maori dance

II. Historical Background of Westminster System of Parliamentary

The Westminster system of Parliamentary representation can be traced back to 13th century. In 1295, in England, King Edward I summoned the Model Parliament, generally regarded as the first representative assembly, to Westminster.

The Bill of Rights (1688) established Parliament's role in law-making, taxation, supply. It confirmed absolute freedom of speech in Parliament, and provided for free elections and for Parliaments to be held frequently.

The first legal step towards representative government in New Zealand requires a British Act of Parliament, the Constitution Act (1852). New Zealand's first House of Representatives met in 1854. However, it was not wholly representative because not everyone could vote. Nor was there responsible government, as the Government then did not need to have the confidence of the House. Executive government stayed with appointed officials at first but the first responsible government was established soon afterwards in 1856.

Until 1950 the New Zealand Parliament consisted of the Sovereign, the Legislative Council (upper house), and the House of Representatives (lower house). Membership of the Legislative Council was by appointment rather than election, and it was not a popular component of the Parliament. Eventually appointees were chosen to ensure there were sufficient of them to support legislation abolishing the Council. This took effect at the end of 1950.

Throughout most of the latter half of the 20th century the House of Representatives was dominated by two parties, either of which could expect to obtain a majority of seats at every election. Without even the constraints of an upper house, this provided a form of government that was easily able to dominate Parliament. It eventually led to pressure to change the electoral system from the “winner takes all” first past the post electoral system to a proportional system. Since 1996 the House of Representatives has been elected on a mixed member proportional basis. This has placed increased emphasis on parliamentary processes through which the Government needs to work to implement its policies. This is because no single party can expect to have sufficient members to control the House of Representatives without seeking agreements and co-operation from members of other parties.

Constitutional Monarchy

New Zealand’s system of government is a constitutional monarchy. It means that, while the Head of State is a hereditary monarch (the Sovereign), then the powers and functions of the Sovereign are exercised within constitutional constraints.

While New Zealand has no single document that is a constitution, the elements of the constitutional arrangements are contained in several Acts of Parliament, such as the Legislature Act (1986), the New Zealand Bill of Rights Act (1990), and the Electoral Act (1993). These laws include provisions on how the people vote, the term of Parliament, the formation of the Government, and individual rights.

The function of these Acts is to constrain the actions of the Sovereign and place political power in the hands of representatives elected by the people and accountable to the people. They are based on centuries of hard-won struggles that have gradually transferred power to the people. The New Zealand’s parliamentary system is known as the Westminster model (after the British system based at Westminster in London).

The Parliament is the supreme legislative power, and it has two constituent parts, the Sovereign (represented in New Zealand by the Governor-General), and the House of Representatives.

The Sovereign’s functions in relation to Parliament are to give the Royal assent to bills, call Parliament to meet, dissolve Parliament, call an election. These functions are carried out on the advice of Ministers of the Crown (the Government). The Sovereign plays no other active role in parliamentary work.

In fact, the Sovereign is traditionally barred from entering the House of Representatives. The supremacy of Parliament over the Sovereign was established in England by the Bill of Rights (1688), and this remains part of New Zealand’s law today.

Now, the New Zealand's Parliament is unicameral. It has only one chamber, the House. The four main functions of New Zealand's Parliament are:

- to provide representation for the people;
- to pass the legislation by which the country is governed;
- to scrutinize the activities of the Government;
- to approve the supply of public funds to the Government.



Parliament buildings, Wellington

House of Representatives

Every time there is a general election or a by-election, voters elect members to the House of Representatives, that realize many functions. Those functions are set out below.

a. Provides a Government from among its members

The Government is made up of members of the House of Representatives appointed by the Governor-General as Ministers of the Crown. The House of Representatives must have "confidence" in the Government for it to continue in office. This is known as "responsible government". The Government (Executive) is responsible for day-to-day administration of the country.

Since the introduction of the mixed member proportional voting system, it is unlikely that any one party will have a majority of seats in the House of Representatives. In these circumstances, different parties are likely to negotiate with each other to obtain the support necessary to form a Government.

The Government's composition can take any of the following forms:

- single party majority – one party has more than 50 percent of the seats in the House of Representatives;
- majority coalition – two or more parties with a combined total of more than 50 percent of the seats join together to form a Government;
- single party minority – one party with 50 percent or fewer of the seats forms a Government, with an agreement with another party/parties on confidence votes;
- minority coalition – two or more parties with a combined total of 50 percent or fewer of the seats join together to form a Government, with an agreement

with another party/parties on confidence votes. (For example, the National New Zealand's Government formed in 2008 is a minority Government. It has agreements on confidence and supply with the Maori Party, United Future and ACT. It also has a memorandum of understanding with the Green Party to establish a good faith working relationship.)

A defeat for the Government on a vote in the House of Representatives is rare. But in itself a defeat does not mean that the House of Representatives has lost confidence in the Government. It simply means there is insufficient support in the House of Representatives for that proposal. If, however, a particular vote is identified as a confidence issue, a lost vote could lead to another party forming a Government or the need for an election.

