

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

The bill aims to enable local electors to take part in their local elections and decisions about their council's representation. It would amend the Local Electoral Act 2001, the Local Government Electoral Legislation Act 2023, and the Local Electoral Regulations 2001.

Section 19Z of the Local Electoral Act provides that councils may resolve to establish Māori wards or Māori constituencies.¹ Before March 2021, councils were required to hold a binding poll about the establishment if a petition of at least 5 percent of people on the council's electoral roll requested it. Councils could also initiate polls. The result of the poll was binding on a council for 2 local government terms. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 removed the ability to hold binding polls. The bill would:

- reinstate polls for Māori wards and Māori constituencies

¹ Similar to electorates for parliamentary elections, the geographic areas of local authorities are often divided up for election purposes. They are referred to as “wards” for territorial authorities and “constituencies” for regional councils.

- remove the requirement for councils that have not established Māori wards or Māori constituencies to consider them every 6 years during their representation review
- require councils that had established or resolved to establish Māori wards or Māori constituencies since 2020 without a poll to hold a binding poll at the 2025 local elections
- extend the statutory time frame for local elections to allow more time for the postal delivery of voting papers.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the amendments we recommend to the bill as introduced. These amendments are technical changes, designed to improve the workability of the bill based on the submissions we received.

Limitations on division into Māori wards or Māori constituencies

Clause 7 would insert new sections 19ZA to 19ZG into the Local Electoral Act. This would reinstate the provisions:

- enabling electors to demand a poll on whether to establish Māori wards or Māori constituencies
- enabling territorial authorities and regional councils to resolve to hold a poll about whether to establish Māori wards or Māori constituencies.

The bill would insert new Part 3 into Schedule 1 of the Local Electoral Act. This sets out the transitional provisions for councils that have established or resolved to establish Māori wards since 2020 without holding polls. The bill differentiates between councils that have established Māori wards (group 1) and councils that have resolved to establish Māori wards (group 2).

Proposed new section 19ZE specifies that sections 19Z to 19ZD would not apply for territorial authorities or regional councils if either:

- they held a poll of electors that took effect at the previous triennial election or would take effect at the next triennial election
- another enactment requires that the district or region be divided into 1 or more Māori wards or Māori constituencies.

We recommend inserting clauses 39A and 48A into new Part 3 to make it clear that the limitation would also apply to polls conducted under the transitional provisions of the bill. Clause 39 relates to the requirement for local authorities to conduct binding polls in 2025 if they do not disestablish, or rescind their decision to establish, Māori

wards or Māori constituencies. Clause 48 sets out the equivalent binding poll provisions that would apply to Tauranga City Council.

Effect of a resolution to disestablish Māori wards or Māori constituencies

The Local Electoral Act requires councils to complete representation reviews at least once every 6 years. Councils manage the review with oversight from the Local Government Commission, which determines objections and appeals under section 19R of the Act. The bill would enable group 1 local authorities to resolve to disestablish Māori wards or Māori constituencies. Clause 13(3) of Schedule 1, new Part 3 would apply to group 1 local authorities that resolved for disestablishment. Any determination they resolved under sections 19H, 19I, or 19J in the term commencing after the 2022 triennial election would have no effect. Those sections relate to the review of representation arrangements for elections of territorial authorities and regional councils and the review of community boards. We note that councils could determine whether to consult on this decision in line with sections 76 to 82A of the Local Government Act 2002.

We recommend amending clause 13(3) to make it clear that any proceedings before the Local Government Commission under section 19R would also end. The Commission would not be required to take any further action regarding the determination.

Reverting to pre-2020 representation arrangements or continuing existing representation arrangements

Clause 14 of new Part 3 would enable a group 1 local authority to resolve to revert to the representation arrangements that applied at the 2019 triennial general elections (the pre-2020 representation arrangements). To do so, they would need to satisfy the following requirements, set out in clause 15:

- The arrangements would need to provide fair and effective representation.²
- The local authority would need to request updated population estimates from, and provide relevant information to, Statistics New Zealand.
- The local authority would need to table at a meeting the updated population estimates and explain how the fair and effective representation requirements under sections 19T to 19W of the Local Electoral Act would be met. They would also need to provide a statement from the Local Government Commission about the consistency of the pre-2020 representation arrangements with section 19V(2) of the Act. The statement would need to take account of the updated population estimates.

² “Fair representation” entails that the ratio of councillors to the population of each ward should be no more than 10 percent greater or smaller than the representation ratio of the district as a whole. “Effective representation” includes consideration of the number of councillors to be elected, the geographic extent of wards, and whether or not they reflect communities of interest. (Sections 19T to 19V of the Local Electoral Act 2001.)

Clause 34 of new Part 3 would allow a group 2 local authority that had not completed a representation review since the 2019 triennial general election to resolve to continue their existing representation arrangements. They would need to satisfy the requirements in clause 35, which replicate the provisions in clause 15 (as listed above).

Section 19V of the Local Electoral Act relates to the requirement for fair representation and other factors when determining membership for wards, constituencies, and subdivisions. Section 19V(3) enables a territorial authority to not comply with subsection (2) in some circumstances. Under section 19V(4), a territorial authority or regional council that decides not to comply must refer the decision to the Local Government Commission. Section 19V(6) provides that the Commission must then determine whether to uphold or alter the decision.

Clauses 15(3) and 35(3) of new Part 3 deal with exceptions from compliance under section 19V(3) for the local authority's most recent representation review that the Commission has previously upheld. For the purposes of considering the fair and effective representation requirements under sections 19T to 19V, the exception would continue to apply. The local authority would not be required to refer the relevant decision to the Commission under section 19V(4).

We propose several amendments to clauses 15 and 35 of new Part 3. We recommend that references to “fair and effective representation” should relate to communities of interest and accord with sections 19T to 19W of the Local Electoral Act. For more specificity, we recommend replacing the references to “updated population estimates” in clauses 15(2) and 35(2) with “2023 population estimates”. We also recommend specifying that the determination under section 19V(6) of the Act relates to specific wards, constituencies, or subdivisions in the previous representation review. This proposed amendment aims to prevent the suggestion that the exemption could apply more broadly to all the representation arrangements.

Adjustments to boundaries by group 1 local authorities

Clause 17 of new Part 3 would enable a group 1 local authority that resolved to revert to its pre-2020 representation arrangements to resolve to adjust the boundaries of any ward, constituency, community, or subdivision. They would need to be satisfied that the adjustments were necessary to ensure that the boundaries coincided with current statistical meshblock boundaries determined by Statistics New Zealand.³

We recommend several amendments to clause 17. Our proposed amendments would require the local authority to seek and consider advice from Statistics New Zealand about any adjustments it had made to relevant statistical meshblock boundaries within a specified period. The local authority would also need to resolve that the adjustments to the boundaries were necessary.

³ A meshblock is a defined geographic area, which can vary in size. It is the smallest geographic unit for which statistical data is collected and processed by Statistics New Zealand.

Notifying a resolution to revert to pre-2020 representation arrangements or continue existing arrangements

Clause 18 of new Part 3 would require a group 1 local authority to publicly notify their resolution to revert to its pre-2020 representation arrangements. Clause 37 would apply the same requirement for a group 2 local authority that resolved to continue its existing representation arrangements. Under clauses 18(a)(i) and 37(a)(i), the notifications would need to include the number of elected positions the local authority would have. We recommend inserting clauses 18(a)(ia) and 37(a)(ia) to require the notification to include the number of appointed positions for community boards, if any.

Clause 18(c) provides that the local authority would need to give the Surveyor-General a copy of the plans for the arrangements that it is reverting to. This includes any minor changes made to boundaries under clause 17. We recommend amending this clause to make it clear that new plans should be provided if minor changes are made to boundaries.

Effect of a poll

Clause 50 of new Part 3 sets out the processes that the Tauranga City Council must follow after a poll. We recommend inserting clause 50(5) to require the Council to include the outcome of the poll in its 2027 review of representation arrangements.

Other matters that we wish to highlight

In addition to our proposed amendments, we also wish to draw attention to the following additional matters.

Report of the Waitangi Tribunal

We note that, on 17 May 2024, the Waitangi Tribunal released *The Māori Wards and Constituencies Urgent Inquiry Report—WAI 3365*.⁴ The Tribunal criticised the Crown's prioritisation of coalition agreement commitments over its obligations to Māori. It specifically highlighted the lack of discussion or consultation with Māori as Treaty partners about the bill's proposals. The Tribunal identified this as a breach of the Treaty principle of partnership.

The Tribunal also made the following findings:

- The Government had breached the duty to act in good faith. It did so by failing to make reasonable and informed decisions in rushing the process to fit ministerial timeframes without allowing for adequate consideration of Māori views.
- The Government's prioritising of its political agenda over the desires of Māori for dedicated political representation at a local level breached the Crown's duty to actively protect the rights and interests of Māori.

⁴ A copy of the report is available on the Waitangi Tribunal website.

- The Tribunal considered that the poll provisions are inequitable and discriminatory and a barrier for Māori representation in local government.
- Removing the option for Māori voters to choose whether to be represented by general or Māori ward councillors breached the Treaty principle of options.

The Tribunal recommended that the Crown stop the bill process to allow for proper consultation between Treaty partners. It also recommended that the process for establishing Māori wards be more closely aligned with sections 19H and 19I of the Local Electoral Act. These sections relate to the standard representation review process.

