

Hon Andrew Little
Minister of Justice

Proactive release – Prisoner Voting

Date of issue: 17 April 2020

The following documents have been proactively released in accordance with Cabinet Office Circular CO (18) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	Prisoner Voting <i>Cabinet Paper</i> Office of the Minister of Justice 13 November 2019	Some information has been withheld in accordance with the following sections of the OIA: <ul style="list-style-type: none">• 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials• 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty• 9(2)(h) to maintain legal professional privilege. No public interest has been identified that would outweigh the reasons for withholding it. <i>The Regulatory Impact Assessment attached to the paper is publicly available from https://treasury.govt.nz/publications/search and https://www.justice.govt.nz/justice-sector-policy/publications/</i>
2	Prisoner Voting <i>Supplementary Recommendations to Cabinet Paper</i> Office of the Minister of Justice 13 November 2019	Released in full.
3	Prisoner Voting <i>Social Wellbeing Committee Minute</i> Cabinet office Meeting date: 13 November 2019	Some information has been withheld in accordance with section 9(2)(h) to maintain legal professional privilege. No public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
4	<p>Electoral (Registration of Sentenced Prisoners) Amendment Bill: Approval for introduction and confirmation of policy decision <i>Cabinet Paper</i> Office of the Minister of Justice 18 February 2020</p>	<p>Some information has been withheld in accordance with the following sections of the OIA:</p> <ul style="list-style-type: none"> • 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty • 9(2)(h) to maintain legal professional privilege. <p>No public interest has been identified that would outweigh the reasons for withholding it.</p>
5	<p>Electoral (Registration of Sentenced Prisoners) Amendment Bill: Approval for introduction and confirmation of policy decision <i>Cabinet Legislation Committee Minute</i> Cabinet office Meeting date:18 February 2020</p>	<p>Some information has been withheld in accordance with section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.</p> <p>No public interest has been identified that would outweigh the reasons for withholding it.</p>

In Confidence

Office of the Minister of Justice
Chair, Cabinet Social Wellbeing Committee

PRISONER VOTING

Proposal

1. This paper seeks Cabinet's direction on whether to reconsider the current disqualification of sentenced prisoners from voting, informed by the Waitangi Tribunal's recent report that says it is a serious Treaty breach. Last year the Supreme Court also upheld a declaration that the law is inconsistent with the New Zealand Bill of Rights Act 1990.

Executive summary

2. The Waitangi Tribunal's (the Tribunal) recently released report *He Aha i Pērā Ai? The Māori Prisoners' Voting Report* found that the 2010 Act disqualifying all sentenced prisoners from enrolling, remaining enrolled and voting is a serious Treaty breach. It recommended that the Electoral Act 1993 be urgently amended to remove this disqualification, irrespective of the offender's sentence. The Tribunal's report noted that in 2018, Māori were 11.4 times more likely to be removed from the electoral roll than non-Māori as a result of this disqualification. The Tribunal also noted that the disqualification of sentenced prisoners is, in practice, acting as a permanent rather than a temporary ban on voting.
3. The Tribunal's report follows the High Court's declaration (upheld by the Court of Appeal and the Supreme Court) that the disqualification is inconsistent with the right to vote in the New Zealand Bill of Rights Act 1990 (NZBoRA).
4. In light of the Supreme Court upholding the declaration of inconsistency and the Waitangi Tribunal's findings and recommendations, it is appropriate that Cabinet consider the current state of the law.
5. In the event Cabinet decides the status quo is unacceptable, this paper describes four options for Cabinet to consider:
 - 5.1. **option one:** remove any disqualification for sentenced prisoners from enrolling and voting (as recommended by the Waitangi Tribunal)
 - 5.2. **option two:** return to the pre-2010 law, disqualifying from enrolling and voting only those prisoners serving a sentence of three years or more
 - 5.3. **option three:** while retaining the ban on prisoner voting, changing the law to suspend sentenced prisoners' enrolment (rather than removing them from the electoral roll), and
 - 5.4. **option four:** both option two and option three.
6. If Cabinet decides to change the law, I propose to progress that change before the 2020 general election.

Background

7. The current disqualification of sentenced prisoners came into law through the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010. The Act was introduced to the House as a Member's Bill in the name of Paul Quinn MP.
8. Prior to 2010, those sentenced to up to three years' imprisonment could enrol and vote. The 2010 Act introduced a full disqualification of any sentenced prisoners being able to register to enrol as an elector and therefore vote. It results in the complete removal from the electoral roll of offenders sentenced to imprisonment. Upon release from prison it is the offender's responsibility to re-enrol.
9. The Attorney-General, then Hon Christopher Finlayson, presented a report to Parliament noting that the disqualification was inconsistent with the electoral rights affirmed by section 12 of NZBoRA and could not be justified.

Declaration of inconsistency

10. s9(2)(g)(i) [REDACTED]
11. s9(2)(g)(i) [REDACTED]

He Aha i Pērā Ai? The Māori Prisoners' Voting Report

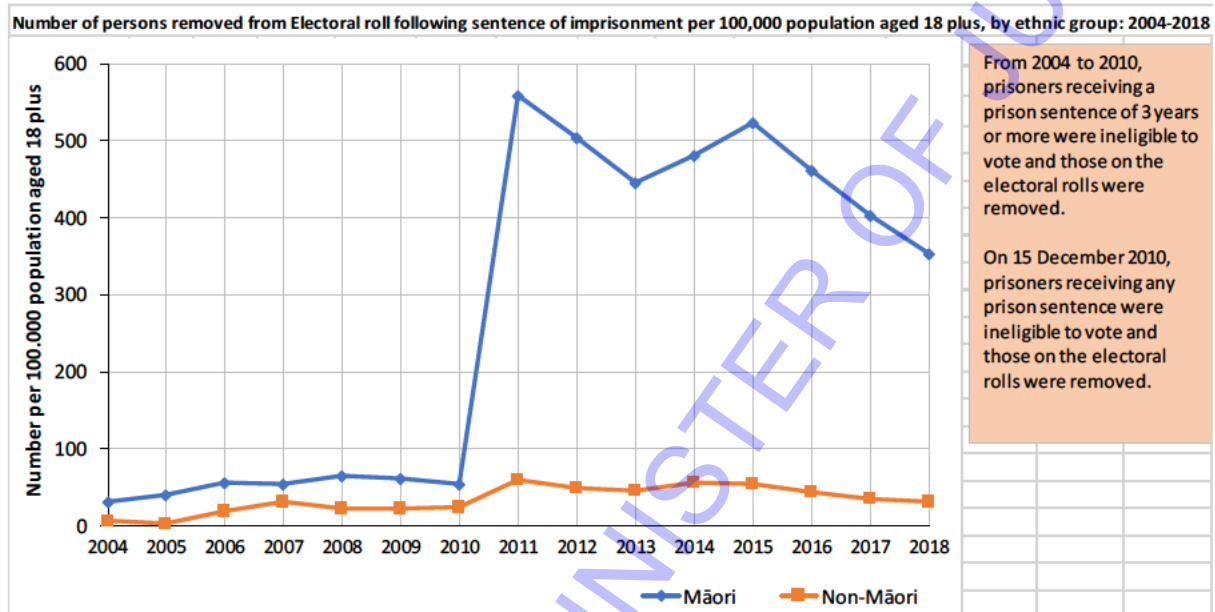
12. The Tribunal considered three claims that sought the repeal of section 80(1)(d) of the Electoral Act, which disqualifies sentenced prisoners from enrolling and therefore voting. The Tribunal heard the claims under urgency in May so that the Government could consider the Tribunal's report and whether to change the law prior to the 2020 General Election.
13. The Tribunal found that in progressing the 2010 law, the Crown acted inconsistently with the principles of partnership, kāwanatanga, tino rangatiratanga, active protection and equity. The Tribunal's key findings and recommendations are summarised below.

