

Appendix B: Statutory Provisions

Statutory provisions from Part 1A, Local Electoral Act

This section covers the statutory provisions from *Part 1A Representation arrangements for elections of territorial authorities, regional councils, local boards, and community boards*.

The requirements relating to local authorities' representation reviews are contained in ss19A to 19Y, *Part 1A Local Electoral Act 2001*. These cover:

- representation arrangements
- representation reviews
- procedural steps and timelines.

Representation arrangements

The following provisions relate to representation arrangements for territorial authorities, regional councils and community boards:

- *section 19A – membership of territorial authorities*
- *section 19B – basis of election of mayor of territorial authority*
- *section 19C – basis of election of members of territorial authority*
- *section 19D – membership of regional councils*
- *section 19E – basis of election of members of regional council*
- *section 19EA – membership of local boards*
- *section 19EB – basis of election of chairperson of local board in certain circumstances*
- *section 19EC – basis of election of members of local board*
- *section 19F – membership of community boards*
- *section 19G – basis of election of members of community board.*

Review of representation arrangements

The following provisions relate to representation reviews:

- *section 19H – review of representation arrangements for elections of territorial authorities*
- *section 19I – review of representation arrangements for elections of regional councils*
- *section 19J – review of community boards*
- *section 19T – requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities and local boards*
- *section 19U – requirement for effective representation and other factors in determination of membership and basis of election of regional council*
- *section 19V – requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions*

... in making decisions under this Act or any other enactment, [to] take into account those principles specified in *subsection (1)* that are applicable (if any), so far as is practicable in the circumstances.

In summary, the principles in *subsection (1)* are:

- representative and substantive electoral participation in local elections and polls
- fair and effective representation for individuals and communities
- reasonable and equal opportunities to:
 - vote
 - nominate, or be nominated as, candidates
- public confidence in, and public understanding of, local electoral processes.

Local Government Act 2002

It is also necessary for local authorities to consider the purpose and principles of local government and the consultation and decision-making requirements set out in the *Local Government Act 2002* when undertaking their review of representation arrangements.

Section 3, Local Government Act 2002 provides that:

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; ...

Section 10 (1) provides that the purpose of local government is:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

Section 13 provides that *sections 10* (Purpose of local government) and *12(2)* (Status and powers):

...apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment.

Section 14 (1) sets out principles for local authorities. These include the following provisions that a local authority must act in accordance with when performing its role (which includes performing the duties and exercising the rights conferred on it by any other enactment):

- (b) local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of–
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on each aspect of well-being referred to in *section 10*;
- (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes.

Sections 77, 78 and 81 set out requirements for local authorities when making decisions including contributions to decision-making by Māori, and *section 82* sets out principles of consultation. *Subsection 76(1)* provides that every decision must be in accordance with these sections (that is, *sections 77 to 82*) and *subsection 76(5)* applies these requirements to decisions made under other enactments to the extent they are not inconsistent with the other enactment.

Section 19W, Local Electoral Act 2001 sets out provisions relating to reviews of community boards. It provides that a local authority in undertaking a review under *section 19J*, or the Commission in determining a local authority's community board arrangements, must have regard to the criteria for reorganisation proposals specified in the *Local Government Act 2002*, as considered appropriate in the circumstances.

The general role of community boards is set out in *section 52, Local Government Act 2002*. The role of particular community boards is significantly determined by the matters referred or responsibilities that are delegated to boards by the parent territorial authority under *subsections 52(b) and (f)*.

Relationship of *Local Government Act 2002* and *Local Electoral Act 2001*

The provisions of the *Local Government Act 2002* described above apply to local authorities making decisions under the *Local Electoral Act 2001*, including representation reviews, if they are not inconsistent with the *Local Electoral Act*.

