



16 April 2025

Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill

Submission from the Northern Action Group Inc (NAG).

Introduction

New Zealand is (and has been since the early 20th century) a “social service state”¹ “The primary purpose of the State is to promote the welfare of the common people”. Foundational principles and functional necessities of a popular democracy are **Transparency** and **Accountability**.

The main difference between a democratic State and an autocratic State is the procedure available for removing the Government. The only way to remove an autocratic government is by revolution. But a democratic government can be removed peacefully at a general election. Government derives its legitimacy from the will of the people.

The second difference is in the extent to which the public is aware of the process of Government and its decision making and has ready access to information about the actions of the Government (excluding that which is reasonably withheld for reasons of State Security).

In this respect the role of the Opposition in Parliament is fundamental in providing opportunities for public debate on matters of public interest. Parliament is the forum for talking about the way the country is being governed, and its Select Committees are the way opposition representatives can hear public submissions and question in detail the legislation the Government (or opposition or a private member) is proposing to enact.

A democracy without transparency and accountability stops being democratic in practice, even if it retains formal structures like elections or parliaments. These two principles bridge the gap between the ideals of popular government and the realities of governing.

¹ “How New Zealand is Governed”; K.J. Scott; Essay in “Local Government in New Zealand”; DIA; 1949



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Term of Parliament

So when the issue of the length of term of members of parliament has been considered, there has always been an appreciated trade-off between the desire to keep a good Government in longer so it can carry out its policies and promises, and the worry that a bad Government should not stay in any longer than necessary – so as to minimise the damage being done to the welfare of the people, or to put a stop to any wilfulness to implement policies or take actions that the public generally oppose or have not in any way been asked to approve.

Harold Laski² pointed out the impracticality of governing by frequent referenda, and that still remains valid, but the arguments against are much less so now that technology allows more frequent consideration of the “public” view. Polling has become common place as a guide to political opinion and political messaging and a more accurate assessment of the public view on matters of national policy would improve both the transparency and accountability of Government (even if governments remain traditionally reluctant to fetter their own extensive powers by making such referenda binding).

It is this very reluctance that should make all citizens pause before thinking to extend the term of any politician in Parliament or Government. If they are not prepared to increase transparency and accountability in return for a longer term, why should we be inclined to assume that their motivation is genuine, and that such a change will increase the welfare of the common people?

We see the benefits of keeping good governments in for longer terms, but only if there is protection against abuse of the privilege. We have frequently supported Recall elections, as an obvious way to allow people to express their views about the performance of current representatives, but the MMP system of representation makes it more difficult to design a fair Recall system (since party list members are selected by parties, not voted for by members of the wider public).

On what is currently offered we strongly oppose any extension of the Parliamentary term.

Select Committee representation

We agree that Select committees play a useful role in reviewing proposed legislation, but one which currently serves the interests of the Government rather than the function of the Opposition.

The proposal in the Bill seeks to moderate that by requiring a proportion of Opposition members to be greater than Government members cross Select Committees.

² “Theory of Popular Sovereignty”: H Laski, 1921



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That proposal is a “wheeze”³ as it is clear that it allows the Government to stack the numbers in its favour on important Committees or those where it wants a favourable report on the hearings, and consign an extra number of opposition members to select committees considering pedestrian or uncontroversial Bills.

Worse still, this attempt at compensation is not entrenched, as the terms of parliament is intended to be. So future Governments can return to stacking the Select Committees with their own members.

If this is to be a serious attempt to improve the opposition’s function in holding the Government to account, membership of ALL Select Committees should be required to have a majority of opposition members, and if the term is entrenched, so must this attempt to strengthen the role of the Opposition in holding Government to account. Failing that we see NO benefit in the proposal for a term extension.

Yours sincerely

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Chairman
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³ A “wheeze” is a clever, often unusual, and potentially unethical idea or plan designed to deceive or gain an advantage, often involving a degree of sleight of hand or deception