

11 June 2024

James Meager

Justice Select Committee Chair

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

1 Introduction

- 1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) appeared before the Justice Select Committee on 5 June 2024 to present its oral submission on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (**Bill**).¹
- 1.2 This supplementary submission, prepared with input from the Law Society's Public Law Committee,² responds to a question from the Committee Chair about whether the Local Government Commission (**Commission**) can review and overturn decisions regarding general wards and rural wards, but not decisions relating to Māori wards.

2 The Commission's role

- 2.1 The Commission can determine appeals and objections relating to Māori wards and constituencies, as well as general and rural wards and constituencies.
- 2.2 If a local authority receives an appeal or objection to a determination about *any* ward or constituency, it must forward that appeal or objection to the Commission for a determination.³ The Commission must then determine those appeals and objections in accordance with sections 19R, and 19T to 19W of the Local Electoral Act 2002, and the *Guidelines for local authorities undertaking representation reviews* (**Guidelines**).⁴
- 2.3 The Guidelines clarify the Commission's role in determining appeals and objections.⁵ It also specifically discusses the Commission's role in determining appeals and objections on Māori wards and constituencies:⁶

¹ A copy of the Law Society's initial written submission on the Bill can be found here: <https://www.lawsociety.org.nz/assets/Law-Reform-Submissions/Local-Government-Maori-Wards-etc-Bill.pdf>.

² More information about this Committee is available on the Law Society's website: <https://www.lawsociety.org.nz/branches-sections-and-groups/law-reform-committees/public-law-committee/>.

³ Local Electoral Act 2002, s 19Q.

⁴ Local Government Commission *Guidelines for local authorities undertaking representation reviews* (9th ed, July 2023).

⁵ At [10.6] to [10.9].

⁶ At [4.3].

The Commission's role in respect of determination of appeals and objections on representation arrangements:

- does not extend to whether or not Māori wards/constituencies are to be established
- is limited to consideration of the detailed arrangements for such wards/constituencies, i.e. the number of wards/constituencies, their boundaries and names, and number of members.

2.4 If the Commission makes a determination which differs from the determination initially made by the local authority, the Commission's determination will be substituted in place of the local authority's determination (regardless of whether the determination relates to a Māori ward or constituency, or a general or rural ward or constituency). The Commission's determination is final, and continues in effect until a subsequent determination comes into effect.⁷

Nāku noa, nā

A handwritten signature in dark ink that reads "David Campbell". The signature is written in a cursive, flowing style.

David Campbell
Vice-President

⁷ Section 19(S)(3) of the Act.