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Justice Committee
Parliament Buildings
Wellington

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17 April 2025

Tēnā koutou

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

1. I am writing on behalf of the Trust Democracy (TD), which was established as a non-profit incorporated society in 2019. Our purpose is to foster democratic innovation for a fair, just and inclusive society.
2. We would like to speak to the Committee about this submission.
3. This submission builds on our 2022 submission to the Standing Orders Committee and we urge Committee members to read that too, for measures that should be taken before asking the public for the privilege of an additional year in power.¹
4. In principle, TD is not opposed to longer parliamentary terms. However, we believe that the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill (the Bill) should be withdrawn for reasons detailed below.

Do longer terms improve law making?

5. The stated purpose of the Bill is to help improve law making. We would like to see the evidence that lengthening the parliamentary term and changing the overall membership of subject select committees to give opposition party members a majority would have this effect.
6. We have members who have lived in countries with similar political systems but longer parliamentary terms (e.g. the UK), and it is not clear to them that the quality of law making is substantially better in such countries.
7. Rather than improving law making, it is easy to imagine, based on past behaviours of politicians, their parties and policy making practice, that:
 - a. governments use an extra year in office to push through more law rather than better law;
 - b. scrutiny by subject select committees could be avoided by governing parties using their parliamentary majority to invoke urgency, establishing special committees, or by changing a committee's membership to favour the government after the parliamentary term is extended;

¹ TD submission to the Standing Orders Review 2023, 16 September 2022. <https://trustdemocracy.nz/wp-content/uploads/2022/09/TD-Submission-Standing-Orders.pdf>

- c. governing parties use their parliamentary majorities to ignore/reject recommendations from subject select committees;
 - d. current policy making practice is not reformed. For example, TD is concerned about the increasing use of truncated policy development processes that may or may not consult selected stakeholder groups and often exclude wider publics. Such practices are unlikely to result in better legislation.²
8. Protections against such behaviours and practices, probably through packages of complementary measures, would be needed for the Bill's proposals to have a hope of achieving the stated purpose.

Do citizens trust politicians enough to support extending the parliamentary term?

9. Given that New Zealand has few powerful institutional checks and balances on its executive/government – we do not, for example, have an upper house or effective constitutional safeguards enforceable through the courts – New Zealanders would likely need high levels of trust in our political system to willingly give more power to the executive and limit their own power to vote politicians/parties out of office.
10. Almost 70% of voters in the 1967 and 1990 referenda on extending the parliamentary term to 4 years were in favour of retaining 3 years as the maximum parliamentary term. Judging by recent opinion research, it is hard to believe that levels of trust have improved sufficiently since then for New Zealanders to support a longer term.
11. For example, a February 2024 IPSOS poll found that two thirds of New Zealanders believe the economy is rigged in favour of the rich and powerful.³ The 2025 Edelman Trust Barometer reported that levels of trust in government, business and the media have fallen since 2024, and that trust in New Zealand is lower than the global average. Edelman also found that 58% of New Zealanders believe that government leaders are purposefully misleading the public.⁴
12. Such findings should be very concerning to all those in leadership positions across New Zealand. They indicate problems not only with our current institutional arrangements but also with the practice of politics.
13. TD notes that it is natural for people to be mistrustful of distant decision makers. We therefore recommend that improved or new participatory processes be introduced to improve trust and improve policy making. Reducing the literal as well as the metaphorical distance between the public and decision-makers is crucial to rebuilding trust in government at central and local government level. Reducing the literal distance requires central government to share some of its power to local authorities.
14. While there is a place for high-quality consultation processes, these do not work for the vast majority of 'ordinary' people. This theme has emerged consistently when developing National

² TD submission to Ministry of Justice consultation on clauses exempting information from the Official Information Act, March 2024. <https://trustdemocracy.nz/wp-content/uploads/2024/03/TD-OGP-commitment-7-response-to-Moj.pdf>

³ New Zealand broken and in decline - new survey, Newsroom, 18 April 2024. <https://newsroom.co.nz/2024/04/18/new-zealand-broken-and-in-decline-kiwis-say/>

⁴ Integrity Briefing: NZ's trust crisis – A Revolt against oligarchy, Integrity Institute, 30 March 2025. <https://democracyproject.substack.com/p/integrity-briefing-nzs-trust-crisis>