Specific provisions of the *Local Electoral Act 2001* reflect the philosophy of the *Local Government Act 2002*, which recognises the diversity of New Zealand communities. These provisions provide local choice in respect of:

- the electoral system to be used
- the establishment of Māori wards or constituencies
- representation arrangements (subject to appeal/objection/referral to the Local Government Commission), including:
 - the number of members of the elected body (within a prescribed range)
 - and for territorial authorities, the basis of election (at large, wards, or a mix of both), and the establishment of community boards.

In both the *Local Electoral Act 2001* and the *Local Government Act 2002*, the word 'community' is used in two different senses:

- a community constituted under *Schedule 6, Local Government Act 2002* and relating to a community board, or
- a broader community of interest within the district/region.

Section 5, Local Government Act 2002 provides that, with specified exceptions, the term 'community' (and by cross-reference the *Local Electoral Act 2001*) refers to a community board area. However, 'community' is used in the wider sense in the provisions referred to in paragraphs 0 to 0 (from *Part 2, Local Government Act 2002*).

Duties of programmers and certifiers

Heading: inserted, on 7 July 2004, by section 6 of the Local Electoral Amendment Act 2004 (2004 No 62).

19AA Duties of programmers

Every person responsible for the design of a counting program intended to implement the New Zealand method of counting single transferable votes must take all reasonable steps to ensure that the program produces outcomes that are consistent with the process specified in Schedule 1A of the Local Electoral Regulations 2001.

Section 19AA: inserted, on 7 July 2004, by section 6 of the Local Electoral Amendment Act 2004 (2004 No 62).

19AB Duties of certifiers

A counting program may not be used at an election or poll under this Act, for the purpose of implementing the New Zealand method of counting single transferable votes, unless a certifier appointed for the purpose by the Secretary for Local Government has first certified that the program produces outcomes that are consistent with the process specified in Schedule 1A of the Local Electoral Regulations 2001.

Section 19AB: inserted, on 7 July 2004, by section 6 of the Local Electoral Amendment Act 2004 (2004 No 62).

Part 1A**Representation arrangements for elections of territorial authorities, regional councils, local boards, and community boards**

Part 1A: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Part 1A heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19A Membership of territorial authorities

Every governing body of a territorial authority is to consist of not fewer than 6 members nor more than 30 members, including the mayor, who are the members of the territorial authority.

Compare: 1974 No 66 s 101C

Section 19A: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19B Basis of election of mayor of territorial authority

- (1) The mayor of a territorial authority is to be elected by the electors of the district as a whole.
- (2) The election of the mayor is to be held at the same time as the general election of the other members of the territorial authority.

Section 19B: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19C Basis of election of members of territorial authority

- (1) A district of a territorial authority may be divided into wards for electoral purposes.
- (2) If a district is divided into wards, some of the members of the territorial authority may be elected by the electors of the district as a whole, but, in that case, the other members of the territorial authority must be elected by the electors of each ward of the district.
- (3) Each ward must elect at least 1 member of the territorial authority.
- (4) If a district is not divided into wards, the members of the territorial authority must be elected by the electors of the district as a whole.
- (5) If a district is divided into wards, each member of the territorial authority representing a ward must be elected by the electors of that ward.

Compare: 1974 No 66 ss 101D(1), (3), 101E(1), (3), (4)

Section 19C: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19D Membership of regional councils

Every governing body of a regional council is to consist of not fewer than 6 members nor more than 14 members, who are the members of the regional council.

Compare: 1974 No 66 s 101CA

Section 19D: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19E Basis of election of members of regional council

- (1) A region must be divided into constituencies for electoral purposes.
- (2) The members of a regional council must be elected by the electors of each constituency of the region.
- (3) The members of a regional council may not be elected partly by the electors of the region and partly by the electors of each constituency of the region.
- (4) Each constituency must elect at least 1 member of the regional council.
- (5) The members of the regional council representing the respective constituencies of the region must be elected by the electors of those constituencies respectively.