Consistency with New Zealand’s international obligations

The bill’s Departmental Disclosure Statement (DDS) specifies what steps have been taken to determine whether the policy that the bill gives effect to is consistent with New Zealand’s international obligations. It observes that, by ratifying international covenants and conventions on human rights, New Zealand, among other things, committed to the principle of non-regression—that is, avoiding conduct that may weaken existing human rights protections. We note that, for all aspects of an international treaty to have force of law in New Zealand, they need to be incorporated into domestic legislation.

The DDS notes that New Zealand has ratified the International Covenant on Civil and Political Rights. Article 25 recognises and protects the right of every citizen to take part in the conduct of public affairs. Article 26 enshrines a right to equality before the law. The DDS comments that the United Nations Human Rights Committee has previously raised concerns about the representation of Māori in local government, and asked that New Zealand act to address this. We acknowledge that the DDS states that the Māori ward provisions in the bill could be considered regression in this area.

Concepts used in submissions

A common theme of submissions supporting the bill was that it would return to the concept of “one person, one vote” and that all votes should be treated equally. We would like to point out that the Māori wards system does not represent a departure from the concept of “one person, one vote”. Voters on the Māori electoral roll do not have more opportunities to vote or for representation than people on the general electoral roll. Voters on the Māori electoral roll can only vote for the Māori ward councillor or councillors for the area that they live in, and they cannot vote for general ward councillors in that area. Māori wards are also subject to the democratic process and the councillors are elected by majority vote by electors on the Māori electoral roll.

A number of submitters commented that the percentage of Māori elected members was similar to the Māori population more generally, even before the 2021 Amendment Act. They therefore considered that additional opportunities for specific Māori representation were not needed. We note, however, that some submitters considered that Māori councillors in general wards do not necessarily represent Māori, and this should not be conflated with the concept of representing Māori electors in a Māori ward.

Implementation

We note that, if councils were unable to implement the changes, some of us consider that this could be a problem under Part 10 of the Local Government Act.

New Zealand Labour Party differing view

The Labour Party members on this committee oppose the passing of this bill. The centrepiece of this bill is a number of measures which will inevitably have the effect of reducing Māori representation at a local level. Most fundamentally it does so by taking away from local bodies the power to determine representation questions in respect of Māori and imposing a requirement of referenda. The only basis for this is an intention by this Government to reduce Māori representation and suppressing the Māori voice.

Misleading Government narrative

We consider the narrative by the Government that these changes are pro-democratic and that in some way Māori wards are inconsistent with “one person—one vote” to be disingenuous, divisive, and appealing to the basest instinct of a small minority of New Zealanders. The existence of Māori wards simply provides that, where those wards exist, Māori can choose to use their (single) vote to vote for specifically Māori representation at a local government level. As was noted in submissions (for example by Professor Janine Hayward), referenda are a very poor tool by which to make representation decisions—they have the effect of silencing the voice of minorities.

There is no problem that needs to be addressed

Good policy is developed by first identifying the problem which is sought to be addressed. There is no problem in this instance. This is well demonstrated by the Regulatory Impact Statement which in seeking to articulate the problem being addressed can do no more than quote coalition agreement commitments. We consider it reflects very poorly on this Government that they will backtrack on some election promises like providing cancer drugs, but will not revisit decisions like referenda for Māori wards when the clear advice from their officials and the preponderance of submitters is that there is no problem to be fixed.

Local bodies can be trusted to manage local democracy

We consider that local bodies should themselves be left to determine what electoral arrangements are best to ensure effective representation of their communities. Māori wards should be dealt with on the same basis of other wards such as rural wards, or isolated and island communities.

The irony that this reform which claims to be enhancing democracy has been pushed in the coalition agreement by a minor party and the effectiveness of Māori representation is being reduced because of the demands of the ACT Party which got around 8.5 percent of the vote. We are disappointed that the National Party, which historically has a creditable record in promoting Māori aspirations, has let itself be captured by fringe interests.

Submitters overwhelmingly oppose referenda

We consider it disturbing that this Government refers to its coalition agreement as a non-negotiable base line notwithstanding the tsunami of evidence which shows the proposed measures will result in lower quality and higher cost local government; and that the vast majority of submitters oppose the bill. The irony of the Government pandering to a minority of its own constituency in imposing a requirement of a referendum in the name of “democracy” does not escape us.

This bill breaches the Crown’s Treaty obligations

It is equally disturbing that the Government has no regards whatsoever for its fundamental constitutional obligation to adhere to its Treaty obligations. This legislation is in breach of the Treaty in many ways.

Lack of consultation is a Treaty breach

Most fundamentally this measure has been introduced without consulting Māori. It has been rushed both in its pre-legislative steps, and in the shamefully short period in which it has been before this committee. The regulatory impact statement makes it abundantly clear that there has not been adequate consultation with Māori. Government agencies consulting amongst themselves is no substitute for genuine engagement.

We commend those organisations and individuals who managed to submit to this committee either in writing or in person in the few days that were available to do so; however, we also acknowledge the many groups and individuals who have been denied the ability to participate in the democratic process. Once again this Government is abusing the democratic process by truncating the usual timelines to undermine the democratic voice of a section of the community that is under siege by this Government.

Predetermination of outcome is a breach of the Treaty obligation to act in good faith

A Treaty-compliant process requires the government to approach any question which affects Māori with an open mind and in good faith. This process is anything but. It is predetermined, closed minded, and fundamentally a bad faith approach to lawmaking. Critical to a good faith process is government turning its mind to the question of how any proposed measure would affect Māori. This simply has not occurred. There is no evidence of any analysis (internal or otherwise) that the Government paused to consider the effect on Māori and balanced this against other matters it considered relevant.

The objective of the bill is undermining of the tino rangatiratanga promise in Article 2

Also fundamental to Treaty rights is the concept of tino rangatiratanga. This includes the right to self-determination including the right to participate in any political and decision-making process that affects Māori. This goes beyond a right to be asked for

an opinion—consultation; it is a right to be around the table participating in decision-making.

This bill is an affront to tino rangatiratanga. Its very purpose is to reduce the ability of Māori to be around the table. The political pretext for this approach is an assimilationist approach to democracy which fails to address both the Treaty right of Māori to be included in decision-making, but also disregards the need to have truly representative decision-making bodies—rather than reflecting only the majority demographic of the voting public.

Reducing the ability for Māori participation is a breach of the duty to actively protect and promote

A further obligation of government under the Treaty is a duty to actively protect—to take positive steps to ensure that the rights and interests of Māori are protected and promoted. It is widely recognised that historically in many ways and on many occasions the Crown has failed in this duty. In recent decades this has improved, and the existence of Māori wards is one step in the right direction. To now take a step calculated to reduce representation of Māori is intentionally and actively harmful of Māori and is diametrically opposed to the obligation to actively protect.

The fact that Māori wards generally are consistent with the principles of the Treaty, but referendum provisions undermine this was recognised by the Waitangi Tribunal when it stated in the Te Rohe Pōtae Report (2023):

The provisions in the Local Electoral Act 2001 that allow for the establishment of Māori wards or constituencies are undermined by the provisions, in the same Act, that allow a minority to demand a poll to decide the issue, which can then be defeated, especially when Māori are the minority.

The obligation of the government to improve opportunities for Māori to contribute to local government decision-making is also articulated in section 4 of the Local Government Act 2002. That is a recognition that Māori participation needs improvement—needs to be enhanced rather than undermined.

The Government, in its submission to the Waitangi Tribunal, has acknowledged that elected members who identify as Māori increased after the 2022 elections, which can be attributed to the increase in Māori wards following the 2021 amendments.⁵ This bill will reduce the number of Māori participating as surely as night follows day; and this appears to be the intention of this Government.

Attorney-General's report agrees referenda create barriers for Māori

The Attorney-General has provided a report on this bill.⁶ While it has wriggled out of finding that the bill is inconsistent with the New Zealand Bill of Rights Act, it is

⁵ The Waitangi Tribunal Report *The Māori Wards and Constituencies Urgent Inquiry Report—WAI 3365* (p 11), available on the Waitangi Tribunal website.

⁶ The Attorney-General's report is available on the Ministry of Justice website.

nevertheless damning. It finds “in practice, binding polls have proven a barrier to the establishment of Māori wards in local authorities” and:

[T]he Bill appears likely to result in a reduction in the representation of Māori as a specific community of interest, including by subjecting Māori as a specific community of interest to particular procedural requirements. We consider this is disadvantageous for electors on the Māori roll, in a local authority context, relative to their current position.

This bill is yet another example of the failure of this Government in its obligation to actively protect the interests of Māori, and taking New Zealand backwards in this regard.

This bill breaks the promise of greater local control

This bill also represents another broken promise by the Government. The Government had promised that it would increase local decision-making; it is doing the opposite. The Prime Minister, Christopher Luxon, said at Waitangi in 2024 “I want Te Aō Māori to thrive. When Māori do well, we all know it, New Zealand does well. ... We, like you, believe in localism and devolution, not centralisation and control.” This bill is demonstrable evidence that this Government says one thing and does another.