Action Plans over the course of New Zealand's membership of the Open Government Partnership (OGP).⁵

15. By contrast, involving the public through processes or institutions based on deliberative democratic theory (e.g. citizens assemblies and the Irish Citizens Assembly) has been successful in a wide variety of contexts in New Zealand and internationally. With over 30 years of empirical research and evaluation of such processes, we know that citizens tend to value such processes highly as awareness of them grow (e.g. as in Ireland⁶), and that they can be adapted for use and piloted in government policy and parliamentary processes with confidence. A recent assembly process trialled in Porirua has shown how the deliberative model can be adapted to honour Te Tiriti o Waitangi and to include rangatahi.⁷ We also know that many participants in such processes go on to become community leaders as a result of their participation, many even running for elected office.^{8,9,10}

Would changing the membership of subject select committees sufficiently improve accountability, and how would we know?

16. As detailed in paragraph 7 above, it is easy to imagine ways in which the ability of subject select committees to hold the government to account and to contribute to improved law making could be subverted.
17. Changing the membership proportionality of subject select committees is an interesting idea but questions need to be asked about how such a change would play out in practice. TD is not aware of anything similar being used by comparable parliaments, so we cannot draw on international experience to address these questions.
18. Given the uncertainties, it seems imprudent and hubristic to attempt to entrench this proposal without trial and consideration.
19. TD strongly opposes the entrenchment but recommends instead that, in the spirit of experimentation and democratic innovation, Parliament collaborates with independent university-based researchers to pilot the use of subject select committees with opposition members making up a majority of the membership over the course of the next 12 months. Such an approach may provide the evidence needed for such a mechanism to be properly considered.

How can issues with the Bill's legitimating referenda be addressed?

20. The use of referenda, a process from the direct democracy toolbox, has not played a major role in the history of New Zealand's representative democracy. However, referenda seem to be proposed more often than in the past as a way of legitimating new laws (e.g. End of Life Choice Act) or the development of new laws (e.g. legalising cannabis).

⁵ Open Government Partnership New Zealand, <https://ogp.org.nz>

⁶ *A hunger for democratic innovation: the Irish Citizens' Assembly and Polis in the words of their 'creators'*, Trust Democracy, 14 July 2023. <https://trustdemocracy.nz/2023/07/democratic-innovation-hunger/>

⁷ *Porirua Assembly*, Te Rūnanga o Toa Rangatira, April 2025. <https://www.ngatitoa.iwi.nz/poriruaassembly>

⁸ *Catching the Deliberative Wave*, OECD, 10 June 2020. https://www.oecd.org/en/publications/innovative-citizen-participation-and-new-democratic-institutions_339306da-en.html

⁹ *The Citizens' Assembly*. <https://citizensassembly.ie>

¹⁰ *The Rise, Fall and Re-Rise Of Deliberative Democracy In New Zealand*, Simon Wright, Tatjana Buklijas, Max Rashbrooke, *Policy Quarterly*, Vol 20 No (2), 2024. <https://ojs.victoria.ac.nz/pq/article/view/9478>

21. The Bill proposes to extend the parliamentary term from 3 to 4 years but only if the public vote to support the idea in a referendum.
22. As pointed out in our submission on the Referendums Framework Bill,¹¹ referenda are not unproblematic. While supporters may see them as the best way for the public to unambiguously express its will and for politicians to obtain a political mandate (or not), critics note that referenda are ill-suited to deciding complex issues and are associated with majoritarian oppression, vested interests, manipulative information campaigns and polarisation.^{12, 13} So referenda can adversely affect trust in politicians and the political system.
23. TD notes many of these problems can be mitigated effectively by democratic innovations such as the Citizens Initiative Review (CIR). A CIR is a panel made up of a random sample of 18-24 citizens who are demographically representative of the population that meets for four-to-five days to learn and deliberate about an initiative's (in this case, that would be the Bill's) proposals in order to draft a one-page set of recommendations for their fellow citizens. The recommendations do not advise voters on whether to support the initiative or not, but recommend key points that voters should bear in mind when they are deciding how to vote. The one-pager would be provided to voters at the same time (or before) that they receive their ballot papers. Recent research in Oregon shows that the CIR process significantly improves voter knowledge about initiatives. On average, the knowledge of voters who read the one-pager improves from the equivalent of a C grade to a B- grade. The CIR is used in a number of US states including Oregon, Colorado, Arizona and Massachusetts, as well as in Switzerland and Finland.¹⁴
24. TD therefore recommends that democratic innovations such as the CIR be adapted for the New Zealand context and adopted to improve the outcomes of referenda generally. This may require amendments to all legislation with referendum provisions.

