

Submission to the Justice Committee on the:

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

Submitted by the New Zealand Council of Trade Unions Te Kauae Kaimahi

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## 1. Introduction

- 1.1. This submission is made on behalf of the 32 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (NZCTU). With over 340,000 union members, the NZCTU is one of the largest democratic organisations in New Zealand
- 1.2. The NZCTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga), the Māori arm of Te Kauae Kaimahi (NZCTU), which represents approximately 60,000 Māori workers.
- 1.3. The NZCTU welcomes the opportunity to submit on the Term of Parliament (Enabling 4-year Term) Legislation Amendment Bill.

## 2. Recommendations

- 2.1. It is possible that a 4-year term could strike a better balance between ensuring government is able to pass quality legislation while also being sufficiently accountable to the electorate. For this reason, the NZCTU supported the recommendation of the Independent Electoral Review in 2023 to hold a referendum on the parliamentary term, provided this was accompanied by a well-resourced information campaign.
- 2.2. However, given the relative lack of checks and balances on the power of the executive in New Zealand's constitutional framework, an extension of the parliamentary term to 4 years would only be acceptable if stronger checks were put on the power of government.
- 2.3. The current Bill proposes a "proportionality requirement" as the sole additional check on government power. It would structure select committees so that opposition MPs make up a greater proportion of select committee members than government MPs.
- 2.4. In our view the "proportionality requirement" is not a sufficient counterweight. Although it would make it less likely that select committees could rubber-stamp laws through, it would remain the case that select committees are unable to compel changes to a Bill or stop them becoming law. Thus, the "proportionality requirement" would do little to address the problematic tendency of New Zealand Parliament to pass the "fastest law in the west".
- 2.5. The NZCTU would therefore only support holding a referendum on the parliamentary term if further, stronger checks are put on the power of the government as the price for a 4-year term. In the absence of additional checks, the balance between governance capacity and democratic accountability would be skewed dangerously towards the former.
- 2.6. We recommend the following additional checks are considered by the select committee:
  - Additional reporting requirements for government regarding the potential impacts of a Bill. Regulatory impact statements often do not consider, for example, distributional

issues, and can be rushed through or ignored if legislation is being passed under urgency.

- Establish more accessible mechanisms for consulting with the public on proposed Bills. This is particularly important when highly impactful primary legislation is being developed or amended. This could include options such as:
  - Citizens assemblies.
  - Regional tours.
  - Exposure papers for public discussion.
  - External expert analysis.
- Ensure the size of parliament grows with the population. This is important in maintaining the integrity of the MMP system and ensuring that we have enough people in parliament to pass quality legislation.
- Introduce limitations on the use of urgency – this could, for example, mean placing a limit on the number of Bills that can be passed under urgency in a parliamentary term, (provided sufficient room for manoeuvre to respond to genuine emergencies).

### 3. Conclusion

- 3.1. The NZCTU thanks the Justice Committee for the opportunity to submit on this Bill.
- 3.2. We are not opposed, in principle, to a referendum on the parliamentary term. However, for a 4-year term to be justified there must be stronger checks on the exercise of government power. The current Bill lacks these necessary safeguards.

#### **For further information, please contact**

Jack Foster

Policy Analyst

[jackf@nzctu.org.nz](mailto:jackf@nzctu.org.nz)