Compare: 1974 No 66 ss 101D(2), (3), 101E(1), (2)

Section 19E: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19EA Membership of local boards

- (1) Every local board—

- (a) must consist of not fewer than 5 members nor more than 12 members, including the chairperson; and
 - (b) must include at least 5 elected members; and
 - (c) may, if an Order in Council under section 25 of the Local Government Act 2002 so provides, include 1 or more appointed members.
- (2) The maximum number of members appointed under subsection (1)(c) must be less than half the total number of members.
- (3) The persons who are appointed under subsection (1)(c) as members of the local board must—
 - (a) be members of, and must be appointed by, the governing body for the district in which the local board area is situated; and
 - (b) be members of the governing body representing a ward that is wholly or predominantly within the local board area.

Section 19EA: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19EB Basis of election of chairperson of local board in certain circumstances

- (1) This section applies if an Order in Council under section 25 of the Local Government Act 2002 provides that the chairperson of a local board is to be directly elected to that office.
- (2) If this section applies, the chairperson of the local board is to be elected by the electors of the local board area as a whole.
- (3) An election under subsection (2) is to be held at the same time as the general election of the other members of the local board.

Section 19EB: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19EC Basis of election of members of local board

- (1) A local board area may be subdivided for electoral purposes.
- (2) Each subdivision must elect at least 1 member of the local board.
- (3) If a local board area comprises 2 or more whole wards, the elected members of the local board may be elected by the electors of each ward.
- (4) If the local board area is not subdivided for electoral purposes, the members of the local board must, unless they are to be elected in accordance with subsection (3), be elected by the electors of the local board area as a whole.
- (5) If a local board area is subdivided for electoral purposes or if the members of the local board are to be elected in accordance with subsection (3),—
 - (a) each member of the local board who represents a subdivision must be elected by the electors of that subdivision; and
 - (b) each member of the local board who represents a ward must be elected by the electors of that ward.

Section 19EC: inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19F Membership of community boards

- (1) Every community board—
 - (a) is to consist of not fewer than 4 members nor more than 12 members; and
 - (b) is to include at least 4 elected members; and
 - (c) may include appointed members.
- (2) The number of appointed members is to be less than half the total number of members.
- (3) The persons who are appointed under subsection (1)(c) as members of the community board must—
 - (a) be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and
 - (b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.

Compare: 1974 No 66 s 101ZQ(1), (2), (5)

Section 19F: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19G Basis of election of members of community board

- (1) The part of a district in respect of which a community is constituted may be subdivided for electoral purposes.
- (2) Each subdivision must elect at least 1 member of the community board.
- (3) If a community comprises 2 or more whole wards, the elected members of the community board may be elected by the electors of each ward.
- (4) If the community is not subdivided for electoral purposes, the members of the community board must, unless they are to be elected in accordance with subsection (3), be elected by the electors of the community as a whole.
- (5) If a community is subdivided for electoral purposes or if the members of the community board are to be elected in accordance with subsection (3),—
 - (a) each member of the community board who represents a subdivision must be elected by the electors of the subdivision; and
 - (b) each member of the community board who represents a ward must be elected by the electors of that ward.

Compare: 1974 No 66 s 101E(5)

Section 19G: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19H Review of representation arrangements for elections of territorial authorities

- (1) A territorial authority must determine by resolution, and in accordance with this Part,—
- (a) whether the members of the territorial authority (other than the mayor) are proposed to be elected—
 - (i) by the electors of the district as a whole; or
 - (ii) by the electors of 2 or more wards; or
 - (iii) in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
 - (b) in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
 - (c) in any case to which paragraph (a)(iii) applies,—
 - (i) the proposed number of members to be elected by the electors of the district as a whole; and
 - (ii) the proposed number of members to be elected by the wards of the district; and
 - (d) in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—
 - (i) the proposed name and the proposed boundaries of each ward; and
 - (ii) the number of members proposed to be elected by the electors of each ward; and
 - (e) the proposed number of elected members of any local board and, if an Order in Council under section 25 of the Local Government Act 2002 so provides, the proposed number of appointed members of that board; and
 - (f) whether the elected members of any local board are proposed to be elected—
 - (i) by the electors of the local board area as a whole; or
 - (ii) by the electors of 2 or more subdivisions of the local board area; or
 - (iii) if the local board area comprises 2 or more wards, by the electors of each ward; and
 - (g) in any case to which paragraph (f)(ii) applies,—
 - (i) the proposed name and the proposed boundaries of each subdivision; and
 - (ii) the number of members proposed to be elected by the electors of each subdivision; and