This bill imposes unfunded costs and workload burdens on local bodies

This reform is placing an unnecessary burden on local government. It is rushed, not only in the passing of this bill, but also in its implementation. This is identified in the Regulatory Impact Statement which recognises the strain that this will place on local bodies when implemented.⁷ We consider it entirely unnecessary to seek to return to the status quo ex-ante. To seek to turn the clock back and require local bodies which have instituted Māori wards or constituencies under the law as it currently stands to hold referenda to retain them is costly and unnecessary. We heard that this will impose additional costs on local bodies ranging from \$60,000 to hundreds of thousands of dollars. There is no additional funding for the additional burden that the Government is placing on local bodies.

Referenda provisions are an effective veto on Māori representation

Between 2002 and 2019 two councils established Māori wards. This was despite fourteen councils attempting to establish Māori wards. Of sixteen polls which were held, only one was in favour of establishing a Māori ward (Wairoa, 2016). The Waikato Regional Council established Māori wards without a poll being demanded by electors.

The current law has effectively increased Māori representation. Under the law as it stands 46 councils have voted to establish Māori wards (32 councils resolved to establish Māori wards before the 2022 local elections, 14 councils have resolved to

⁷ The Regulatory Impact Statement is available on the Department of Internal Affairs website.

establish Māori wards, with effect from the 2025 local elections). This is a testament to the effectiveness of the law that the National-led coalition Government, at the behest of the ACT Party, wants to repeal in improving the representation of Māori.

The fact that the law that the Government is taking us backwards to is ineffective and an effective veto on Māori wards is acknowledged by the Department of Internal Affairs in its Regulatory Impact Statement. It states (p 8):

The inclusion of the poll provisions was intended as a mechanism to allow Māori electors to seek Māori wards if the council did not consider it or decided against. However, in practice, the poll provisions were used to challenge council resolutions to establish Māori wards and proved to be an almost insurmountable barrier to their establishment. Between 2002 and 2019 only two councils established Māori wards using the previous process under the Act. Fourteen councils attempted to establish Māori wards, some more than once. Sixteen polls were held, and only one of these was in favour of establishing Māori wards (Wairoa District Council in 2016). One council (Waikato Regional Council) established Māori wards without a poll being demanded by electors.

The evidence is clear that under the old system (which is being reinstated) the rules acted as an effective block to effective Māori representation; it is equally clear that this is what the Government wants to achieve with this bill.

The bill is inconsistent with the principles and objectives of local government

Any reform of the local government electoral system should be consistent with the key principles set out in section 4 of the Local Electoral Act—to achieve representative and substantial electoral participation in local elections and polls and to achieve fair and effective representation for individuals and communities. This bill has the opposite effect.

We know that Māori electoral options increase voter turnout of Māori. The effective removal of Māori electoral options—as contemplated by this bill—will reduce Māori turnout and Māori participation in local democracy. We also know that prior to the reform Māori were significantly underrepresented in local body politics. This has changed in recent years, but there is still a degree of under-representation and more progress is needed. This reform is intended to, and will have, the effect of reducing the representation of Māori. It is intentionally regressive and cuts across the fundamental principles of the Local Electoral Act.

Local bodies are more effective with diverse councils which include Māori

Finally, and quite probably most importantly, all of the evidence provided to this committee from local bodies, as well as many other organisations, established that local government is better off with increased Māori participation.

Politically having a Māori voice at the decision-making table makes it much more likely that issues and pitfalls that might crop up with iwi and hapū are identified

before they become problematic. It is fostering of a more meaningful, productive, and workable relationship.

It can also provide a more diverse set of views to input into decisions. We heard that this was particularly important in environmental matters. For example, we heard from the Advisory Committee for the Waikato Regional Environment that:

Māori communities possess traditional ecological knowledge that has been passed down through generations and offers valuable insights into sustainable land and resource management practices. Supporting Māori wards ensures that this knowledge is valued in decision-making processes, leading to more environmentally sustainable policies and practices.

Inclusion of Māori by Māori wards assists in respecting customary rights of tangata whenua

Quite apart from the Treaty principles, many iwi and hapu have had traditional rights and interests in environmental features ignored both by government and local government. Quite apart from obvious examples of confiscations, unfair Crown purchases, and Crown complicity in purchase fraud, there is a long history of governments ignoring customary rights in development decisions. In one example (of many), historian Ann Parsonson said:

For Waikato-Tainui, one of the greatest impacts of the raupatu (confiscations) in respect of the River has been the removal of their capacity to protect the River in the decades of rapid change that followed. Their authority and their tikanga were ignored, as if they had not existed for hundreds of years. As mining, farming, sewage disposal and hydro-electricity development took their toll on the health of the river, Waikato-Tainui were not consulted.

Having a seat at the council table makes it less likely that this will continue. This bill removes the seat at the table and will make such transgressions in the future more likely.

This bill returns to a system of structural racial bias

Ultimately the return to a requirement for referenda is a return to a system that excludes Māori by design if not by intent. While no (or few) voters will fill out their ballot with an intention to discriminate on the basis of race, we know that leaving the design of an electoral structure to a majoritarian vote will lead to a system that is structurally racist. The Government has received advice to this effect and is proceeding in the face of it.

While this view has been in moderate language it is important to record that many submitters (both orally and in writing) were angry and frustrated and expressed this. For example:

- [We] see this legislation being a deliberate attack on Te Ao Māori and a part of this coalition government's plans to exterminate Te Ao Māori. (Tuapou B5 Reservation Trust).

- The process and behaviour the Crown is undertaking to advance this bill is reflective of the approach of the government in the 1860s when they invaded Aotearoa, which deliberately acted to oppress Māori (Nukuhau Pā/ Ngāti Rauhoro/ Ngāti Te Urunga).
- This bill is anti-democratic (both in process and content), divisive, and this does a disservice to our international reputation (Mahi Mininare / Anglican Action).
- This bill is nothing more than dog whistle politics at its worse, purporting to be about returning democracy to local Governance while putting the thumbs of the outcome on the scale in a way which this Government knows will see negative outcomes for Māori representation across the motu (Paul Barlow).
- The bill is discriminatory, racist, and divisive—it singles out Māori wards and constituencies to be subject to community-wide polls but does not place that requirement on any other wards or constituencies (Groundwork—Facilitating Change).
- This Coalition Government does not have a unilateral right to set aside Te Tiriti obligations. We consider that the re-introduction of poll provisions are inequitable, discriminatory and a barrier for hapū representation in local government (Te Whare o Tōroa (Wairaka) Marae Committee).
- While saying it is opposed to “race”-based practices, this Government appears to uphold (white) majority assumptions of power. This Government’s idea of a status quo is based on the continuing dominance of the (white) majority over all different others (because minorities struggle to be represented when they are not granted a place “at the table”) (Te Pūtahitanga o Te Waipounamu).
- The policies at the heart of the bill clearly reflect political, race-based ideologies that have been taken straight from the Coalition Agreements with the NZ First and ACT parties and advanced under urgency without care or regard for due process, expert analysis, consideration of impacts or options, or engagement with iwi, Māori, or local government (Pou Taiao - Leaders of the National Iwi Chairs Forum).
- Framing Māori rights in opposition to the rights of local electors is unnecessarily inflammatory, divisive, and racist. Māori are part of the local community, Māori are local electors, and Māori have the right to equal representation (Ngā Rangahautira | the Māori Law Students Association of Victoria University of Wellington).

Green Party of Aotearoa New Zealand differing view

The Greens oppose requiring referendums to retain or establish Māori wards.

Māori wards are a critical aspect of ensuring the views and aspirations of tangata whenua are at the council table sharing their knowledge, promoting greater inclusion, and addressing issues that affect Māori communities. Māori ward councillors have increased trust and understanding between iwi Māori and councils.

Māori wards at councils mirror the long-standing approach to Māori electorates for central government. This recognises that without dedicated pathways to representation, Māori communities of interest are likely to be sidelined and overall membership of councils is unlikely to be represented.

Councils who have established Māori wards will have already consulted with their communities during their representation review. These decisions were made after seeking community views through usual processes, rather than being imposed. No other decision by councils, such as about voting methods, rates levels, rural wards, water management, cycleways, numbers of councillors, or sale of assets, are required to have a referendum. We heard no convincing evidence that the single area for a forced referendum should be the establishment and retention of Māori wards.

Unfortunately, in the past, referendums have disempowered Māori voices at council, and provided a platform for divisive and racist tactics that whip up fear. It is deeply unfair to Māori communities to create this barrier to representation. The Green Party considers these changes to the law will empower those who seek to create division in our communities, while disempowering Māori. We particularly note the Waitangi Tribunal's *The Māori Wards and Constituencies Urgent Inquiry Report*.⁸

Finally, the issue of modifying postal voting timetables follows clear advice from the Department of Internal Affairs that New Zealand Post (NZ Post), as the main provider of delivering local electoral voting papers, will not be able to deliver voting papers within the statutory timeframes under the Local Electoral Act 2001 from the 2025 elections onwards. As a result, eligible voters may not have enough time to complete and return their voting papers. This needs to be addressed substantively, so that turnout is not suppressed. We urge this to proceed through a separate bill in advance of the 2025 election.

⁸ A copy of the report is available on the Waitangi Tribunal website.

Appendix A

Committee process

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill was referred to the committee on 23 May 2024. We called for submissions on the bill with a closing date of 29 May 2024.