Matters relating to "supply" of public funds would generally be regarded as matters of confidence because without funds for public expenditure the Government cannot function.

b. Acts as a legislature

One of the most important and visible functions of the House of Representatives is to pass the legislation by which the country is governed. It does this by examining and amending bills (proposed laws) introduced by its members. In recognition of the Government having the confidence of the House of Representatives, and therefore the right to govern, House of Representatives procedures provide more time for processing Government bills than for non-Government bills. However, procedures are in place to ensure individual members other than Ministers can introduce bills. Such bills occasionally pass into law.

c. Provides representation

New Zealand's parliamentary system is representative. It provides for the people to be represented in Parliament's decision-making processes because it is quite impractical for everyone to participate in person. Parliamentary debate is one means by which members of Parliament formally carry out this representative function. Another is to present petitions to the House of Representatives from members of the public asking the House of Representatives to act on a matter of public policy or law, or to put right a local or private concern.

Each member has the dual role of representing the people's views to the House of Representatives and the Government and of representing the actions of the House of Representatives and the Government to the people. This is the connection between each individual voter and the actions that affect the way the country is governed. If individual voters do not like what they hear they can exercise their voters at the next election to change their representation to better reflect their interests and expectations.

d. Consents to taxation and public expenditure

There is a well-established democratic principle that there should be no taxation without representation. It is therefore illegal for the Government to impose a tax without parliamentary authority given in the form of legislation agreed by Parliament. This is affirmed in the Bill of Rights (1688).

The Government regularly requires the House's approval for supply of public funds to run the country. Its annual Budget is subject to House approval and the government obtains interim finance by occasional passage of an Imprest Supply Bill. These must be debated in the House of Representatives and each debate represents an opportunity for the House of Representatives to renew its confidence (or otherwise) in the Government.

Failure to obtain supply would almost certainly lead to either a change of Government or a general election because this would be an indication that the House of Representatives had lost confidence in the Government. Without supply the Government would be unable to pay its creditors, including its employees. Denial of supply is an ever-present danger for any Government, especially one that depends on other parties to obtain it. If the power to approve supply were eroded, the House of Representatives could be rendered ineffective as a control on the Government.

e. Scrutinises the Government's activities

The House of Representatives has several processes by which it holds the Government to account. Perhaps the most visible of these is question time. Members question Ministers on their management of the country's affairs. This can be a very powerful means of extracting information that might bring into question the performance of individual Ministers or the Government as a whole.

Another significant means of scrutinizing the Government is the ability of select committees to initiate their own inquiries. If necessary, witnesses can be compelled to attend and the production of documents can be required. There are several other mechanisms built into House of Representatives procedures. In fact, anything the House of Representatives does lends itself to scrutiny of the Government.

Distribution of functions

To maintain a democracy, power cannot be concentrated entirely in one place. Before the development of parliamentary democracy, such concentrations of power existed. They still exist today in some parts of the world. The "separations of powers" ensures that no single arm of government can exercise undue power in relation to the others. Here are some examples of why separation needs to be maintained:

- Without a judiciary independent of executive government, citizens could not have confidence in obtaining justice in the face of an overzealous bureaucracy;
- If the courts could intervene in the legislative process, action could be taken to prevent elected representatives passing laws;
- If the House of Representatives debated a particular court case, it could undermine a fair trial by unreasonably influencing a judge or jury;
- If the Government could change statute law by executive decree, that law would neither receive public scrutiny nor benefit from the rigours of parliamentary debate and detailed examination.

New Zealand's Westminster model fuses the executive and the legislature to some extent in that Ministers (Government) must first be elected members of the House of Representatives. This has the benefit of ensuring they are routinely held directly accountable to the House of Representatives. When they are acting in their executive roles they are quite separate from Parliament. So, functions in relation to the law are distributed as follows to ensure no single arm is able to abuse its power.

Parliament is recognized as sovereign (the highest authority) in the law-making process because it is accountable to the people. However, it is not the sole lawmaker. The courts need to establish what is known as the "common law" or "judge-made law" to fill gaps where existing law is not clear. The courts are responsible for interpreting the laws made by Parliament.

When passing laws Parliament also delegates some secondary law-making powers to the Government. This is known as delegated legislation. Parliament's law-making role therefore involves a need for careful scrutiny of the Government's legislative proposals. Parliament is unlikely to agree to sweeping provisions that empower the Government to make law that is so significant in its application that it ought to be made in Parliament itself. To do so would place disproportionate power in the hands of executive government.

References

- New Zealand Travel Guide*. (2010) , 8th edition, TML Publishing Limited, Christchurch, New Zealand
- National Geographic Traveler Noua Zeelandă*. (2010). Editura Adevărul Holding, Bucharest, Romania
- The Rough Guide to New Zealand*. (2008), 6th edition, New York, United States of America
- Mc.Gee, D. (2005). *Parliamentary Practice in New Zealand*, 3rd edition, Dunmore Publishing, Wellington, New Zealand
- Martin, J. E. (2004). *The House: New Zealand's House of Representatives 1854-2004*, Dunmore Press, Palmerston North, New Zealand
- Joseph, P. A. (2007). 3rd edition, *Constitutional and Administrative Law in New Zealand*, Brookers, Wellington, New Zealand
- Palmer, G. and Palmer, M.. (2004). *Bridled Power: New Zealand's Constitution and Government*, 4th edition, Oxford University Press, South Melbourne, Australia
- Constitution Act 1986
- Parliamentary Service Act 2000
- Public Finance Act 1989