



Matthew Hooton

fyi-request-9744-15d1b466@requests.fyi.org.nz

Dear Mr Hooton

## Official Information Act 1982 request – advice on change to 5% MMP threshold

Thank you for your request of 3 March 2019 seeking the following information under the Official Information Act 1982 (the Act):

*“all information (whether in documentary or non-documentary form) about:*

- 1) Any and all advice you have received from officials about reducing the 5% threshold in time for the 2020 election*
- 2) Any and all advice or representations you have received from NZ Greens, NZ First or any other external source on reducing the 5% threshold in time for the 2020 election*
- 3) Any and all discussions you have had with ministers on reducing the 5% threshold in time for the 2020 election*
- 4) Whether or not the government has ruled out or will rule out reducing the 5% threshold in time for the 2020 election, and*
- 5) Whether or not it is government policy that a change to the 5% threshold should only be done by way of referendum”*

With regards to part one of your request, I have not, to date, received any advice on a change to the 5% MMP threshold in time for the 2020 General Election. However, as part of background information on electoral matters, the MMP threshold was referenced by officials in one document of 13 February 2019, titled *Aide Memoire: For a Meeting with Golriz Ghahraman, MP*. The information is as follows:

### **“The Electoral Commission’s 2012 MMP review recommendations**

The MMP review was triggered by the public’s vote to retain MMP in the 2011 referendum. The Electoral Commission’s key recommended changes were:

- that the one electorate seat threshold be abolished (and if it is, the provision for overhang seats should also be abolished)
- that the party vote threshold should be lowered from 5% to 4% (with the Commission required by law to review how the 4% threshold is working), and
- that consideration be given to fixing the ration of electorate seats to list seats at 60:40 to address concerns about declining proportionality and diversity of representation.

The Electoral Commission recommended that the changes be considered as a package. We would support this approach.”

The remainder of the document contains material outside the scope of your request.

On 6 March 2019, officials provided me with an Aide Memoire on the Report of the Electoral Commission on the Review of the MMP Voting System. This Aide Memoire summarised the Electoral Commission 2012 review of MMP, including information about the threshold which you may find relevant to your request. This document is attached.

Information for parts two to five of your request are being withheld under S(9)(2)(f)(iv) of the Act, the confidentiality of advice tendered by Ministers of the Crown and officials. Information is also being withheld under S(9)(2)(g)(i) of the Act, the free and frank expressions of opinions by or between or to Ministers and officials.

If you are not satisfied with my response to your request, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely

A handwritten signature in blue ink, appearing to be 'A Little', written over the typed name.

Hon Andrew Little  
**Minister of Justice**