We received and considered submissions from 10,614 interested groups and individuals. We heard oral evidence from 172 submitters at hearings in Wellington and by videoconference. We also received and considered submissions from 13,403 people which were made through the New Zealand Taxpayers' Union submission tool and emailed to us. We note that, in the future, submissions should not be provided via email and should be directed through the "Make a submission" page on the Parliament website.

Advice on the bill was provided by the Department of Internal Affairs and the Local Government Commission. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

James Meager (Chairperson)

Hon Ginny Andersen

Jamie Arbuckle

Cameron Brewer

Tākuta Ferris

Paulo Garcia

Dr Tracey McLellan

Rima Nakhle

Tamatha Paul

Todd Stephenson

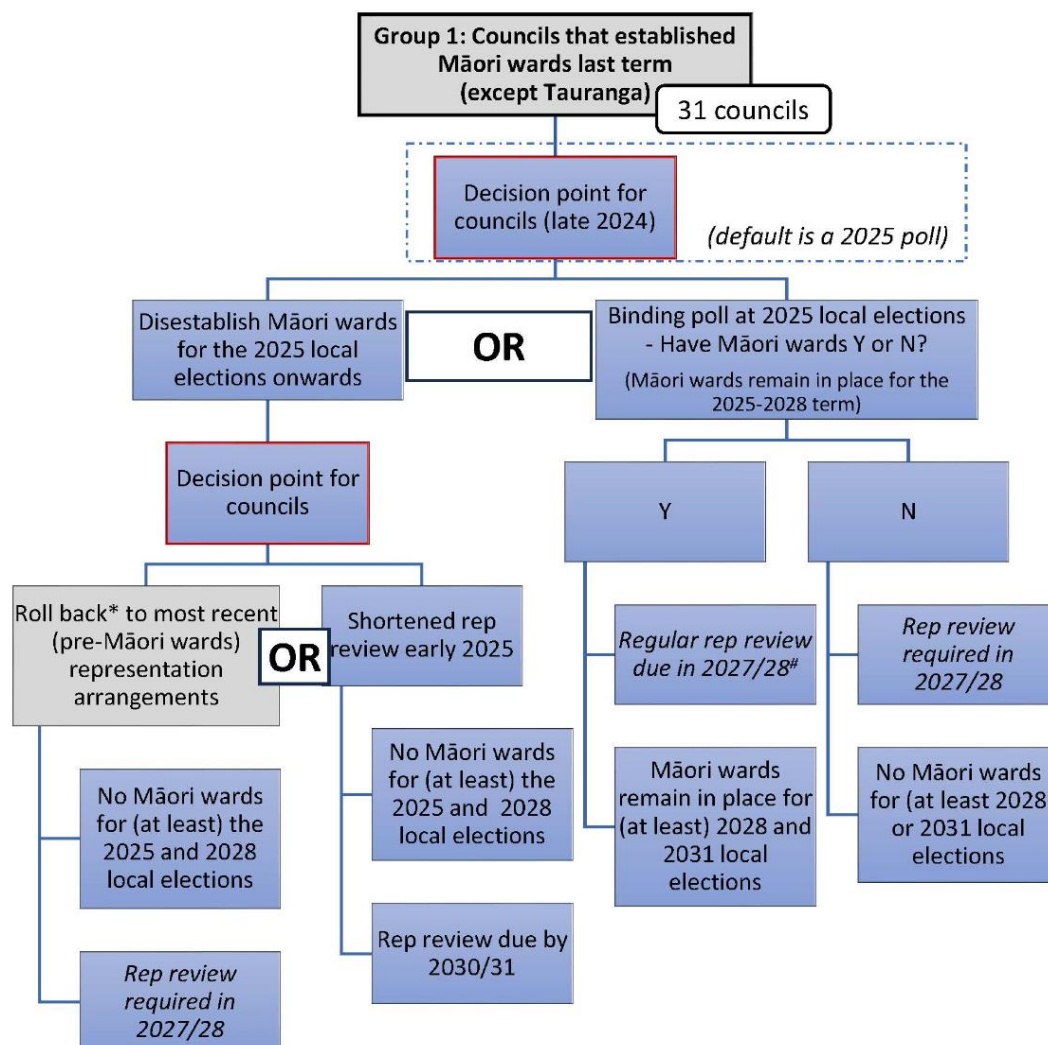
Hon Dr Duncan Webb

Related resources

The documents we received as advice and evidence are available on the Parliament website. A summary of the submissions is available in the departmental report, which is published on the Parliament website.

Appendix B

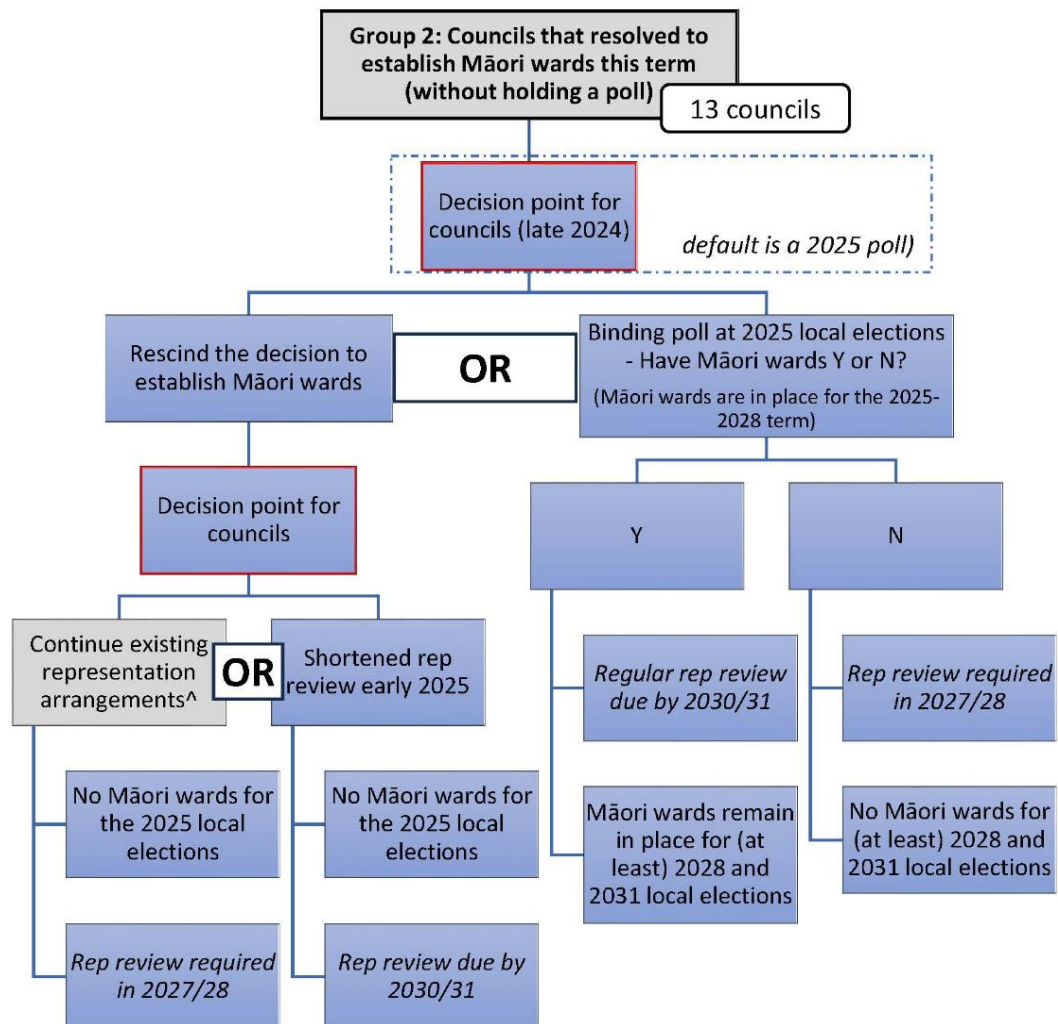
Transitional options for councils – Poll at 2025 elections or reverse Māori wards decisions



* Councils can only take this option if they would still meet the fair and representation requirements under the rolled back model.