- (h) in any case to which paragraph (f)(iii) applies, the number of members of the local board proposed to be elected by the electors of each ward; and
 - (i) the proposed name of any local board.
- (2) The determination required by subsection (1) must be made by a territorial authority,—
 - (a) on the first occasion, either in 2003 or in 2006; and
 - (b) subsequently, at least once in every period of 6 years after the year in which the first determination was made.
- (2A) To avoid doubt, subsection (2) is subject to sections 19K(1AA) and 19M(1).
- (3) This section must be read in conjunction with section 19ZH and Schedule 1A.

Compare: 1974 No 66 s 101H(1)

Section 19H: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19H(1)(d)(ii): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(e): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(f): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(g): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(h): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(1)(i): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19H(2)(b): replaced, on 29 June 2013, by section 6(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19H(2A): inserted, on 29 June 2013, by section 6(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

19I Review of representation arrangements for elections of regional councils

- (1) A regional council must determine by resolution, and in accordance with this Part,—
 - (a) the proposed number of constituencies; and
 - (b) the proposed name and the proposed boundaries of each constituency; and
 - (c) the number of members proposed to be elected by the electors of each constituency.
- (2) The determination required by subsection (1) must be made by the regional council,—
 - (a) on the first occasion, either in 2003 or in 2006; and

- (b) subsequently, at least once in every period of 6 years after the year in which the first determination was made.
- (2A) To avoid doubt, subsection (2) is subject to sections 19K(1AA) and 19M(1).
- (3) This section must be read in conjunction with section 19ZH and Schedule 1A.

Compare: 1974 No 66 s 101H(2)

Section 19I: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19I(2)(b): replaced, on 29 June 2013, by section 7(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19I(2A): inserted, on 29 June 2013, by section 7(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

19J Review of community boards

- (1) A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities),—
 - (a) there should be communities and community boards; and
 - (b) if so resolved, the nature of any community and the structure of any community board.
- (2) The resolution referred to in subsection (1) must, in particular, determine—
 - (a) whether 1 or more communities should be constituted:
 - (b) whether any community should be abolished or united with another community:
 - (c) whether the boundaries of a community should be altered:
 - (d) whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:
 - (e) whether the boundaries of any subdivision should be altered:
 - (f) the number of members of any community board:
 - (g) the number of members of a community board who should be elected and the number of members of a community board who should be appointed:
 - (h) whether the members of a community board who are proposed to be elected are to be elected—
 - (i) by the electors of the community as a whole; or
 - (ii) by the electors of 2 or more subdivisions; or
 - (iii) if the community comprises 2 or more whole wards, by the electors of each ward:

- (i) in any case to which paragraph (h)(ii) applies,—
 - (i) the proposed name and the proposed boundaries of each subdivision; and
 - (ii) the number of members proposed to be elected by the electors of each subdivision.
- (3) Nothing in this section limits the provisions of section 19F.

Compare: 1974 No 66 s 101ZR(3)

Section 19J: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19JAA Review of local board area boundaries by unitary authority

- (1) A unitary authority may, when it passes a resolution under section 19H, determine by that resolution not only the matters referred to in that section but also new proposed boundaries of local board areas in the district of the unitary authority.
- (2) In determining new proposed boundaries of local board areas, the unitary authority must ensure that—
 - (a) the population affected by the new proposed boundaries will not exceed the population transfer limit prescribed by regulations made under this Act; and
 - (b) the boundaries of the local board areas will—
 - (i) enable democratic local decision making by, and on behalf of, communities of interest throughout the district; and
 - (ii) enable equitable provision to be made for the current and future well-being of all communities of interest within the affected area; and
 - (c) the boundaries of local board areas coincide with boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
 - (d) so far as is practicable, local board area boundaries coincide with ward boundaries.
- (3) Regulations may—
 - (a) prescribe a population transfer limit by specifying a limit on the proportion of the population of an existing local board area that would, if the new proposed boundaries were to take effect,—
 - (i) cease to be included in the population of that local board area; or
 - (ii) be added to the population of that local board area;
 - (b) apply different population transfer limits in different circumstances;
 - (c) set out 1 or more methods by which the applicable population transfer limit is calculated.