Consultation and informed advice

14. The 2010 Bill was referred to the Law and Order Committee (rather than the Justice and Electoral Committee) and Corrections (rather than Justice) provided advice to the Committee. Corrections officials identified that the Bill would disproportionately affect Māori but did not provide advice on its consistency with the Treaty.
15. The Tribunal found that Crown officials failed to consult Māori and failed to provide sufficient information to the Law and Order Select Committee about consistency with the Treaty. This resulted in failure to actively protect Māori rights, and it also breached the Crown's duty of informed decision-making.

Disproportionate impact on Māori

16. The Tribunal highlighted the disproportionate impact of the disqualification of sentenced prisoners from voting. As shown in the graph below, in 2018 Māori were 11.4 times more likely to be removed from the electoral roll as a result of receiving a prison sentence than non-Māori. This is because a high proportion of people who receive short prison sentences are Māori.



17. The Tribunal found that the impact of the law extends beyond prisoners. People are likely to leave prison with a diminished identity as a voter, which also affects their whānau and community. The Tribunal found that Māori imprisoned for their first election are less likely to form a voting habit, based on evidence it heard about the importance of voting in the first ten years that a person is eligible.
18. The Tribunal found that Crown has failed to actively protect the right of Māori to equitably participate in the electoral process and exercise tino rangatiratanga individually and collectively. It found this to be a breach of the principles of active protection and equity and kāwanatanga obligations to reduce inequity.

Failure to enable sentenced prisoners to re-enrol

19. The data shows that many of those who were removed from the electoral roll (both Māori and non-Māori) did not re-enrol. For example, of the 4,164 Māori imprisoned in 2018, only 39 per cent were removed from the roll (the others had either never enrolled or had previously been removed and did not reenrol). In the Waitangi Tribunal proceedings, the Crown accepted that the disqualification of sentenced prisoners was, in practice, acting as a permanent rather than a temporary ban. The impact of the disqualification on the number of Māori on the electoral roll is increasing over time.
20. The Tribunal found that disenfranchising Māori prisoners has continued to impact on individuals following release from prison and that impact extends to their whānau and community. It said the Crown has not done enough to enable and encourage released prisoners to re-enrol, breaching its duty of active protection.

Impact on rehabilitation and reintegration

21. The Tribunal cited the submission of the Human Rights Commission that denying sentenced prisoners the right to vote loses an opportunity and means of teaching them about democratic and social values.
22. The Tribunal found that the disqualification is inconsistent with the purpose of the corrections system and prejudices the rehabilitation and reintegration of Māori prisoners. This is inconsistent with the principle of active protection.

Serious Treaty breach

23. The Tribunal found that Māori have been prejudicially affected and that section 80(1)(d) of the Electoral Act is a serious Treaty breach because:
 - 23.1. Māori are significantly more incarcerated than non-Māori, especially for less serious crimes
 - 23.2. young Māori are more likely to be imprisoned than non-Māori, impeding the development of positive voting habits
 - 23.3. the practical effect of disenfranchisement goes wider than the effect on individual prisoners, impacting on their whānau and communities, and
 - 23.4. the legislation operates as a de facto permanent disqualification due to low rates of re-enrolment amongst released prisoners.

Recommendations

24. The Tribunal recommended that:
 - 24.1. the legislation be amended urgently to remove the disqualification of all sentenced prisoners from enrolment and voting, irrespective of sentence
 - 24.2. the Crown start a process immediately to enable and encourage all sentenced prisoners and all released prisoners to be enrolled in time for the next general election in 2020, and
 - 24.3. a process is implemented to ensure Crown officials provide properly informed advice on the likely impact that any Bill, including members' Bills, will have on the Crown's Treaty of Waitangi obligations.

Should the law be changed?

25. In light of the Supreme Court upholding a declaration of inconsistency with NZBoRA and the Waitangi Tribunal's finding that the disqualification is a serious Treaty breach, it is appropriate that Cabinet consider the current state of the law. The *Taylor* case and the Waitangi Tribunal report have highlighted that the current law:
 - 25.1. is inconsistent with the right to vote in section 12 of NZBoRA
 - 25.2. is inconsistent with the Crown's obligations under the Treaty of Waitangi

25.3. is having a disproportionate impact on Māori, and

25.4. could impact negatively on sentenced prisoners' rehabilitation and reintegration.

26. The current law potentially compounds an already below-average rate of democratic participation by the groups most represented among the current New Zealand prison population (i.e. Māori and Pasifika).

27. However, there is a legitimate debate about the extent to which a person's rights ought to be restricted as a penalty for criminal offending, and therefore whether a person's right to vote should be removed as a penal response to criminal offending.

28. The disqualification of sentenced prisoners from voting has changed several times in New Zealand. Initially prisoners were disqualified if they had committed certain serious offences. A complete ban of sentenced prisoners from voting was first introduced in the Electoral Act 1956. In 1975 the ban was removed completely, before being reintroduced in 1977. The Electoral Act 1993 changed the disqualification so that it only applied to those serving sentences of three years or more imprisonment, in light of the passage of NZBoRA.