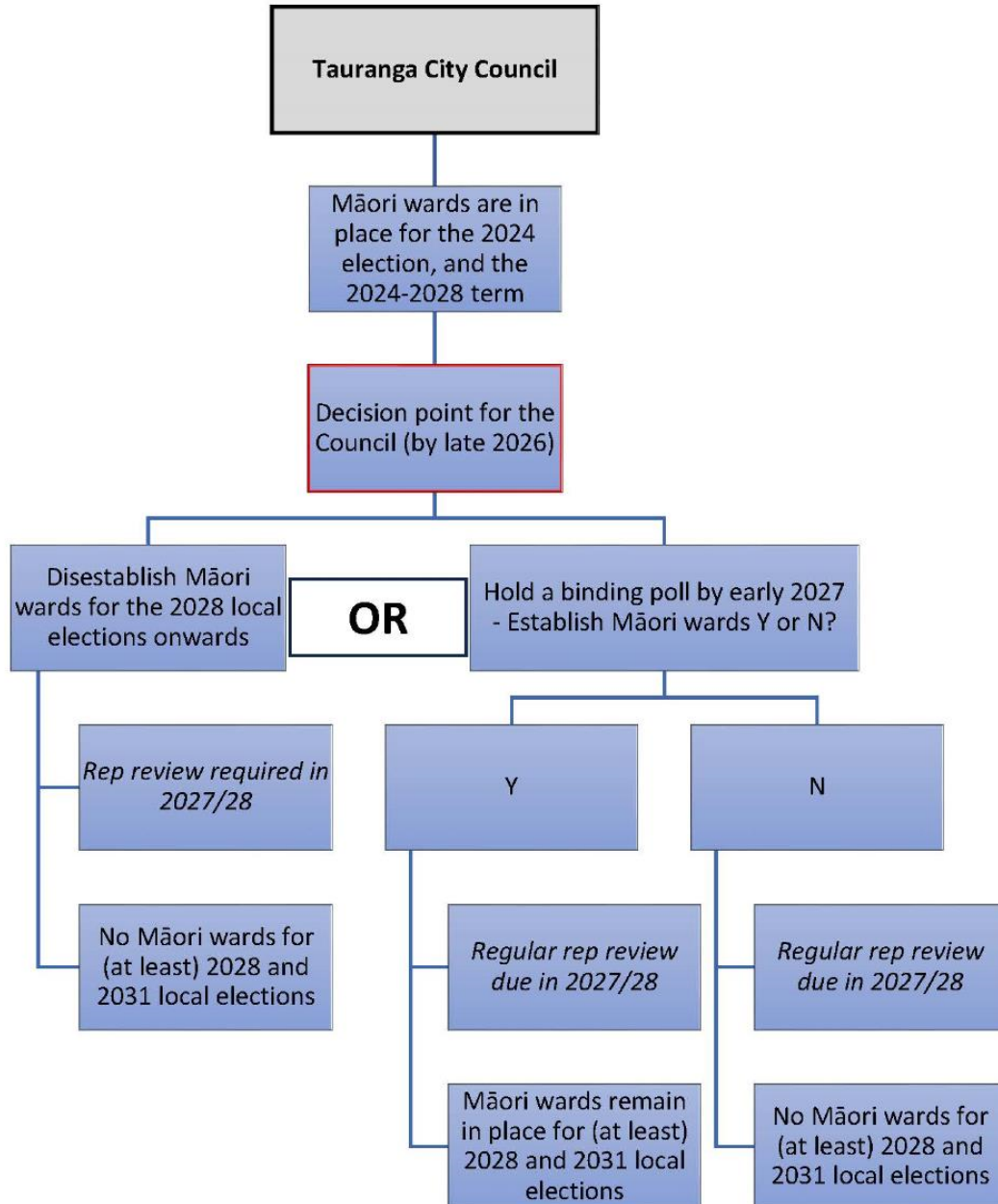
Far North District Council may not be required to complete the regular rep review until 2030/31 if it has completed a rep review in the current term.

(“Rep review” = review of council representation arrangements)



^ This option applies differently depending on when councils completed their last rep review:

- Any councils which undertook a rep review in the 2019-2022 term may use this option.
- Councils which last completed a rep review in the 2016-2019 term can only use this option if their representation arrangements can still meet the fair and effective representation requirements.

Transitional options for Tauranga City Council – to take effect at 2028 elections

**Local Government (Electoral Legislation and Māori
Wards and Māori Constituencies) Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Simeon Brown

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Government Bill

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**Local Government (Electoral Legislation and Māori
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Part 2

**Amendments to Local Government Electoral Legislation Act
2023**

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Amendments to Local Electoral Regulations 2001

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Schedule 13

**New Part 3 inserted into Schedule 1 of Local Electoral Act
2001**

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act **2024**.

2 Commencement

5

- (1) **Sections 4, 8, 9, 10 to 15, and 30 to 35** come into force on 1 April 2025.
- (2) **Sections 5 to 7 and 16** come into force on 12 October 2025.
- (3) **Sections 17 and 19 to 28** come into force on the day after Royal assent.

Part 1

Amendments to Local Electoral Act 2001

10

3 Principal Act

Sections 4 to 17 amend the Local Electoral Act 2001.

4 Section 5 amended (Interpretation)

- (1) In section 5(1), definition of **nomination day**, replace “57th day” with “71st day”.
- (2) In section 5(1), definition of **voting period**, paragraph (b), replace “22 and a half days” with “32 and a half days”.

15

5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

- (7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

20

6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)

- (1) After section 19Z(2), insert:

25

- (2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.
- (2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.

30

- (2) In section 19Z(3)(a), replace “23 November” with “12 September”.
- (3) Replace section 19Z(3)(c) with:

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until—
 - (i) a further resolution under this section takes effect; or
 - (ii) a poll of electors of the territorial authority or regional council held under **section 19ZF** takes effect. 5
- (4) Replace section 19Z(4) with:
- (4) This section is subject to **section 19ZE** and to clauses 2(5) and 4(4) of Schedule 1A.
- (5) In section 19Z(5), after “In this section”, insert “and in **sections 19ZB to 19ZG**”. 10

7 New sections 19ZA to 19ZG inserted

After section 19Z, insert:

19ZA Public notice of right to demand poll

- (1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under **section 19ZB**, a poll on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. 15
- (2) The public notice under **subsection (1)** must include—
 - (a) notice of the resolution under section 19Z; and
 - (b) a statement that a poll is required to countermand that resolution. 20
- (3) In **subsection (1)**, **required date** means,—
 - (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year;
 - (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution. 25
- (4) This section is subject to **section 19ZE**. 30

19ZB Electors may demand poll

- (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or35

(b)	in the case of a regional council, the region should be divided into 1 or more Māori constituencies.	
(2)	This section is subject to section 19ZE .	
(3)	In this section and section 19ZC ,—	
	demand means a demand referred to in subsection (1)	5
	specified number of electors , in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.	
19ZC	Requirements for valid demand	10
(1)	A demand must be made by notice in writing—	
(a)	signed by a specified number of electors; and	
(b)	delivered to the principal office of the territorial authority or regional council.	
(2)	An elector may sign a demand and be treated as one of the specified number of electors only if,—	15
(a)	in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or	
(b)	in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector's address as shown on that roll is within the region; or	20
(c)	in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or (b) ,—	
(i)	the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and	25
(ii)	the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or	30
(d)	the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—	
(i)	is, if the demand was given to a territorial authority, within the district of the territorial authority; or	35
(ii)	is, if the demand was delivered to a regional council, within the region of the regional council; or	

- (e) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council.
- (3) Every elector who signs a demand must state, against the elector's signature,—
- (a) the elector's name; and 5
- (b) the address for which the person is qualified as an elector of the territorial authority or regional council.
- (4) If a valid demand is received after 11 December in the year that is 2 years before the next triennial general election, the poll required by the demand—
- (a) must be held after 28 March in the year before the triennial general election; and 10
- (b) has effect in accordance with **section 19ZG(4)** (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election).
- (5) The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with **section 19ZB** and this section. 15
- (6) This section is subject to **section 19ZE**.
- 19ZD Territorial authority or regional council may resolve to hold poll**
- (1) A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether,— 20
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies. 25
- (2) A resolution under **subsection (1)** may, but need not, specify the date on which the poll is to be held.
- (3) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.
- (4) The chief executive of the territorial authority or regional council must give notice to the electoral officer of a resolution under **subsection (1)**,— 30
- (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable:
- (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance with **section 19ZF(3)**. 35
- (5) This section is subject to **section 19ZE**.

19ZE Limitation on division into Māori wards or Māori constituencies

Sections 19Z to **19ZD** do not apply, in relation to a territorial authority or regional council, if—

- (a) a poll on the question described in **section 19ZB** or **section 19ZD** held under **section 19ZF** took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or 5
- (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies. 10

19ZF Poll of electors

- (1) If the electoral officer for a territorial authority or regional council receives notice under **section 19ZC(5)** or **section 19ZD(4)**, the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under section 52. 15
- (2) Despite **subsection (1)**, if an electoral officer for a territorial authority or regional council receives 1 or more notices under both **section 19ZC(5)** and **section 19ZD(4)**, or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined. 20
- (3) A poll held under this section must be held not later than 103 days after the date on which— 25
 - (a) the notice referred to in **subsection (1)** is received; or
 - (b) the last notice referred to in **subsection (2)** is received.
- (4) **Subsection (3)** is subject to **subsection (2)**, **section 19ZC(4)**, and section 138A.
- (5) Every poll under this section that is held in conjunction with a triennial general election, or held after that date but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,— 30
 - (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or 35
 - (b) the region of the regional council is to be divided into 1 or more Māori constituencies.
- (6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial 40

nial general election for the territorial authority or regional council and any associated election,—	
(a) the district of the territorial authority is to be divided into 1 or more Māori wards; or	
(b) the region of the regional council is to be divided into 1 or more Māori constituencies.	5
(7) Subsections (5) and (6) are subject to clauses 2(5) and 4(4) of Schedule 1A.	
19ZG Effect of poll	
(1) Subsection (2) applies to a poll held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held.	10
(2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—	15
(a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and	
(b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and	20
(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.	25
(3) Subsection (4) applies to a poll held at some other time.	
(4) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—	30
(a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and	35
(b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and	
(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the	40

	Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.	
(5)	This section is subject to clauses 2(5) and 4(4) of Schedule 1A.	
8	Section 28 amended (Public notice of right to demand poll on electoral system)	5
	In section 28(2A), replace “14 March” with “28 March”.	
9	Section 30 amended (Requirements for valid demand)	
	In section 30(3A)(a), replace “14 March” with “28 March”.	
10	Section 33 amended (Poll of electors)	10
(1)	In section 33(3), replace “89 days” with “103 days”.	
(2)	In section 33(4), replace “14 March” with “28 March”.	
11	Section 34 amended (Effect of poll)	
	In section 34(1), replace “14 March” with “28 March”.	
12	Section 52 amended (Notice of election or poll)	15
	In section 52(2), replace “28 days before” with “25 days before”.	
13	Section 102 amended (New election or poll if election or poll declared void)	
	In section 102(2),—	
(a)	replace “8 November” with “25 October” in each place; and	
(b)	replace “89 days” with “103 days” in each place.	20
14	Section 120 amended (Election to fill extraordinary vacancy)	
	In section 120(1)(b), replace “89 days after” with “103 days after”.	
15	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	
(1)	In section 138A(1)(a),—	25
(a)	replace “28 September” with “14 September”; and	
(b)	replace “17 February” with “3 March”.	
(2)	In section 138A(1)(b), replace “14 March” with “28 March”.	
(3)	In section 138A(1)(c), replace “11 April” with “24 April”.	
16	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	30
	Replace section 138A(1) with:	
(1)	Despite section 19ZF(3) , section 33(3), and section 120(1),—	

- (a) if an electoral officer receives a notice under **section 19ZC(5), section 19ZD(4)**, section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 14 September in any year and ends with the close of 20 November in that year, the polling day for the poll under **section 19ZF** or section 33, or for the election under section 120(1), must be a day not earlier than 3 March in the following year; and 5
- (b) if an electoral officer receives a notice under **section 19ZC(5), section 19ZD(4)**, section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 21 November in any year and ends with the close of 15 December in that year, the polling day for the poll under **section 19ZF** or section 33, or for the election under section 120(1), must be a day not earlier than 28 March in the following year; and 10
- (c) if an electoral officer receives a notice under **section 19ZC(5), section 19ZD(4)**, section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 16 December in any year and ends with the close of 12 January in the following year, the polling day for the poll under **section 19ZF** or section 33, or for the election under section 120(1), must be a day not earlier than 24 April in that following year. 15

17 Schedule 1 amended

- In Schedule 1,— 20
- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Part 2

Amendments to Local Government Electoral Legislation Act 2023

- 18 **Principal Act** 25
Sections 19 to 28 amend the Local Government Electoral Legislation Act 2023.
- 19 **Section 2 amended (Commencement)**
Repeal section 2(3).
- 20 **Section 4 amended (Section 5 amended (Interpretation))** 30
Repeal section 4(2).
- 21 **Sections 5 to 10 repealed**
Repeal sections 5 to 10.
- 22 **Section 12 amended (Section 19K amended (Requirements for resolution))** 35
Repeal section 12(2) and (5).

23	Section 13 amended (Section 19L amended (Distribution of copies of resolution))	
	Repeal section 13(2).	
24	Section 19 amended (Section 19R amended (Commission to determine appeals and objections))	5
	Repeal section 19(1) and (2).	
25	Sections 20 to 23 repealed	
	Repeal sections 20 to 23.	
26	Section 36 amended (Schedule 1 amended)	
	Repeal section 36(1) and (2).	10
27	Section 37 amended (Schedule 1A amended)	
	Repeal section 37(1), (3), (5), (6), and (8).	
28	Schedule 2 amended	
	In Schedule 2, Part 1, repeal the item relating to Canterbury Regional Council (Ngāi Tahu Representation) Act 2022 (2022 No 1 (L)).	15

Part 3

Amendments to Local Electoral Regulations 2001

29	Principal regulations	
	Sections 30 to 35 amend the Local Electoral Regulations 2001.	
30	Regulation 10 amended (Relevant date for inclusion of electors on roll)	20
(1)	In regulation 10(1), replace “7 July” with “18 June”.	
(2)	In regulation 10(2), replace “6 July” with “17 June”.	
(3)	In regulation 10(3), replace “57th day” with “71st day”.	
(4)	In regulation 10(4), replace “57th day” with “71st day”.	
31	Regulation 21 amended (Closing of roll)	25
	In regulation 21, replace “57th day” with “71st day”.	
32	Regulation 22 amended (Certification of roll)	
	In regulation 22, replace “25th day” with “36th day”.	
33	Regulation 23 amended (When roll in force)	
	In regulation 23, replace “25th day” with “36th day”.	30

34 Regulation 51 amended (Issue of voting documents)

In regulation 51(1),—

- (a) replace “23rd day” with “33rd day”; and
- (b) replace “17th day” with “19th day”.

35 Regulation 96 amended (Issue of voting documents)

5

In regulation 96(1),—

- (a) replace “23rd day” with “33rd day”; and
- (b) replace “17th day” with “19th day”.

Schedule

New Part 3 inserted into Schedule 1 of Local Electoral Act 2001

s 17

Part 3

Provisions relating to Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 5

10 Interpretation

- (1) In this Part, unless the context otherwise requires,—
- amendment Act** means the Local Government (Electoral Legislation and
Māori Wards and Māori Constituencies) Amendment Act 2024 10
- associated election** has the same meaning as in section 19Z
- commencement date** means the date on which **section 17** of the amendment
Act comes into force
- group 1 local authority** means a territorial authority or regional council named
in the first column of the table in **subclause (2)** 15
- group 2 local authority** means a territorial authority or regional council named
in the second column of the table in **subclause (2)**
- transition period** means the period starting on the commencement date and
ending on 6 September 2024.

- (2) 20

Group 1 local authorities

Far North District Council
Gisborne District Council
Hamilton City Council
Hastings District Council
Hawke's Bay Regional Council
Horowhenua District Council
Kaipara District Council
Manawatu District Council
Manawatū-Whanganui Regional Council
Marlborough District Council
Masterton District Council
Matamata-Piako District Council
Nelson City Council
New Plymouth District Council
Northland Regional Council
Ōtorohanga District Council
Palmerston North City Council
Porirua City Council

Group 2 local authorities

Central Hawke's Bay District Council
Hauraki District Council
Hutt City Council
Kapiti Coast District Council
Kawerau District Council
Napier City Council
South Wairarapa District Council
Tasman District Council
Thames-Coromandel District Council
Upper Hutt City Council
Wellington Regional Council
Western Bay of Plenty District Council
Whanganui District Council

	Group 1 local authorities	Group 2 local authorities	
	Rangitikei District Council		
	Rotorua District Council		
	Ruapehu District Council		
	South Taranaki District Council		
	Stratford District Council		
	Taranaki Regional Council		
	Tararua District Council		
	Taupo District Council		
	Tauranga City Council		
	Waikato District Council		
	Waipa District Council		
	Wellington City Council		
	Whakatane District Council		
	Whangarei District Council		
	<i>Provisions relating to group 1 local authorities</i>		
11	Group 1 local authority may resolve to disestablish Māori wards or Māori constituencies		
(1)	This clause applies to a group 1 local authority.		
(2)	A group 1 local authority may, at any time during the transition period, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.	5	
(3)	A resolution under subclause (2) takes effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election, and continues in effect until—	10	
	(a) a resolution under section 19Z takes effect; or		
	(b) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.		
(4)	See clause 39 concerning the requirement for a group 1 local authority to hold a binding poll if it does not, by 6 September 2024, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established.	15	
12	Special consultative procedure does not apply to resolution to disestablish		
	A group 1 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution to disestablish 1 or more Māori wards or Māori constituencies under clause 11 .	20	
13	Effect of resolution to disestablish		
(1)	A resolution of a group 1 local authority to disestablish its 1 or more Māori wards or Māori constituencies under clause 11 does not affect—		

- (a) any decision of the local authority made after the local authority's resolution under section 19Z to establish those Māori wards or Māori constituencies; or
- (b) any elections held after the resolution referred to in **paragraph (a)** and before the commencement date. 5
- (2) **Subclause (1)** is subject to **subclause (3)**.
- (3) If a group 1 local authority resolves to disestablish its 1 or more Māori wards or Māori constituencies under **clause 11**, ~~any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act).~~ 10
- (a) any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act); and 15
- (b) any proceedings before the Local Government Commission under section 19R relating to a determination referred to in **paragraph (a)** also come to an end and the Commission is not required to take any further action in respect of the determination. 20
- (4) **Subclause (3)** applies regardless of whether public notice of the proposal contained in the resolution under section 19H, 19I, or 19J has been published under section 19M or 19N.
- 14 Local authority resolving to disestablish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set** 25
- (1) A group 1 local authority that resolves to disestablish its 1 or more Māori wards or constituencies under **clause 11** must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set. 30
- (2) For the purposes of **subclause (1)**, the local authority may—
- (a) resolve to revert to its representation arrangements that applied at the 2019 triennial general elections (**pre-2020 representation arrangements**), if the requirements in **clause 15** are satisfied; or 35
- (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections in accordance with sections 19H to 19Q and 19T to 19Y, as modified by **clauses 21 to 28**.
- (3) A group 1 local authority must undertake a shortened review of its representation arrangements for elections, in 2024, if the requirements in **clause 15** are not satisfied (*see **clauses 21 to 28***). 40

- ## 15 Requirements to be satisfied for local authority to revert to pre-2020 representation arrangements

- (2) The local authority must, before passing a resolution referred to in **subclause (1)**,—

- (b) provide to Statistics New Zealand such information that it may require concerning the definition of any area to which any of the estimates referred to in **paragraph (a)** are to relate; and

- (i) the updated population estimates 2023 population estimates:

- (iii) a statement from the Local Government Commission on the consistency of the pre-2020 representation arrangements with section 19V(2), taking into account the ~~updated population estimates~~ 2023 population estimates.