- (4) This section does not prevent a unitary authority from applying to the Local Government Commission for an alteration of the boundaries of local board areas as part of a local government reorganisation under the Local Government Act 2002 instead of determining new proposed boundaries of local board areas in accordance with this section.

Section 19JAA: inserted, on 31 August 2023, by section 11 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19JA Minor alterations to boundaries by territorial authority

- (1) A territorial authority may, in accordance with this section, determine by resolution new proposed boundaries of wards, communities, or subdivisions of local board areas or communities of the district of the territorial authority.
- (2) The territorial authority must be satisfied that,—
- (a) since the existing boundaries of the wards, communities, or subdivisions of local board areas or communities took effect as the basis for election at the last triennial general election, there have been changes at or near those boundaries to the boundaries of 1 or more allotments; and
 - (b) the proposed boundaries of the wards, communities, or subdivisions constitute only minor alterations to the existing boundaries; and
 - (c) the minor alterations will maintain the effective representation of communities of interest affected by the changes to the boundaries of the allotments; and
 - (d) so far as is practicable, the proposed boundaries of the wards, communities, or subdivisions coincide with the boundaries of allotments; and
 - (e) so far as is practicable, ward boundaries coincide with community boundaries (if applicable).
- (3) Every meeting at which the territorial authority deliberates on the proposals contained in the resolution must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act 1987.
- (4) The territorial authority must refer the resolution to the Commission, together with the information concerning the communities of interest and population of the district or local board area or community, and the proposed wards, communities, or subdivisions, that is held by the territorial authority and is necessary for the purposes of subsection (6).
- (5) However, the territorial authority must not refer the resolution and information to the Commission after 15 January in the year of a triennial general election.
- (6) On receiving the reference, the Commission must—
- (a) consider the resolution and information forwarded to it; and
 - (b) determine whether to uphold the proposed boundaries of the wards, communities, or subdivisions.

- (7) For the purposes of making its determination, the Commission may make any inquiries that it considers appropriate.
- (8) The Commission may determine to uphold the proposed boundaries only if it is satisfied of the matters specified in subsection (2).
- (9) The Commission must make its determination under subsection (6)(b) before 11 April in the year of the next triennial general election.
- (10) Section 19S applies to the Commission's determination as if it were made under section 19R(1)(b), and section 19Y(3) to (6) apply with any necessary modifications.
- (11) A territorial authority must not use this section if the territorial authority—
 - (a) is required to make a resolution under section 19H before the next triennial general election; or
 - (b) has, since the last triennial general election, made a resolution under section 19H; or
 - (c) has, since the last triennial general election, already made a resolution under this section that was upheld by the Commission under subsection (6)(b).

Section 19JA: inserted, on 29 June 2013, by section 8 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19JA(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19JA(2)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19JA(4): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19JB Minor alterations to boundaries by regional council

- (1) A regional council may, in accordance with this section, determine by resolution new proposed boundaries of constituencies of the region of the regional council.
- (2) The regional council must be satisfied that,—
 - (a) since the existing boundaries of the constituencies took effect as the basis for election at the last triennial general election, there have been changes at or near those boundaries to the boundaries of 1 or more allotments; and
 - (b) the proposed boundaries of the constituencies constitute only minor alterations to the existing boundaries; and
 - (c) the minor alterations will maintain the effective representation of communities of interest affected by the changes to the boundaries of the allotments; and
 - (d) so far as is practicable, the proposed boundaries of the constituencies coincide with the boundaries of allotments; and