29. The 1986 Royal Commission on the Electoral System said that imprisonment could be looked on as the temporary exclusion of a person from the community, causing a person to temporarily lose the rights associated with membership, including the right to vote. The Royal Commission had "some sympathy with the view, which we think is widely held, that punishment for a serious crime against the community may properly involve a further forfeiture of some rights such as the right to vote". It recommended that those who have been sentenced to a long period of imprisonment should lose the right to vote, noting that they can be viewed in the same way as citizens absent overseas for three years or more.

30. In the *Taylor* case, Heath J also considered the rationale for disqualifying sentenced prisoners from voting. He noted that:

the notion of a "social contract" has been invoked as a principle that supports the view that (at least some) serving prisoners should be disenfranchised. On one occasion, that was expressed as those "who infringe the laws of society to the extent that they are put into penal institutions should not be entitled to exercise a vote in a general election".

31. Heath J commented that there are "powerful arguments" that the three-year threshold was justifiable in a free and democratic society.

32. Another view is that imprisonment is the punishment, and there is no need to also remove electoral rights. The House of Lords has said that prisoners retain all civil rights not taken away as a necessary incident of incarceration (e.g. freedom of movement, freedom of association). Removing the right to vote is an additional punishment on top of incarceration, rather than incidental to it.

33. In the foreword to the Waitangi Tribunal's report Judge Savage commented that the Tribunal could see "no utility whatsoever in any restriction on prisoner voting".

Options for changing the disqualification for sentenced prisoners from voting

34. If Cabinet would like to progress a change to the law, there are four options for it to consider.

Option one: remove any disqualification for sentenced prisoners from enrolling and voting

35. The disqualification could be removed entirely, returning New Zealand's law to the position that existed in 1975 - 1977. This is what the Tribunal has recommended.

36. This option is consistent with NZBoRA, New Zealand's international human rights obligations and the Crown's Treaty obligations. The Ministry of Justice estimates that by December 2020, under the current law, approximately 32,000 New Zealanders would have been removed from the electoral roll since December 2010, with a number of people removed multiple times. Almost 60 per cent of those removed are Māori.

37. Over this ten-year period, an estimated 15,900 New Zealanders would not have re-enrolled after being removed from the roll, 55 per cent (8,800) of whom are Māori. A comparison of electoral roll and courts data also indicates that approximately 50 per cent of those first sentenced to prison had never been on the electoral roll, with similar proportions for both Māori and non-Māori.

Option two: return to the pre-2010 law

38. Under the Electoral Act 1993, before the 2010 amendment, all prisoners serving sentences of less than three years' imprisonment were able to enrol and vote.

39. Reverting to the pre-2010 law would still disproportionately affect Māori but less so than the current law. Prior to 2010, Māori were 2.1 times more likely to be removed from the electoral roll than non-Māori. The Ministry estimates that by December 2020, if the law had not been changed in December 2010, approximately 5,000 New Zealanders would have been removed from the electoral roll since December 2010. Just under half (48 per cent) of those removed are Māori. An estimated 3,300 people would never have re-enrolled after being removed from the roll, of whom 48 per cent (1,600) are Māori.

40. At the time it was enacted in 1993, the then Solicitor-General considered the three-year threshold to be a justified limit on the right to vote in section 12 of NZBoRA. The Attorney-General did not present a section 7 report drawing the House's attention to any NZBoRA compliance issues. As noted above, the High Court has also indicated that this option may be justifiable in a free and democratic society. However, the position is not clear (as is discussed further in the human rights section below).

41. The Tribunal's report states that reverting to the pre-2010 law would be inconsistent with the Crown's obligations under the Treaty as the pre-2010 law still disproportionately affected Māori. The Tribunal found that "all Māori have a Treaty right to exercise their individual and collective tino rangatiratanga by being able to exercise their vote in the appointment of their political representatives".

Option three: changing the law to suspend sentenced prisoners' enrolment

42. Rather than changing who is disqualified from voting, the law could be changed to avoid removing sentenced prisoners from the electoral roll.

43. Currently sentenced prisoners are removed from the roll and must take active steps to re-enrol on release. The law could be changed to suspend prisoners' enrolment through creation of a new suspended roll. The suspension would be automatically lifted on release. Māori prisoners could participate in the Māori Electoral Option while in prison. Sentenced prisoners who had never enrolled could also choose to be placed on the suspended roll while in prison, and Corrections could facilitate that.
44. This change would not address the inconsistency with section 12 of NZBoRA. The law would still disproportionately impact on Māori and still be inconsistent with the Treaty. However, this option would attempt to address the problem identified by the Tribunal that, in practice, the disqualification of sentenced prisoners from voting is operating as a permanent rather than a temporary ban.
45. Creating a new roll type would be relatively complex, both in terms of drafting the legislative change and for the Electoral Commission to implement. Officials would need to work through some matters of detail (eg, who would have access to the suspended roll, the necessary information sharing between Corrections and the Electoral Commission and amending the Māori Electoral Option and Māori electoral population calculations as necessary). If Cabinet chooses this option, I seek Cabinet's authorisation to decide these matters of detail for drafting purposes and to confirm those decisions at the Cabinet Legislation Committee.
46. There would be some additional costs for the Electoral Commission (for example, establishing new ICT functionality and data sharing arrangements). These are detailed in the financial implications section below.
47. This option would be a practical way for the government to assist prisoners to engage or re-engage with the democratic process on release. However, it is not a complete solution. Not being able to vote while in prison could still affect a prisoner's long term civic engagement. Also, if the Electoral Commission never receives an up to date address when a prisoner leaves prison, an individual may eventually be placed on the dormant roll¹ and later removed from the roll. Former prisoners are more likely to move address frequently, particularly when they are first released.
48. Automatically including a person's name, residential address and occupation on the publicly available roll on release could raise additional risks to both the released prisoner and people living at the relevant address. Additional provisions may need to be made to deal with sensitive releases and a stand-down period to enable a person sufficient time to consider whether they need to go on the unpublished roll before details are added to the public roll.
49. Other initiatives assist people who are removed from the roll, including election day enrolment, the Electoral Commission's activities to encourage enrolment and information sharing with other agencies to obtain new addresses.

¹ Under the Electoral Act, where correspondence from the Commission cannot be delivered because the person no longer resides at the address, the person must be removed from the main roll and placed on the dormant roll. People can still vote while on the dormant roll, however, after three years they will be removed completely.

50. The necessary legislative amendments for this option could be put in place prior to the 2020 general election but, because of the new ICT functionality required by the Electoral Commission, this option could not be implemented prior to the 2020 election.