- (3) For the purposes of considering the fair and effective representation ~~requirements under sections 19T to 19W of communities of interest in accordance with sections 19T to 19W~~, if an exception from compliance under section 19V(3) has been upheld on a determination by the Local Government Commission under section 19V(6) relating to specific wards, constituencies, or subdivisions in the local authority's most recent representation review pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).

16	Objections process does not apply to resolution to revert to pre-2020 representation arrangements	
	Section 19P does not apply in respect of a resolution made by a group 1 local authority under clause 14(2)(a) .	
17	Adjustments to boundaries by group 1 local authority	5
	If a group 1 local authority resolves to revert to its pre-2020 representation arrangements and the local authority is satisfied that adjustments to the boundaries of any ward, constituency, community, or subdivision are required for the purpose of ensuring that they coincide with current statistical meshblock boundaries determined by Statistics New Zealand, the local authority may determine by resolution the adjustments to be made to the boundaries to achieve that purpose.	10
(1)	<u>This clause applies to a group 1 local authority that resolves to revert to its pre-2020 representation arrangements.</u>	
(2)	<u>The group 1 local authority must seek and consider advice from Statistics New Zealand as to any adjustments that Statistics New Zealand has made to the boundaries of relevant statistical meshblock areas since—</u>	15
	(a) <u>notice of a Local Government Commission determination was given under section 19S(1); or</u>	
	(b) <u>public notice of the proposed pre-2020 arrangements was given under section 19M, if there were no submissions on the proposal; or</u>	20
	(c) <u>public notice of the pre-2020 arrangements was given under section 19N(1), if there were no appeals or objections made to the Local Government Commission.</u>	
(3)	<u>The group 1 local authority must determine by resolution any necessary adjustments to be made to the boundaries of any ward, constituency, community, or subdivision to ensure that they coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand.</u>	25
18	Local authority must notify resolution to revert to pre-2020 representation arrangements	30
	A group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements must—	
(a)	give public notice of the resolution, including the following information for the next triennial general election:	
	(i) the number of elected positions the local authority will have:	35
	(ia) <u>the number of appointed positions for community boards (if any);</u>	
	(ii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each:	

(iii) whether any adjustments have been made by Statistics New Zealand to the meshblocks aligning with the ward, constituency, community, or subdivision boundaries used for the 2019 or 2016 triennial general elections and whether adjustments have been made to boundaries under clause 17 ; and	5
(b) as soon as practicable, send a copy of the notice to the following:	
(i) the Local Government Commission:	
(ii) the Surveyor-General:	
(iii) the Government Statistician:	
(iv) the Remuneration Authority:	10
(v) such other local authorities as may be required under section 19Y(2)(b) and (c); and	
(e) provide to the Surveyor-General a copy of the plans for the arrangements they are reverting back to, including any minor changes made to boundaries under clause 17.	15
<u>(c) provide to the Surveyor-General—</u>	
<u>(i) a copy of the plans for the arrangements they are reverting to; or</u>	
<u>(ii) in a case where minor changes have been made to boundaries in accordance with clause 17, new plans for the arrangements incorporating those changes.</u>	20
19 When notified basis for election for next triennial election has effect	
(1) If a group 1 local authority has, under clause 18 , given public notice of the basis of election for the next triennial election of the local authority, no such basis has effect unless—	
(a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and	25
(b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.	30
(2) If the description of any ward or constituency or community or subdivision to which subclause (1) applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—	35
(a) may be so amended by resolution; and	
(b) if so amended, has effect as if the provisions of subclause (1) had been complied with.	

20	Group 1 local authority reverting to pre-2020 electoral arrangements: representation review after 2025 triennial general elections	
	A group 1 local authority that resolves to disestablish its Māori wards or Māori constituencies and revert to its pre-2020 electoral arrangements must complete its next representation review in the 2025 to 2028 local government term.	5
	<i>Shortened representation review process</i>	
21	Application of clauses 22 to 28	
	Clauses 22 to 28 apply to a group 1 local authority that resolves to disestablish the 1 or more Māori wards or Māori constituencies it has established since 2020 and—	10
	(a) resolves under clause 14(2)(b) to undertake, in 2024, a shortened review of its representation arrangements for the 2025 elections; or	
	(b) is required under clause 14(3) to undertake a shortened review of its representation arrangements for the 2025 general election.	
22	Requirements for resolution	15
	Section 19K applies as if, in subsection (1AA), the words “must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the year of the election” were replaced with “must be passed by 13 September 2024”.	
23	Public notice of proposals and responsibilities	20
	Section 19M applies as if,—	
	(a) in subsection (1), the words “must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August)” were replaced with “must, within 7 days after making the resolution and not later than 20 September 2024”; and	25
	(b) in subsection (2)(d), the words “specify a period of not less than 1 month from” were replaced with the words “specify a period that ends not later than 11 October 2024 and that is of not less than 3 weeks from”.	
24	Response to submissions	30
	Section 19N applies as if, in subsection (1), the words “must, within 8 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M” were replaced with “must, within 6 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M”.	35
25	Appeals	
	Section 19(O) applies as if,—	

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	(a) in subsection (2)(a), the words “must not be earlier than 1 month” were replaced with “must not be earlier than 3 weeks”; and (b) the words in subsection (2)(b) were replaced with “must not, in the year before the 2025 triennial general election, be later than 13 December 2024”.	5
26	Obligation to forward appeals and objections to Commission Section 19Q applies as if the reference to “20 December,” were replaced with “23 December 2024,”.	
27	Commission to determine appeals and objections Section 19R applies as if, in subsection (3), the words “before 11 April in the year of a triennial general election” were replaced with “before 11 April 2025”.	10
28	Group 1 local authority completing shortened representation review process: representation review after 2025 triennial general elections A group 1 local authority that completes a shortened review process must undertake its next review of representation arrangements in accordance with the requirement in section 19H(2)(b) or 19I(2)(b) (whichever applies).	15
	<i>Provisions relating to group 2 local authorities</i>	
29	Group 2 local authority may rescind resolution to establish Māori wards or Māori constituencies	20
(1)	A group 2 local authority may, at any time during the transition period, resolve to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election.	
(2)	<i>See clause 39</i> concerning the requirement for a group 2 local authority to hold a binding poll if it does not, by 6 September 2024, resolve to rescind its decision to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.	25
30	Special consultative procedure does not apply to resolution to rescind A group 2 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 29.	30
31	Effect of resolution to rescind	
(1)	If a group 2 local authority passes a resolution under clause 29, any determination of the group 2 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no	35

	effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under Part 1A of this Act).	
(2)	Subclause (1) applies regardless of whether public notice of the proposal has been published under section 19M or 19N of this Act.	
32	Group 2 local authority rescinding resolution to establish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set	5
	A group 2 local authority that resolves to rescind its decision to establish 1 or more Māori wards or Māori constituencies under clause 29 must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.	10
33	Options for representation arrangements for 2025 general election if representation review completed since 2019	
(1)	This clause applies to a group 2 local authority if it has completed a representation review since the 2019 triennial general election.	15
(2)	For the purposes of clause 32 , the group 2 local authority is not required to, but may, resolve to complete a shortened representation review process in 2024.	
(3)	If the group 2 local authority resolves to complete a shortened representation review process, that process must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.	20
(4)	If the group 2 local authority does not resolve to complete a shortened review process in 2024, its existing representation review arrangements continue to apply for the 2025 triennial general election in accordance with section 19H(2)(b) or 19I(2)(b) (whichever applies).	25
34	Options for representation arrangements for 2025 general election if no representation review completed since 2019	
(1)	This clause applies to a group 2 local authority if it has not completed a representation review since the 2019 triennial general election.	30
(2)	The group 2 local authority may, for the 2025 triennial general election,—	
	(a) resolve to continue its existing representation arrangements, if the requirements in clause 35 are met; or	
	(b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections.	35
(3)	A group 2 local authority must undertake a shortened review of its representation arrangements, in 2024, if the requirements in clause 35 are not met.	
(4)	A shortened review process undertaken under subclause (2)(b) or (3) must be completed in accordance with the requirements of clauses 22 to 28 as if	