- (e) so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.
- (3) Every meeting at which the regional council deliberates on the proposals contained in the resolution must be open to the public, except as provided by Part 7 of the Local Government Official Information and Meetings Act 1987.
- (4) The regional council must refer the resolution to the Commission, together with the information concerning the communities of interest and population of the region, and the proposed constituencies, that is held by the regional council and is necessary for the purposes of subsection (6).
- (5) However, the regional council must not refer the resolution and information to the Commission after 15 January in the year of a triennial general election.
- (6) On receiving the reference, the Commission must—
 - (a) consider the resolution and information forwarded to it; and
 - (b) determine whether to uphold the proposed boundaries of the constituencies.
- (7) For the purposes of making its determination, the Commission may make any inquiries that it considers appropriate.
- (8) The Commission may determine to uphold the proposed boundaries only if it is satisfied of the matters specified in subsection (2).
- (9) The Commission must make its determination under subsection (6)(b) before 11 April in the year of the next triennial general election.
- (10) Section 19S applies to the Commission's determination as if it were made under section 19R(1)(b), and section 19Y(3) to (6) apply with any necessary modifications.
- (11) A regional council must not use this section if the regional council—
 - (a) is required to make a resolution under section 19I before the next triennial general election; or
 - (b) has, since the last triennial general election, made a resolution under section 19I; or
 - (c) has, since the last triennial general election, already made a resolution under this section that was upheld by the Commission under subsection (6)(b).

Section 19JB: inserted, on 29 June 2013, by section 8 of the Local Electoral Amendment Act 2013 (2013 No 40).

19K Requirements for resolution

- (1AA) A resolution under section 19H, 19I, 19J, or 19JAA that affects the next triennial general election of members of a territorial authority, regional council, local board, or community board 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.

- (1) Every resolution specified in subsection (3) must include or be accompanied by a description of each proposed ward, constituency, community, or subdivision, and its proposed boundaries, so as to make each proposed ward, constituency, community, or subdivision readily identifiable to the public.
- (2) If any resolution under section 19H, 19I, 19J, or 19JAA proposes any change to the basis of election, membership, or boundaries of wards, constituencies, communities, local board areas, or subdivisions of local board areas which applied at the last triennial general election of members of the territorial authority, regional council, local board, or community board, that resolution must include an explanation of the reasons for the proposed change.
- (3) Subsection (1) applies to every resolution under any of the following provisions:
 - (a) section 19H(1)(a)(ii) or (iii) or (g):
 - (b) section 19I(1):
 - (c) section 19J(2)(a) to (e) or (h)(iii):
 - (d) section 19JAA(1).

Compare: 1974 No 66 s 101H(3), (4)

Section 19K: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19K(1AA): replaced, on 31 August 2023, by section 12(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19K(2): amended, on 31 August 2023, by section 12(3) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19K(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19K(3): replaced, on 31 August 2023, by section 12(4) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19L Distribution of copies of resolution

If a territorial authority or regional council makes a resolution under section 19H, 19I, 19J, or 19JAA, that territorial authority or regional council must, as soon as practicable after making that resolution,—

- (a) send a copy of that resolution to—
 - (i) the Commission; and
 - (ii) the Surveyor-General; and
 - (iii) the Government Statistician; and
 - (iv) the Remuneration Authority; and

- (b) in the case of a resolution made by a regional council, send a copy of that resolution to every territorial authority whose district or a part of whose district is within the region; and
- (c) in the case of a resolution made by a territorial authority, send a copy of that resolution to any regional council for a region in which the district of the territorial authority or any part of that district is situated.

Compare: 1974 No 66 s 1011

Section 19L: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19L: amended, on 31 August 2023, by section 13(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19L(a)(iv): replaced, on 29 June 2013, by section 10 of the Local Electoral Amendment Act 2013 (2013 No 40).