Interim option: changing the law to re-enrol sentenced prisoners on release

51. If Cabinet preferred to create a suspended roll, but wanted to put something in place sooner, it could choose to change the law to re-enrol sentenced prisoners on release as an interim measure. Corrections would be empowered to share information on released prisoners back to the Electoral Commission and the Commission would place those prisoners back on the roll. They would be placed back on the roll at whatever address the Electoral Commission had for them before they went into prison, unless the prisoner provides an updated address.
52. This option would lack many of the advantages of a suspended roll (eg, a prisoner would not be able to participate in the Māori Electoral Option under this option and would not be able to enrol while in prison) but would be an improvement on the status quo in the interim.
53. The process would be unusual for New Zealand in that it would be a form of automatic enrolment. For this reason, I only propose that those who were on the electoral roll before they were imprisoned would be automatically re-enrolled. Sentenced prisoners would need to be provided with information about being on the electoral roll, given the option to update their address and the criteria for being placed on the unpublished roll at their release.
54. This interim option can be implemented without any change to the Electoral Commission's ICT functionality. It would require training for Corrections staff about making sure prisoners understood the implications of automatic enrolment and the option to update their address and Electoral Commission staff, who would be re-enrolling a person based on administrative data for the first time.

Option four: both option two and option three

55. A fourth option is to do both option two and option three so that:
- 55.1. prisoners serving sentences of less than three years' imprisonment can enrol and vote (the pre-2010 law), and
 - 55.2. other sentenced prisoners are placed on a suspended roll while in prison.
56. This option would both lessen the disproportionate impact on Māori and make the current ban on sentenced prisoners from voting more temporary in nature.

Current enrolment initiatives for released prisoners

57. The Electoral Commission is already taking steps to improve procedures for re-enrolling sentenced prisoners. The Commission maintains regular liaison with Corrections to ensure that Corrections officers have everything they need to provide sentenced prisoners with enrolment information as part of the release process. The Tribunal acknowledged these efforts but also found that they were not enough to overcome the effects of removing sentenced prisoners from the electoral roll.

58. The Electoral Commission is working closely with Corrections' Probation services to reach people on probation and conditional release where Corrections is likely to be providing support services. This is being expanded with a pilot in Auckland and Northland where the Electoral Commission will be piloting engagement and education opportunities in Community Corrections facilities, specifically with Community Work groups. The Electoral Commission also plans to look at participation in Corrections Living Skills and Expo opportunities run in prisons and Community Corrections facilities.

The Waitangi Tribunal's other recommendations

Re-enrolling released prisoners

59. The Tribunal recommended that the Crown encourage all released prisoners to be enrolled in time for the next general election in 2020. The Tribunal listed some current barriers to re-enrolment (e.g. confusion about the provision of an address of residence of more than one month, trying to avoid debt collectors, poor literacy and a lack of understanding of the electoral system).
60. After release, the opportunities the Electoral Commission currently has to reach a person that needs to re-enrol are through: community engagement, data matches (with Ministry of Social Development, NZ Transport Agency and the Department of Internal Affairs) and public information and advertising campaigns that are undertaken in the lead-up to an election and enrolment services in all advance and election day voting places.
61. I have directed my officials to work with the Electoral Commission and Corrections and report back to me with options to facilitate the enrolment, or re-enrolment, of former prisoners. I recommend that (if necessary) the law be changed to allow Corrections to share data on recently released prisoners with the Electoral Commission so that the Electoral Commission may contact those individuals and encourage them to enrol. I seek Cabinet's authorisation to, in consultation with the Minister of Corrections, make any policy decisions necessary to enable information sharing and other steps to enrol or re-enrol former prisoners and, as relevant to the option chosen, to enrol or re-enrol current prisoners.

Advice on the Crown's Treaty of Waitangi obligations

62. The Tribunal recommended a new process to ensure that Crown officials provide properly informed advice on the likely impact that any Bill, including members' Bills, will have on the Crown's Treaty of Waitangi obligations.
63. One initiative that goes towards this is the recently approved guidance to assist agencies in considering Treaty of Waitangi implications in policy work [CAB-19-MIN-0448 refers]. This has been disseminated by way of a Cabinet Office circular.

64. s9(2)(g)(i)

Next steps

65. Whatever option for law change that Cabinet chooses, I seek authorisation to issue drafting instructions and to progress the necessary legislative change in time for the 2020 general

election. However, if Cabinet chooses a suspended roll a delayed commencement would be required to allow time to implement it.

66. The changes are unlikely to be considered within scope of the current Electoral Amendment Bill. If Cabinet agrees, I propose that any change be progressed through a new amendment Bill.
67. If the law was changed to allow some or all current sentenced prisoners to vote, the Electoral Commission would work with Corrections to re-enrol those prisoners before the 2020 election. The change should be signalled as soon as possible and the law change completed by no later than June 2020 to allow the Electoral Commission time to enrol prisoners and plan for greater voting facilities in prisons.

Consultation

68. The following departments, agencies and Crown entities have been consulted on this paper: The Treasury, the Department of Corrections, Crown Law and the Electoral Commission. The Policy Advisory Group within the Department of Prime Minister and Cabinet was informed.
69. There has not been an opportunity to consult with Māori on the options in this paper. I expect that Māori would favour the complete removal of any disqualification for sentenced prisoners from voting based on the Tribunal's findings and recommendations.
70. If Cabinet chooses an option that involves the suspended roll (option three or four), I recommend that Justice officials consult with Māori. Targeted consultation with Māori on the detail of the proposal and how it would work in practice could be carried out with, for example, the New Zealand Māori Council, the Māori Women's Welfare League, the Māori Law Society and/or Māori academics with an interest in electoral issues.

Financial implications

71. All of the possible options in this paper will have financial costs, for the Electoral Commission and Corrections.
72. Change to enable some or all sentenced prisoners to vote (option one and option two) would incur costs for the Electoral Commission, as it would involve increasing staffing and time requirements for voting in prisons. The Commission intends to absorb these costs from within its baseline, as providing voting services is part of its core work.
73. Additional periodic costs for the Department of Corrections (e.g. increased work for staff, support to assist prisoners with literacy issues to complete forms) would also arise. Further work would be required to quantify these costs. If any additional costs cannot be absorbed from within its baseline, Corrections may seek funding to address them as part of future cost pressure funding bids.
74. Some additional funding is needed for implementing a suspended roll (option three and option four) due to the changes in ICT functionality for the Electoral Commission. Total implementation costs are currently estimated to be \$1.5 million. Corrections' costs will be able to be met within baseline. Interim measures to re-enrol sentenced prisoners on release (as part of option three and option four) will also be able to be met within agency baselines.