How might trust and confidence, and law making, be improved?

25. To keep up with social change, including an increasingly assertive political culture in which political actors expect to have their say, the increasing importance of digital forms of political communication (e.g. via social media), and increasing global interdependencies, TD believes firmly that New Zealand's democratic system needs to become more robust. This means continuously adapting and innovating when it comes to empowering and including affected members of the public in what should, in a well-functioning democracy, be collective processes of agenda setting, will formation, and decision making.¹⁵
26. TD recommends that relevant Ministers, and Parliament through mechanisms such as select committee inquiries, put 'robustness' on the political agenda and systematically start engaging with Māori and the public to achieve this - including by experimenting with deliberative

¹¹ *Submission on Referendums Framework Bill*, Trust Democracy, 16 April 2025.

<https://trustdemocracy.nz/wp-content/uploads/2025/04/Referendum-Framework-Bill-submission.pdf>

¹² *Can we fix democracy?*, Matheson Russell, 9 June 2022.

<https://www.auckland.ac.nz/en/news/2022/06/09/can-we-fix-democracy.html>

¹³ *More Referenda, Better Democracy?*, Trust Democracy, 24 March 2025.

<https://trustdemocracy.nz/2025/03/notice-of-2025-agm-featuring-matheson-russell/>

¹⁴ *Deliberative panels as a source of public knowledge: A large-sample test of the Citizens' Initiative Review*, Gastil, J., Ársællsson, K. M., Knobloch, K. R., Brinker, D. L., Richards Jr, R. C., Reedy, J., & Burkhalter, S. (2023). *PLoS one*, 18(7), e0288188.

¹⁵ *Developing a theory of robust democracy*, *Policy & Politics*, 53(1), 2-21. Sørensen, E., & Warren, M. E. (2025). Retrieved Apr 16, 2025, from <https://doi.org/10.1332/03055736Y2024D000000050>

democracy (e.g. citizens assemblies) and online platforms designed for large-scale public deliberation (e.g Pol.is).¹⁶

27. There are many possible measures that should be considered as part of this process, including accountability measures such as those suggested by Professor Jonathan Boston,¹⁷ which TD broadly supports, that is:
- a. Increase the total number of MPs and limit how many can join the Executive.
 - b. Give voters a stronger role in shaping policy through deliberative democracy tools like citizens' assemblies, as seen in Ireland.
 - c. Strengthen democracy by limiting the use of urgency and fully following legislative procedures.
 - d. Restrict urgency and bypassing select committees; reform select committee processes to be more thorough and better resourced.
 - e. Improve transparency by reforming the Official Information Act and appointing an independent Information Commissioner.
 - f. Combat disinformation through proactive policies and fact-checking.
28. We believe that additional measures should be considered to further enable Māori iwi and hapū,¹⁸ rangatahi,¹⁹ and civil society organisations, including charities,²⁰ to participate in public agenda setting, will formation, and decision making.
29. Beyond the ballot box, TD would like to suggest that additional 'Houses' be considered to institutionalise the empowerment and inclusion of all citizens in agenda setting, will formation and decision making. We note that multi-house models have been proposed in He Whakaaro Here Whakaumu Mō Aotearoa, the report of Matike Mai Aotearoa.²¹
30. TD believes that a 'House model' could be designed using the Deutschsprachige Gemeinschaft Belgien Parliament in East Belgium as a source of inspiration,²² along with an idea articulated by the former UK Conservative Party cabinet minister Rory Stewart.²³ For example, such a body might comprise:
- a. A Council with members selected by sortition for staggered 18-month terms from New Zealand's general public aged 16 and over. This body would be responsible for agenda

¹⁶ *A hunger for democratic innovation: the Irish Citizens' Assembly and Polis in the words of their 'creators'*, Trust Democracy, 14 July 2023. <https://trustdemocracy.nz/2023/07/democratic-innovation-hunger/>