19M Public notice of proposals and responsibilities in relation to submissions

- (1) A territorial authority or regional council that makes a resolution under section 19H, 19I, 19J, or 19JAA 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), give public notice of the proposals contained in the resolution.
- (2) The public notice must—
 - (a) include a statement about how persons interested in the proposals may inspect the full proposals; and
 - (b) specify the communities of interest considered by the territorial authority or regional council as required by section 19T and section 19V or, as the case may require, section 19U and section 19V; and
 - (c) specify the ratio of population to proposed members for each proposed ward (if any) or constituency or subdivision (if any), and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and
 - (d) specify a period of not less than 1 month from the date of the first or only publication of the notice within which persons interested in the resolution may make submissions on the resolution to the territorial authority or regional council.
- (3) A territorial authority or regional council to whom subsection (1) applies must—
 - (a) ensure that any person who makes a submission on the proposal within the period referred to in subsection (2)(d)—
 - (i) is sent a written notice acknowledging receipt of that person's submission; and
 - (ii) is given a reasonable opportunity to be heard by the territorial authority or regional council (if that person so requests); and

- (b) ensure that the notice given to a person under paragraph (a) contains information—
 - (i) advising that person of that person's opportunity to be heard; and
 - (ii) explaining how that person may exercise that person's opportunity to be heard; and
- (c) ensure that, except as otherwise provided by Part 7 of the Local Government Official Information and Meetings Act 1987, every meeting at which submissions on a resolution referred to in subsection (1) are heard or at which the territorial authority or regional council deliberates on the proposal is open to the public; and
- (d) subject to the Local Government Official Information and Meetings Act 1987, make all written submissions on a resolution of that kind available to the public.

Compare: 1974 No 66 s 101J(1)

Section 19M: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19M(1): amended, on 31 August 2023, by section 14(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19M(1): amended, on 31 August 2023, by section 14(b) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19N Response to submissions

- (1) The territorial authority or regional council 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,—
 - (a) consider all submissions received and may, by resolution, make such amendments to the resolution made under section 19H, 19I, 19J, or 19JAA, as the case may be, as it thinks fit; and
 - (b) give public notice of its proposals.
- (2) The public notice must—
 - (a) incorporate any amendments resolved under subsection (1)(a); and
 - (b) state both the reasons for the amendments and the reasons for any rejection of submissions; and
 - (ba) specify the communities of interest considered by the territorial authority (as required by sections 19T and 19V) or regional council (as required by sections 19U and 19V); and
 - (bb) specify the ratio of population to proposed members for each proposed ward, constituency, or subdivision, and the reasons for those proposals in terms of section 19V(2) and, if applicable, section 19V(3); and
 - (c) specify the right of appeal conferred by section 19O, including the place and closing date for the receipt of appeals; and

- (d) if the territorial authority or regional council has amended its proposals under subsection (1)(a), specify the right of objection conferred by section 19P, including the place and closing date for the receipt of objections.
- (3) The territorial authority or regional council by which the public notice was given must—
 - (a) send a copy of that notice to—
 - (i) the Commission; and
 - (ii) the Surveyor-General; and
 - (iii) the Government Statistician; and
 - (iv) the Remuneration Authority; and
 - (b) if that notice was given by a territorial authority, send a copy of that notice to any regional council for a region in which the district of the territorial authority or any part of that district is situated; and
 - (c) if that notice was given by a regional council, send a copy of that notice to every territorial authority whose district or a part of whose district is within the region.

Compare: 1974 No 66 s 101J(3), (6)

Section 19N: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19N(1): amended, on 31 August 2023, by section 15(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19N(1)(a): amended, on 31 August 2023, by section 15(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19N(2)(ba): inserted, on 29 June 2013, by section 11(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19N(2)(bb): inserted, on 29 June 2013, by section 11(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19N(3)(a)(iv): replaced, on 29 June 2013, by section 11(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

19O Appeals

- (1) Any person who or organisation (including a local board or community board) that has made submissions on a resolution made under section 19H, 19I, 19J, or 19JAA may lodge a written appeal against the decision of the territorial authority or regional council at the principal office of the territorial authority or regional council on or before the date specified in the public notice of that decision.
- (2) That date—
 - (a) must not be earlier than 1 month after the date of the first or only publication of the public notice; and

- (b) must not, in a year immediately before the year of a triennial general election, be later than 3 December.
- (3) An appeal lodged under this section—
 - (a) must identify the matters to which the appeal relates:
 - (b) may raise only those matters that were raised in the appellants' submissions.