75. s9(2)(f)(iv)

76.

77.

Legislative implications

78. All of the possible options in this paper have legislative implications.

79. The changes are unlikely to be considered within scope of the current Electoral Amendment Bill. If Cabinet agrees, I propose that any change be progressed through a new amendment Bill.

80. s9(2)(h)

81. Cabinet Circular (02) 4: Acts Binding the Crown: Procedures for Cabinet Decision notes that bills that are amending existing Acts will generally follow the position of the principal Act on whether the Act is binding on the Crown. The Electoral Act 1993 does not bind the Crown and it is proposed that this Bill will follow that position. The Electoral Amendment Bill (No. 3) will therefore not bind the Crown.

Power to Act if needed

82. I recommend that Cabinet authorise me to make decisions about minor technical or administrative matters as required to finalise draft legislation. The Cabinet Paper seeking approval for the Bill will identify any such changes.

Impact Analysis

83. Regulatory Impact Analysis requirements apply to any change to prisoner voting rights. A Regulatory Impact Assessment (RIA) is attached. The Ministry of Justice's RIA Panel has reviewed the RIA and considers that it meets the Quality Assurance Criteria.

Human Rights

84. As noted above, the current law has been found to be both inconsistent with the Treaty of Waitangi and with the electoral rights in NZBoRA. In addition, the data on the extent of the disproportionate impact on Māori now available could support the view that the law is also inconsistent with the right to be free from discrimination on the basis of race, national or ethnic origin affirmed in NZBoRA and the Human Rights Act 1993. Although the Court of Appeal in the *Ngaronoa* case found that the impact of the prohibition on Māori as a group was so small that there is no material disadvantage to Māori, the Court may have found differently if the same data provided to the Tribunal were available to it.
85. Accordingly, it is not clear whether reverting to the pre-2010 law would be considered consistent under NZBoRA by the Attorney General with regards to electoral rights and/or with regards to the right to be free from discrimination as it was when the Electoral Act 1993 was introduced. When considering the impact on electoral rights the relevant considerations are whether the limitations on the right are rationally connected to the objective of the law, limit the right no more than reasonably necessary and whether it is proportionate.
86. The right to vote is recognised by Article 25 of the International Covenant on Civil and Political Rights (ICCPR), to which New Zealand is a signatory. Section 12 of the NZBoRA gives effect to Article 25. The United Nations Human Rights Committee (UNHRC), which monitors UN member states' compliance with the ICCPR, has noted that the Article 25 right to vote must only be restricted where such restrictions are "objective and reasonable." The UNHRC has noted that if a country decides that a "conviction for an offence is a basis for suspending the right to vote" the suspension must be "proportionate to the offence and the sentence".
87. In this context, the UNHRC sees blanket prisoner voting bans as inconsistent with the ICCPR and as serving no rehabilitative purpose. The Committee frequently comments unfavourably on prisoner voting bans and has tried to limit the reach of such laws it has reviewed. It has specifically noted the "significant racial implications" of prisoner voting prohibitions, given the disproportionate representation of ethnic minorities in most prison populations.
88. The law may also be inconsistent with New Zealand's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (especially article 5(c)), and the Declaration on the Rights on Indigenous Peoples.
89. In line with this international human rights jurisprudence, there has been a trend towards easing restrictions on prisoner voting internationally. In Europe, most countries have no or partial prohibitions on prisoner voting. There is a partial prohibition on prisoner voting in Australia (three years); a complete prohibition in the United Kingdom; and no prohibition in Canada. The situation varies depending on the state in the United States.

Proactive Release

90. I intend that this Cabinet paper will be proactively released, with any necessary redactions, in accordance with the Government's proactive release policy.

Recommendations

91. I recommend that the Committee:

1. **Note** that in *He Aha i Pērā Ai? The Māori Prisoners' Voting Report* the Waitangi Tribunal found a serious breach of the Treaty and recommended that:
 - 1.1. the Electoral Act be amended urgently to remove the disqualification of all sentenced prisoners from enrolling and voting, irrespective of sentence
 - 1.2. the Crown start a process immediately to enable and encourage all sentenced prisoners and all released prisoners to be enrolled in time for the next general election in 2020, and
 - 1.3. a process be implemented to, ensure Crown officials provide properly informed advice on the likely impact that any Bill, including members' Bills, will have on the Crown's Treaty of Waitangi obligations.
2. **Note** that the Waitangi Tribunal's report follows the High Court's declaration (upheld by the Court of Appeal and the Supreme Court) that the disqualification is inconsistent with section 12(a) of the New Zealand Bill of Rights Act 1990.
3. **EITHER:**
 - 3.1. **agree** that the disqualification of sentenced prisoners from enrolling and voting be removed entirely in line with the Waitangi Tribunal's recommendation (option one)
OR
 - 3.2. **agree** to revert to the pre-2010 law, with all prisoners serving sentences of less than three years' imprisonment able to enrol and vote (option two)
OR
 - 3.3. **agree** to change the law to suspend prisoners' enrolment, while retaining the ban on prisoner voting (option three),
OR
 - 3.4. **agree** to revert to the pre-2010 law, with all prisoners serving sentences of less than three years' imprisonment able to enrol and vote, and for prisoners serving sentences of three years or more imprisonment to be placed on a suspended roll (option four).
4. **Note** that any options other than a complete removal of the disqualification may be found to be inconsistent with the New Zealand Bill of Rights Act 1990.
5. **Note** that any options other than a complete removal of the disqualification would likely be considered inconsistent with the Treaty of Waitangi as per the Waitangi Tribunal's report.
6. **Note** Justice officials will work with the Electoral Commission and Corrections on information sharing and other steps to enrol or re-enrol former prisoners and, as relevant to the option chosen, to re-enrol current sentenced prisoners.

7. **Authorise** the Minister of Justice, in consultation with the Minister of Corrections, to make any policy decisions necessary to enable information sharing and other steps to enrol or re-enrol former prisoners and, as relevant to the option chosen, to enrol or re-enrol current sentenced prisoners.

Legislative processes

8. s9(2)(h) [REDACTED]
9. **Invite** the Minister of Justice to prepare drafting instructions for Parliamentary Counsel Office to give effect to these recommendations.
10. **Authorise** the Minister of Justice to make additional decisions on minor, technical or administrative matters as required to finalise draft legislation.

