

# Departmental Disclosure Statement

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Electoral (District Boundaries) Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

20 February 2026.

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## Part One: General Policy Statement

The Electoral (District Boundaries) Amendment Bill (the Bill) amends the Electoral Act 1993 (the Act) to decouple the timing of electoral boundary reviews from censuses and instead tie electoral boundary reviews to every second general electoral cycle, from 2030. The purpose is to align the policy settings in the Act with the Government’s work to modernise the census process, while ensuring that there is a logical link between boundary reviews and the electoral cycles to which they relate.

The Bill is related to the Data and Statistics (Census) Amendment Bill, which amends the Data and Statistics Act 2022 to—

- move to annual publication of census data and statistics;
- reschedule the 2028 census to 2030;
- update the Government Statistician’s consultation and review obligations under a modern (admin data-first) census approach;
- amend the law to support the admin data-first census approach.

Under the admin data-first census approach, future censuses of the population and dwellings will be taken by using administrative data as the primary source and supplementing the data with sample surveys. From 2030, the 5-yearly full enumeration census model will be replaced by ongoing data collection and publication on an annual basis.

The Bill addresses the electoral implications of this approach and ensures that important constitutional processes related to electoral representation are fit for purpose and consistent with changes being made elsewhere in legislation.

### *Setting statutory deadlines for electoral boundary reviews*

The Bill aims to ensure that electoral boundary reviews in New Zealand take place on a regular and predictable basis to ensure fair and equal representation between electoral districts. To ensure the regularity of reviews, the Bill—

- replaces the existing requirement for electoral boundary reviews to be conducted after each periodical census (which are currently conducted every 5 years) with a new requirement to conduct an electoral boundary review during every second parliamentary term, from 2030;
- requires the Representation Commission to complete each electoral boundary review no later than 12 months before the expiry of a parliamentary term in which an electoral boundary review is due;
- sets a statutory deadline for the Surveyor-General to call the first meeting of the Representation Commission that is no later than 24 months before the expiry of the parliamentary term in which an electoral boundary review is due, to ensure that electoral boundary reviews commence with sufficient time for the Representation Commission to complete its duties.

### *Determining calculation of electoral populations as on “counting day”*

The Bill amends the definition of counting day, currently used for the purpose of calculating the Māori electoral population, to align with a specific reference date referred to in the Data and Statistics (Census) Amendment Bill. That Bill provides that the Government Statistician must, in each financial year, publish statistics from a census of population and dwellings in relation to a reference date for the previous financial year. The reference date automatically defaults to 30 June in each year although the Government Statistician may, by notice in the *Gazette*, specify an earlier reference date for any financial year. The reference date replaces the historical concept of census day.

There are new definitions of counting day for the purposes of determining the General electoral population and the Māori electoral population. These definitions support the admin data-first census approach and ensure that the calculations are based on the most up-to-date data available.

#### *Other changes*

The Bill makes other related policy changes, alongside some minor and technical changes to ensure that the boundary review system remains fit for purpose, including—

- providing that the term of office of the Chairperson of the Representation Commission and the politically appointed members of the Representation Commission ceases on the dissolution or expiry of the term of the Parliament during which they were appointed;
- ensuring that the first meeting of the Representation Commission need only be called when there is a quorum of members.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
<p>Independent Electoral Review Panel: Final Report – Our recommendations for a fairer, clearer, and more accessible electoral system, November 2023 (accessible at <a href="https://www.justice.govt.nz/assets/Documents/Publications/Independent-Electoral-Review-Final-Report-November-2023.pdf">https://www.justice.govt.nz/assets/Documents/Publications/Independent-Electoral-Review-Final-Report-November-2023.pdf</a>)</p> <p>Report of the Royal Commission on the Electoral System: Towards a Better Democracy, December 1986 (accessible at <a href="https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/report-of-the-royal-commission-on-the-electoral-system/">https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/report-of-the-royal-commission-on-the-electoral-system/</a>)</p>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<p><i>Census Modernisation and its impact on the Electoral Act 1993, Ministry of Justice, 9 October 2025</i></p> <p><i>The RIS is accessible at <a href="https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/">https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments/</a> and <a href="https://www.regulation.govt.nz/our-work/regulatory-impact-statements/">https://www.regulation.govt.nz/our-work/regulatory-impact-statements/</a></i></p>	

<b>2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
<p>The RIS identified above did not meet the threshold for receiving an independent opinion on the quality of the RIS from the RIA Team based in the Ministry for Regulation.</p>	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
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### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
The Regulatory Impact Statement contains discussion of the costs and benefits of the policy proposal.	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

#### **3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?**

New Zealand's international obligations were considered during the policy development phase of the Bill.