¹⁷ *Threats to democracy, global and local: How worried should we be? And what should we do?*, Jonathan Boston, 2 April 2025. A paper prepared for Hāpai Public, Wellington. https://hapaipublic.org.nz/Article?Action=View&Article_id=150519

¹⁸ *Submission on the Principles of the Treaty of Waitangi Bill*, Trust Democracy, 6 January 2025. <https://trustdemocracy.nz/wp-content/uploads/2025/01/TD-Treaty-Principle-Bill-submission.pdf>

¹⁹ *Make it 16 for democracy*, Trust Democracy, 10 December 2022. <https://trustdemocracy.nz/2022/12/makeit16-video/>

²⁰ *Charities are worth it! The case for action*, Trust Democracy, 22 June 2022. https://trustdemocracy.nz/2022/06/act_for_charities/

²¹ *He Whakaaro Here Whakaumu Mō Aotearoa*, The report of Matike Mai Aotearoa - The independent working group on constitutional transformation, 26 January 2016. <https://matikemai.maori.nz/wp-content/uploads/2024/01/MatikeMaiAotearoa25Jan16-1.pdf>

²² Permanent Sortition in Eupen, Belgium <https://participedia.net/case/5770>

²³ Alistair Campbell and Rory Stewart, The Rest is Politics Podcast, Question Time: Is Sunak's Rwanda plan doomed to fail? Episode 195, 23 November 2023.

setting for the ad hoc assemblies and ensuring responses to the recommendations of ad hoc assemblies, which might be from the Executive or from the elected House of Representatives.

- b. Ad hoc citizens assemblies would be formed as required to consider issues or 'draft laws' passed by the elected House of Representatives as decided by the Council. Members for the ad hoc assemblies would be selected by sortition as for the Council. When considering 'draft laws', ad hoc assemblies would not have veto powers but would be able to recommend that 'draft laws' be reconsidered and provide reasons for this. Whether the elected House of Representatives considers an ad hoc assembly's recommendations or not, a final vote by secret ballot by the elected House of Representatives would be needed to finally pass the law.
- c. The Council and ad hoc assemblies would be supported by a permanent and independent secretariat.

31. Other deliberative models that could be adapted for use in New Zealand include:

- a. the Irish Citizens Assembly,²⁴ and
- b. the commissioning of citizens assemblies by subject select committees as occurred in 2018 and 2019 in the Westminster Parliament.^{25,26}

32. As part of this process to improve democratic robustness, TD recommends that the Government make use of New Zealand's membership of the Open Government Partnership to learn about promising international innovations in participation, accountability and transparency, and that it commit to piloting such innovations in OGP National Action Plans or Open Gov Challenges.²⁷

Conclusion

33. This Bill seems similar to other recent bills or legislative proposals that would further concentrate power in the Executive at the expense of Legislature and Judiciary, Māori, civil society and the people of New Zealand.
34. Proposals for the Regulatory Standards Bill seek to restrict the sovereignty of future Parliaments, the Principles of the Treaty of Waitangi Bill sought to limit the influence of Māori hapū and iwi, taxing charities would further undermine their ability to deliver services to and represent underserved communities, and the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill seeks to limit the power of voters to hold governments to account and remove them from office.
35. TD strongly recommends that the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill be withdrawn.

²⁴ *A hunger for democratic innovation: the Irish Citizens' Assembly and Polis in the words of their 'creators'*, Trust Democracy, 14 July 2023. <https://trustdemocracy.nz/2023/07/democratic-innovation-hunger/>

²⁵ *Citizens' Assembly on Social Care – How to Fund Social Care*, Involve. <https://www.involve.org.uk/resource/citizens-assembly-social-care-how-fund-social-care>

²⁶ *Climate Assembly UK*, UK Parliament. <https://www.parliament.uk/get-involved/committees/climate-assembly-uk>

²⁷ Open Government Partnership. <https://www.opengovpartnership.org>

36. New Zealand has a proud democratic history (e.g. the first state to enfranchise women) and TD recommends that the Government and Parliament initiate programmes of work that engage the public to make New Zealand more democratically robust.
37. This consultation closes at 1pm the day before Easter Friday. Many civil society organisations, including Trust Democracy, are run by volunteers who have regular jobs. Why do so many select committee consultations close just before, rather than after, weekends and holidays? Just changing this practice would be a welcome innovation that would facilitate public participation in the democratic process and help improve trust and confidence in Parliament.