If a suspended roll is agreed to

Funding implications

11. s9(2)(g)(i) [REDACTED]
12. **Agree**, if recommendation 3.3 or 3.4 is agreed, to fund the development and implementation of the suspended roll, subject to the provision of more detailed policy and planning information to the Ministers of Finance and Justice

13. s9(2)(f)(iv) [REDACTED]
14. [REDACTED]

Legislative implications

15. **Note** that the option to place (either some or all) sentenced prisoners on a suspended roll could be legislated for but is not able to be implemented in time for the 2020 general election.
16. **Agree**, as an interim measure until a suspended roll can be implemented, to change the law so that sentenced prisoners can be automatically re-enrolled upon their release, including authorising the necessary information sharing between Corrections and the Electoral Commission.
17. **Authorise** the Minister of Justice to make any policy decisions necessary to determine matters of detail related to the suspended roll, and to issue drafting instructions accordingly, subject to these decisions being confirmed when the Bill is considered for introduction.

Consultation

18. **Agree** that Ministry of Justice officials carry out targeted consultation with Māori on the detail of the proposal and how it would work in practice.

Authorised for lodgement

Hon Andrew Little
Minister of Justice

In Confidence

Office of the Minister of Justice
Chair, Cabinet

PRISONER VOTING

Supplementary recommendations

1. I recommend that the Committee:

EITHER

Option 1 – assist prisoners to enrol

1. **Agree** to change the law to require the Department of Corrections to take all reasonable steps to collect the information necessary for a sentenced prisoner to be enrolled and, if the sentenced prisoner agrees, provide this to the Electoral Commission.
2. **Agree** that for prisoners sentenced to three years or less this will apply to while they are in prison as they will be eligible to vote and for prisoners sentenced to more than three years this will apply to when they are being released from prison.
3. **Agree** to require the Electoral Commission to enrol the prisoner if it has received sufficient information.

OR

Option 2 – automatically enrol prisoners

4. **Agree** to change the law to require the Department of Corrections to take all reasonable steps to collect the information necessary for a sentenced prisoner to be enrolled and provide this to the Electoral Commission.
5. **Agree** that the Department of Corrections could use information it already holds if necessary.
6. **Agree** to require the Electoral Commission to enrol the prisoner if it has received sufficient information.
7. **Note** this is a form of automatic enrolment which is novel in the electoral system.
8. **Agree** that if the Electoral Commission does not receive information about whether the prisoner wishes to go on the unpublished roll, it will place them on the unpublished roll by default, to address safety risks.
9. **Agree** that recommendations 3 to 7 apply to:
 - 9.1. Enrolling on release from prison all prisoners sentenced to more than three years

OR

- 9.2. Enrolling people sentenced to three years or less soon after arrival and enrolling on release from prison all those sentenced to more than three years.



Cabinet Social Wellbeing Committee

Minute of Decision

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Prisoner Voting

Portfolio **Justice**

On 13 November 2019, the Cabinet Social Wellbeing Committee:

- 1 **invited** the Minister of Justice, in consultation with Minister of Corrections, to provide further advice on how:
 - 1.1 prisoners serving a sentence of under three years can vote;
 - 1.2 every prisoner can be re-enrolled following release from prison;
- 2 **referred** the submission under SWC-19-SUB-0179 to Cabinet on 18 November 2019 for further consideration.

Vivien Meek
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Rt Hon Winston Peters (part item)
Hon Kelvin Davis
Hon Grant Robertson
Hon Dr Megan Woods
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Dr David Clark
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Jenny Salesa
Hon Kris Faafoi
Hon Tracey Martin
Hon Peeni Henare (part item)
Hon Willie Jackson
Hon Aupito William Sio
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Officials Committee for SWC
Ministry of Justice Officials
Office of the Chair

Hard-copy distribution:

Minister of Justice



Cabinet

Minute of Decision

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Prisoner Voting

Portfolio Justice

On 18 November 2019, following reference from the Cabinet Social Wellbeing Committee (SWC) Cabinet:

Background

- 1 **noted** that in *He Aha i Pērā Ai? The Māori Prisoners' Voting Report* the Waitangi Tribunal found a serious breach of the Treaty and recommended that:
 - 1.1 the Electoral Act 1993 be amended urgently to remove the disqualification of all sentenced prisoners from enrolling and voting, irrespective of sentence;
 - 1.2 the Crown start a process immediately to enable and encourage all sentenced prisoners and all released prisoners to be enrolled in time for the next general election in 2020;
 - 1.3 a process be implemented to ensure Crown officials provide properly informed advice on the likely impact that any Bill, including members' Bills, will have on the Crown's Treaty of Waitangi obligations;
- 2 **noted** that the Waitangi Tribunal's report follows the High Court's declaration (upheld by the Court of Appeal and the Supreme Court) that the disqualification is inconsistent with section 12(a) of the New Zealand Bill of Rights Act 1990;

Options for changing the disqualification for sentenced prisoners from voting

- 3 **noted** that any options other than a complete removal of the disqualification may be found to be inconsistent with the New Zealand Bill of Rights Act 1990;
- 4 **noted** that any options other than a complete removal of the disqualification would likely be considered inconsistent with the Treaty of Waitangi as per the Waitangi Tribunal's report;
- 5 **agreed** to revert to the pre-2010 law, with all prisoners serving sentences of less than three years' imprisonment able to enrol and vote;

Enrolment

- 6 **noted** that Justice officials will work with the Electoral Commission and the Department of Corrections on information-sharing and other steps to enrol or re-enrol former prisoners and, as relevant to the option chosen, to re-enrol current sentenced prisoners;

- 7 **agreed** to change the law to require the Department of Corrections to take all reasonable steps to collect the information necessary for a sentenced prisoner to be enrolled and, if the sentenced prisoner agrees, provide this to the Electoral Commission;
- 8 **agreed** that for prisoners sentenced to less than three years this will apply to while they are in prison as they will be eligible to vote and for prisoners sentenced to three years or more this will apply to when they are being released from prison;
- 9 **agreed** to require the Electoral Commission to enrol the prisoner if it has received sufficient information;
- 10 **authorised** the Minister of Justice, in consultation with the Minister of Corrections, to make any policy decisions necessary to enable information sharing and other steps to enrol or re-enrol former prisoners and, as relevant to the option chosen, to enrol or re-enrol current sentenced prisoners;

Legislative processes

- 11 s9(2)(h) [REDACTED]
- 12 **invited** the Minister of Justice to prepare drafting instructions for Parliamentary Counsel Office to give effect to the above decisions;
- 13 **authorised** the Minister of Justice to make additional decisions on minor, technical or administrative matters as required to finalise draft legislation.