The Bill proposes a slight decrease to the frequency at which electoral boundary reviews take place. Whereas currently, boundary reviews are triggered by every fifth-yearly census, the Bill proposes instead requiring boundary reviews to be triggered at every second general electoral cycle. Given New Zealand's three-year parliamentary term, the effect of this change will mean boundary reviews will take place approximately every six years, as opposed to the current five.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) recognises the right to vote in genuine periodic elections which shall be by universal and equal suffrage. The purpose of recalculating boundaries on a regular basis is to ensure equal suffrage, by including approximately the same number of people in each electoral district, and drawing boundaries in a way that does not improperly discriminate against minority populations. This is in accordance with the principle that every vote should have equal weight.<sup>1</sup> Providing for slightly less frequent boundary reviews could result in slightly less representative electoral districts between each boundary review and therefore may engage Article 25 of ICCPR.

The right to vote is similarly engaged in the following international instruments:

- Article 5 of the Convention on the Elimination of Racial Discrimination (CERD), which affirms political rights, in particular the right to participate in elections, to vote, and stand for election on the basis of equal suffrage; and
- Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD).

### Consistency with the government's Treaty of Waitangi obligations

#### **3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?**

The Ministry of Justice analysed the policies in the Bill for consistency with the rights and interests protected by the Treaty of Waitangi.

This analysis considered, in particular, consistency with the principles of information and good governance, support for tino rangatiratanga and Māori self-determination, and rights to equality of citizenship.

The Regulatory Impact Statement states that the policy proposals given effect in this Bill will mean that the electoral system continues to deliver regular electoral boundary reviews for the Māori electoral districts and, as such, central obligations around political participation and representation for Māori are guaranteed. However, to the extent that the policy proposals given effect in the Bill will result in slightly less frequent boundary divisions than the status quo, it could be inconsistent with the articles and principles of the Treaty of Waitangi/te Tiriti o Waitangi.

No consultation was undertaken with Māori on these policies. Justice officials consulted with Te Puni Kōkiri during the policy development of these proposals. The Minister of Justice and Minister of Statistics consulted with the political party leaders of all parties represented in the House on these proposals.

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<sup>1</sup> See National Democratic Institute for International Affairs. 2008. *Promoting Legal Frameworks for Democratic Elections: An NDI Guide for Developing Election Laws and Law Commentaries*.

## Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry of Justice website at: <a href="https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/">https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/</a>	

## Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>

## Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
No public consultation has been undertaken. Policies have been informed by the public consultation undertaken for the Independent Electoral Review in 2022, where relevant. The Minister of Justice and the Minister of Statistics jointly consulted with the political party leaders of all political parties currently represented in the House of Representatives. Consultation with political party leaders was primarily oriented around what policy option was most likely to receive the 75% majority vote needed to amend entrenched/reserved provisions in the Electoral Act.	

## Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>YES</b>
The Ministry of Justice has consulted with Statistics New Zealand, the Electoral Commission and other agencies that would have a role in implementation (including the Surveyor-General, Te Puni Kōkiri, and Department of Internal Affairs) on the policy and on draft versions of the Bill.	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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### Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	<b>NO</b>
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<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>
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### Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>YES</b>
<p>Clauses 4 and 5 amend provisions that are reserved under section 268 of the Electoral Act 1993. Amending a reserved provision under the Electoral Act 1993 requires relevant provisions to pass with a 75 percent majority during the Committee of the whole House stage or an affirmative vote in a national referendum.</p> <p>The Clauses related to the definition of 'counting day' depend on successful passage of a related bill, the Data and Statistics (Census) Amendment Bill to work effectively.</p>	