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	the reference to a group 1 local authority were a reference to a group 2 local authority.	
35	Requirements to be satisfied for group 2 local authority to continue existing representation arrangements	
(1)	A group 2 local authority that has not completed a representation review since 2019 may continue its existing representation arrangements only if the arrangements will provide fair and effective representation <u>of communities of interest in accordance with sections 19T to 19W</u> .	5
(2)	The local authority must, before passing a resolution under clause 34(2)(a) to continue its existing representation arrangements,—	10
(a)	request updated <u>2023</u> population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the local authority's existing representation arrangements; and	
(b)	provide to Statistics New Zealand such information as may be required by it concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and	15
(c)	table the following at the meeting at which the resolution is to be considered:	
(i)	the updated <u>2023</u> population estimates:	20
(ii)	an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority continues its existing representation arrangements:	
(iii)	a statement from the Local Government Commission on the consistency of the existing representation arrangements with section 19V(2), taking into account the updated <u>2023</u> population estimates.	25
(3)	For the purposes of considering the fair and effective representation requirements under sections 19T to 19V <u>of communities of interest in accordance with sections 19T to 19W</u> , if an exception from compliance under section 19V(3) has previously been upheld on a determination by the Local Government Commission under section 19V(6) relating to <u>specific wards, constituencies, or subdivisions in the local authority's most recent representation review pre-2020 representation arrangements</u> , that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).	30 35
36	Objections process does not apply to resolution to continue existing representation arrangements	
	Section 19P does not apply in respect of a resolution made by a group 2 local authority made under clause 34(2)(a) .	40

37	Group 2 local authority must notify resolution to continue existing representation arrangements	
(1)	A group 2 local authority that resolves under clause 34(2)(a) to continue its existing representation arrangements must—	
(a)	give public notice of the resolution, including the following information for the next triennial general election:	5
(i)	the number of elected positions the local authority will have:	
(ia)	<u>the number of appointed positions for community boards (if any):</u>	
(ii)	the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each; and	10
(b)	as soon as practicable, send a copy of the notice to the following:	
(i)	the Local Government Commission:	
(ii)	the Surveyor-General:	
(iii)	the Government Statistician:	15
(iv)	the Remuneration Authority:	
(v)	such other local authorities as may be required under section 19Y(2)(b) and (c).	
(2)	If either Western Bay of Plenty District Council or Central Hawke's Bay District Council gives public notice under subclause (1) , the local authority must, in addition, meet the requirements specified in clause 19(1) and (2) as if the reference to a group 1 local authority were a reference to a group 2 local authority.	20
38	Group 2 local authority: representation review after 2025 triennial general election	25
(1)	A group 2 local authority that has not completed a representation review since the 2019 triennial general election and that resolves under clause 34(2)(a) to continue its existing representation arrangements for the 2025 triennial general election must complete its next representation review in the 2025 to 2028 local government term.	30
(2)	A group 2 local authority that has completed a representation review since the 2019 triennial general election or that completes a shortened representation review process in accordance with the provisions of this Part must complete its next representation review in accordance with the requirements in section 19H(2)(b) or 19I(2)(b) (whichever applies).	35

<i>Conduct of binding polls in conjunction with 2025 triennial general elections</i>	
39	Local authority must conduct binding poll in 2025 if Māori wards or Māori constituencies not disestablished or decision to establish not rescinded
(1)	This clause applies to—
(a)	a group 1 local authority that does not, by 6 September 2024, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established:
(b)	a group 2 local authority that does not, by 6 September 2024, resolve to rescind its decision to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general elections.
(2)	A group 1 or group 2 local authority to which this clause applies must hold a poll on the question whether, from the 2028 triennial general election,—
(a)	in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
(b)	in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
(3)	The poll must be conducted using the First Past the Post electoral system.
(4)	The poll must, in each case, be held—
(a)	in conjunction with the 2025 triennial general election; and
(b)	in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.
(5)	Every poll held under this Act as required by this clause determines the question referred to in subclause (2)(a) or (b) (whichever applies) for the next 2 triennial general elections for the territorial authority or regional council, and for any associated election, after the 2025 triennial general election.
39A	<u>Application of limitation on division into Māori wards or Māori constituencies</u>
	<u>Section 19ZE</u> applies as if a poll held under clause 39 on the question specified in clause 39(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF .
40	Review of representation arrangements following conduct of poll
	<i>Poll resulting in “Yes” vote</i>
(1)	Subclauses (2) and (3) apply to a group 1 or group 2 local authority if 50% or more of the valid votes cast in a poll held by the local authority as required by clause 39 are “Yes” votes.

- (2) The local authority must follow the process set out in Schedule 1A of this Act in the 2025 to 2028 electoral term if it has not completed a representation review since the 2022 triennial general election.
- (3) The local authority may continue its existing representation ~~review~~ arrangements in the 2025 to 2028 electoral term if it has completed a representation review since the 2022 triennial general election. 5
- Poll resulting in “No” vote*
- (4) If more than 50% of the valid votes cast in a poll held by a group 1 or group 2 local authority under **clause 39** are “No” votes, the local authority— 10
- (a) must complete a representation review in the 2025 to 2028 electoral term; and
- (b) must not follow the process set out in Schedule 1A in the 2025 to 2028 electoral term.
- (5) **Subclause (4)** applies despite section 19Z(3)(c).
- Group 1 and group 2 local authorities:
extension to 31 July 2024 deadline for initial representation review proposals* 15
- 41 Application of clauses 42 to 44**
- Clauses 42 to 44** apply—
- (a) only if they commence on or before 31 July 2024; and
- (b) only to a group 1 or group 2 local authority that is required to pass a resolution under section 19H, 19I, or 19J by 31 July 2024 but has not passed the resolution by that date. 20
- 42 Extension of time for passing initial representation review resolution**
- A local authority to which this clause applies may pass the resolution referred to in **clause 41(b)** by 13 September 2024. 25
- 43 Local authority using extended time must follow shortened representation review process**
- A group 1 or group 2 local authority that passes a resolution in accordance with **clause 42** must undertake a shortened review of its representation arrangements in accordance with the requirements of **clauses 23 to 27**. 30
- 44 When next representation review required**
- A group 1 or group 2 local authority that undertakes a shortened review under **clause 43** must undertake its next review of representation arrangements in accordance with the requirement under section 19H(2)(b) or 19I(2)(b) (which-ever applies). 35

*Provisions applying to Tauranga City Council***45 Application of clauses 46 to 50**

Clauses 46 to 50 apply to Tauranga City Council (the **Council**).

46 Council may resolve to disestablish Māori ward

The Council may, by 30 November 2026, resolve to disestablish (for the 2028 triennial general election onwards), its Māori ward. 5

47 Effect of resolution to disestablish

(1) A resolution of the Council to disestablish its Māori ward under **clause 46** does not affect—

- (a) any decision of the Council made after the Council's 2021 resolution under section 19Z that its district be divided into its Māori ward (the **2021 resolution**); or 10
- (b) elections held since the 2021 resolution and before the commencement date.

(2) A resolution of the Council to disestablish its Māori ward applies for the next 2 triennial general elections of the Council. 15

48 Council must hold binding poll if it does not resolve to disestablish Māori wards

- (1) This clause applies if the Council does not, by 30 November 2026, resolve to disestablish its Māori ward. 20
- (2) The Council must, by 28 March 2027, hold a poll on the question whether the district should be divided into 1 or more Māori wards.
- (3) The poll must be held in accordance with the requirements in **clause 49**.

48A Application of limitation on division into Māori wards

Section 19ZE applies as if a poll held under **clause 48** on the question specified in **clause 48(2)** were a poll on a proposal described in **section 19ZE(a)** held under **section 19ZF**. 25

49 Requirements for binding poll

- (1) The Council chief executive must notify the electoral officer, by 1 December 2026, of the date on which the poll under **clause 48** is to be held. 30
- (2) The date specified for the holding of the poll must not be a date that would require deferral of the poll under section 138A.
- (3) The electoral officer must give public notice of the poll under section 52 as soon as practicable after receiving the notice under **subclause (1)**.
- (4) The poll must be conducted using the First Past the Post electoral system. 35

(5)	The poll must be held in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.	
50	Effect of poll	
(1)	If 50% or more of the valid votes cast in the poll are “Yes” votes, the Council must follow the process set out in Schedule 1A in the 2025 to 2028 term.	5
(2)	If more than 50% of the valid votes cast in the poll are “No” votes, the Council must not follow the process set out in Schedule 1A.	
(3)	Subsection (2) applies despite section 19Z(3)(c).	
(4)	The outcome of the poll determines whether, for the next 2 triennial general elections of the Council, the district is to be divided into 1 or more Māori wards.	10
(5)	<u>The outcome of the poll must be included in the Council’s 2027 representation review.</u>	
<i>Guidelines</i>		
51	Commission must issue guidelines for resolutions and determinations under transitional provisions	15
(1)	The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part.	
(2)	The Commission may, from time to time, amend or revoke guidelines issued under subclause (1) .	20
(3)	Guidelines issued under subclause (1) may relate to group 1 or group 2 local authorities generally or to a specific class of those authorities.	
(4)	The Commission must, as soon as practicable after issuing guidelines under subclause (1) ,—	25
(a)	send a copy of those guidelines to every group 1 and group 2 local authority; and	
(b)	publish in the <i>Gazette</i> a notice—	
(i)	stating that the guidelines have been issued; and	
(ii)	naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase at a reasonable price.	30
(5)	Subclauses (3) and (4) apply, with all necessary modifications, in respect of any amendment to or revocation of guidelines issued under subclause (1) .	

**Local Government (Electoral Legislation and Māori
Wards and Māori Constituencies) Amendment Bill**

Legislative history

20 May 2024	Introduction (Bill 46–1)
23 May 2024	First reading and referral to Justice Committee