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister of Corrections
Minister of Justice

In Confidence

Office of the Minister of Justice
Chair, Cabinet Legislation Committee

Electoral (Registration of Sentenced Prisoners) Amendment Bill: Approval for introduction and confirmation of policy decision

Proposal

1. This paper seeks approval for the introduction of the Electoral (Registration of Sentenced Prisoners) Amendment Bill (the Bill). It also seeks agreement to a streamlined process for placing prisoners on the unpublished roll, as appropriate.

Policy

2. Cabinet has agreed to amend the Electoral Act 1993 (the Act) to:
 - re-enfranchise people in prison who are serving shorter prison sentences by reverting to the pre-2010 law, allowing all prisoners serving sentences of less than three years' imprisonment able to enrol and vote,
 - encourage prisoners to enrol to vote once eligible by requiring the Department of Corrections (Corrections) to take all reasonable steps to collect the information necessary for a sentenced prisoner to be enrolled and, if the sentenced prisoner agrees, provide this to the Electoral Commission (the Commission). For people serving less than three years, this will be when the prisoner is in prison, and for those serving three years or more, this will be when they are released, and
 - require the Commission to enrol the prisoner if it has received sufficient information [CAB-19-MIN-0596 refers].
3. The attached Bill makes these amendments.

Ensuring prisoners can be placed prisoners on the unpublished roll

4. To ensure that the enrolment process agreed to by Cabinet can be implemented smoothly, the Bill incorporates a change to the Electoral Act's provisions about the unpublished roll. The Bill provides that if a prisoner is enrolled through the new process, the Commission should place them on the unpublished roll if requested, without need for any further supporting evidence.
5. As part of the enrolment process, Corrections will ask prisoners if they consider they need to be placed on the unpublished roll. Currently, anyone can ask to be put on the unpublished roll if they are concerned about their safety or that of their family. An application to go on the unpublished roll typically requires supporting evidence to justify why someone needs to be on this roll (e.g. information from a police officer or corrections officer).
6. For prisoners, the address to be recorded on the electoral roll will usually be the address they resided at prior to imprisonment. Publishing this address on the public roll may raise privacy and safety concerns if their family or a victim of their offending reside at this address.
7. In practice, most prisoners would already satisfy the test for being placed on the unpublished roll. However, making this amendment in the Bill will remove the need for Corrections to write an individual letter of support for each prisoner it is

collecting enrolment details for who wishes to go on the unpublished roll. This will streamline the new enrolment process and assist administrative efficiency.

Re-enrolling former prisoners

8. Once the Bill is in force, Corrections will engage with all prisoners during the time they are in prison to encourage enrolment.
9. In addition to the policy decisions that the Bill implements, there is an outstanding issue around enrolling former prisoners who were removed from the roll following the 2010 law change but have not re-enrolled since leaving prison. In my November Cabinet Paper, I noted that Justice officials would work with the Commission and Corrections on information sharing and other steps to enrol or re-enrol former prisoners. The intent was to actively engage with former prisoners who were affected by the current disqualification and encourage them to enrol or re-enrol.
10. Officials investigated whether information sharing could be used to assist with enrolment of former prisoners who have been impacted by the current law. They have advised that information sharing between Corrections and the Commission does not appear to be an effective way of re-enrolling former prisoners.
11. Most released prisoners are currently included in existing information sharing arrangements with the New Zealand Transport Agency, the Department of Internal Affairs and the Ministry of Social Development. However, the 20 per cent response rate from the public to letters sent out as a result of data matching is relatively low. There does not seem to be much benefit to be gained from adding another source of information sharing, particularly as the address data Corrections would hold for former prisoners would likely be out of date, if it exists at all.
12. The Commission contacts the person by mail because the information sharing provided for in the Electoral Act 1993 is limited to their postal address. The Commission believes that it could increase the response rate by using electronic methods to contact people rather than letters. In its report on the 2017 general election the Commission recommended amendments to the data matching provisions in general to include email and phone numbers to improve the response rate. This change would benefit former prisoners who haven't re-enrolled. However, this would have significant privacy implications and would need to be carefully worked through. The provisions would need to be general rather than targeted at prisoners and I therefore propose this change be considered as part of the planned wider review of electoral law.
13. The Commission will also continue its current community engagement work to reach those people who are unenrolled, including an extensive enrolment campaign prior to the 2020 election.

Impact analysis

14. A Regulatory Impact Analysis for prisoner voting was prepared in accordance with Cabinet requirements and was submitted along with the paper seeking policy approvals in November 2019 [CAB-19-MIN-0596 refers].

Compliance

15. The Bill complies with:
 - 15.1. the disclosure statement requirements (a disclosure statement prepared by the Ministry of Justice is attached)
 - 15.2. the principles and guidelines set out in the Privacy Act 1993

- 15.3. relevant international standards and obligations, and
- 15.4. the [Legislation Guidelines](#) (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

New Zealand Bill of Rights Act 1990

16. Electoral rights are affirmed by section 12 of the New Zealand Bill of Rights Act 1990 (NZBORA). The current disqualification of all prisoners from voting was introduced through the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010. The Attorney-General presented a report to Parliament noting that the then-Bill appeared to be inconsistent with the electoral rights affirmed by section 12 of the New Zealand Bill of Rights Act 1990 and could not be justified. Furthermore, a declaration of inconsistency was issued at the High Court against the disqualification of all prisoners from being able to register and vote, and was upheld by the Supreme Court.
17. It is unclear whether this change will be consistent with NZBORA. At the time of the 1993 introduction of a three-year disqualification on voting, the Solicitor-General considered it to be a justified limit on the right to vote. The Attorney-General did not present a section 7 report drawing the House's attention to any NZBORA compliance issues. The High Court has also indicated that this option may be justifiable in a free and democratic society. However, international jurisprudence has shown that Courts are critical on blanket prisoner voting bans, seeing them as an unreasonable limit on the right to vote.
18. This change may also have an impact on the right to freedom from discrimination affirmed in section 19 of NZBORA. The Waitangi Tribunal's prisoner voting report shows that in 2018, Māori were 11.4 times more likely to be removed from the electoral roll than non-Māori because of this disqualification. Prior to the 2010 amendment, Māori were 2.1 times more likely to be removed from the electoral roll because of a prison sentence than non-Māori. Changing the law will significantly decrease the impact of the law on Māori but will still be disproportionately affected at the pre-2010 position and may meet the threshold of section 19 of NZBORA. Conversely, the Court of Appeal found in the 2017 case *Ngaronoa v Attorney General* that the impact of the current law on Māori as a group was so small that there is no material disadvantage to Māori, therefore did not breach section 19.
19. Advice has been provided to the Attorney-General by the Crown Law Office on consistency with NZBORA.

Treaty of Waitangi

20. The Waitangi Tribunal's prisoner voting report states that reverting to the pre-2010 law would be inconsistent with the Crown's obligations under the Treaty as the pre-2010 law still disproportionately affected Māori. The Tribunal found that "all Māori have a Treaty right to exercise their individual and collective tino rangatiratanga by being able to exercise their vote in the appointment of their political representatives". However, the changes in the Bill significantly decrease the disproportionate harm to Māori associated with the current law.

Consultation

21. The Treasury, the Department of Corrections, Crown Law and the Electoral Commission were consulted with on the policy Cabinet paper. The Policy Advisory Group within the Department of Prime Minister and Cabinet was informed.
22. The Electoral Commission and the Department of Corrections were consulted on the drafting of this Bill.

23. No public or external consultation has been carried out, but there will be opportunity for submissions at Select Committee.
24. The government caucus and other parties represented in Parliament have been consulted.

Binding on the Crown

25. Cabinet Circular (02) 4: *Acts Binding the Crown: Procedures for Cabinet Decision* notes that bills that are amending existing Acts will generally follow the position of the principal Act on whether the Act is binding on the Crown. The Electoral Act 1993 does not bind the Crown and it is proposed that this Bill will follow that position. The Bill will therefore not bind the Crown.

Creating new agencies or amending law relating to existing agencies

26. The Bill does not create any new agencies.

Allocation of decision making powers

27. The Bill does not allocate decision making powers between the executive and judiciary.

Other instruments

28. The Bill does not include any provision empowering the making of other instruments deemed to be legislative instruments or disallowable instruments.

Definition of Minister/department

29. The Bill does not contain a definition of Minister, Department or Chief Executive of a department.

Commencement of legislation

30. The Bill will come into force on the day after the date of Royal assent.

Parliamentary stages

31. s9(2)(g)(i)

32. s9(2)(g)(i)

Proactive Release

33. I propose to release this Cabinet paper, and related Minute, with any necessary redactions, following the introduction of the Bill.

Recommendations

34. The Minister of Justice recommends that the Committee:

1. s9(2)(h) [REDACTED]
2. **note** that the Electoral (Registration of Sentenced Prisoners) Amendment Bill will:
 - 2.1. change the law to the pre-2010 position, with all prisoners serving sentences of less than three years' imprisonment able to enrol and vote
 - 2.2. change the law to require the Department of Corrections to take all reasonable steps to collect the information necessary for a sentenced prisoner to be enrolled, if they agree to be enrolled. For people serving less than three years, this will be when the prisoner is in prison, and for those serving more than three years, this will be when they are released, and
 - 2.3. change the law to require the Electoral Commission to enrol the prisoner if it has received sufficient information [CAB-19-MIN-0596 refers];
3. **agree** to include amendments in the Bill to provide that if a prisoner is being enrolled through the new process of Corrections collecting their enrolment details and passing these to the Electoral Commission, the Electoral Commission will place them on the unpublished roll if requested;
4. **note** that a new information sharing arrangement between the Department of Corrections and the Electoral Commission is not an effective way to encourage former prisoners to enrol or re-enrol, and that general improvements to the information sharing provisions in the Electoral Act will be considered as part of the planned comprehensive review of electoral law;
5. **approve** the Electoral (Registration of Sentenced Prisoners) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
6. **authorise** the Minister of Justice and Parliamentary Counsel Office to make minor technical and drafting changes to the Bill prior to introduction;

7. s9(2)(g)(i) [REDACTED]

8. s9(2)(g)(i) [REDACTED]

Authorised for lodgement

Hon Andrew Little
Minister of Justice



Cabinet Legislation Committee

Minute of Decision

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Electoral (Registration of Sentenced Prisoners) Amendment Bill: Approval for Introduction

Portfolio Justice

On 18 February 2020, the Cabinet Legislation Committee:

- 1 **noted** that in November 2019, Cabinet:
 - 1.1 agreed to revert to the pre-2010 law, with all prisoners serving sentences of less than three years' imprisonment able to enrol and vote;
 - 1.2 agreed to change the law to require the Department of Corrections to take all reasonable steps to collect the information necessary for a sentenced prisoner to be enrolled and, if the sentenced prisoner agrees, provide this to the Electoral Commission;
 - 1.3 agreed that for prisoners sentenced to less than three years this will apply to while they are in prison as they will be eligible to vote and for prisoners sentenced to three years or more this will apply to when they are being released from prison;
 - 1.4 agreed to require the Electoral Commission to enrol the prisoner if it has received sufficient information;
 - 1.5 authorised the Minister of Justice, in consultation with the Minister of Corrections, to make any policy decisions necessary to enable information sharing and other steps to enrol or re-enrol former prisoners and, as relevant to the option chosen, to enrol or re-enrol current sentenced prisoners;

[CAB-19-MIN-0596]

- 2 **noted** that the Electoral (Registration of Sentenced Prisoners) Amendment Bill (the Bill) gives effect to the above decisions;
- 3 **agreed** to include amendments in the Bill to provide that if a prisoner is being enrolled through the new process of the Department of Corrections collecting their enrolment details and passing these to the Electoral Commission, the Electoral Commission will place them on the unpublished roll if requested;
- 4 **noted** that a new information sharing arrangement between the Department of Corrections and the Electoral Commission is not an effective way to encourage former prisoners to enrol or re-enrol, and that general improvements to the information sharing provisions in the Electoral Act will be considered as part of the planned comprehensive review of electoral law;

5 **approved** for introduction the Electoral (Registration of Sentenced Prisoners) Amendment
Bill [PCO 22565/8.0], subject to the final approval of the government caucuses and
sufficient support in the House of Representatives;

6 **authorised** the Minister of Justice to make minor technical and drafting changes to the Bill
before its introduction;

7 s9(2)(g)(i) [Redacted]

8 s9(2)(g)(i) [Redacted]

Gerrard Carter
Committee Secretary

Present:

- Rt Hon Winston Peters
- Hon Chris Hipkins (Chair)
- Hon Andrew Little
- Hon Nanaia Mahuta
- Hon Stuart Nash
- Hon Iain Lees-Galloway
- Hon Jenny Salesa
- Hon Damien O'Connor
- Hon Tracey Martin
- Hon Ron Mark
- Hon Eugenie Sage
- Michael Wood MP (Senior Government Whip)

Officials present from:

- Office of the Prime Minister
- Officials Committee for LEG

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