Compare: 1974 No 66 s 101J(4)

Section 19O: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19O(1): amended, on 31 August 2023, by section 16(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19O(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19O(2)(b): amended, on 31 August 2023, by section 16(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19P Objections

- (1) If the territorial authority or regional council has, under section 19N(1)(a), amended the resolution made by it under section 19H, 19I, 19J, or 19JAA, any interested person or organisation (including a local board or community board) may lodge a written objection to the amended resolution at the principal office of the territorial authority or regional council on or before the date specified in the public notice, which date must be the same date as that specified for the closing of receipt of appeals under section 19O.
- (2) An objection lodged under this section must identify the matters to which the objection relates.

Compare: 1974 No 66 s 101J(5)

Section 19P: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19P(1): amended, on 31 August 2023, by section 17 of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19P(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19Q Obligation to forward appeals and objections to Commission

If the territorial authority or regional council receives any appeal under section 19O or any objection under section 19P, the territorial authority or regional council must, as soon as practicable, but, in a year immediately before the year of a triennial general election, in no case later than 20 December, forward to the Commission—

- (a) the resolution made under section 19H, 19I, 19J, or 19JAA and any resolution made under section 19N(1)(a) that made amendments to the resolution made under section 19H or section 19I or section 19J; and
- (b) a copy of the public notice given under section 19N(1)(b); and

- (c) every submission made to the territorial authority or regional council on the resolution made by the territorial authority or regional council under section 19H, 19I, 19J, or 19JAA; and
- (d) every appeal and objection received by the territorial authority or regional council under section 19O or section 19P; and
- (e) such information concerning the communities of interest and population of the district or region or local board area or community, or any proposed ward or constituency or subdivision, as is held by the territorial authority or regional council and is necessary for the purposes of section 19R.

Compare: 1974 No 66 s 101J(7)

Section 19Q: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Q: amended, on 31 August 2023, by section 18(1) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19Q(a): amended, on 31 August 2023, by section 18(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19Q(c): amended, on 31 August 2023, by section 18(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Section 19Q(e): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19R Commission to determine appeals and objections

- (1) The Commission must—
 - (a) consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and
 - (b) subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—
 - (i) in the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:
 - (ii) in the case of a regional council that has made a resolution under section 19I, the matters specified in that section:
 - (iii) in the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section:
 - (iv) in the case of a unitary authority that has made a resolution under section 19JAA, the matters specified in that section.
- (2) For the purposes of making a determination under subsection (1)(b), the Commission—
 - (a) may make any enquiries that it considers appropriate; and
 - (b) may hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or

objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.

- (3) The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).

Compare: 1974 No 66 s 101K(1), (2)

Section 19R: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19R(1)(b)(iv): inserted, on 31 August 2023, by section 19(3) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

19S Determination of Commission

- (1) Notice in writing of every determination made under section 19R(1)(b), setting out the reasons for the determination, must be given by the Commission to the territorial authority or regional council concerned, and by public notice.
- (2) As soon as practicable after the publication of a public notice under subsection (1), the Commission must send a copy of that notice to—
- (a) the Surveyor-General; and
 - (b) the Government Statistician; and
 - (c) the Remuneration Authority; and
 - (d) the Secretary for Local Government.
- (3) Subject to Part 2AA of the Local Government Act 1974 or Schedule 5 of the Local Government Act 2002, the determination of the Commission made under section 19R(1)(b) is final and comes into force for the next triennial general election, and continues in effect until a subsequent determination under this Part comes into effect.

Compare: 1974 No 66 s 101K(3)–(5)

Section 19S: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19S(2)(c): amended, on 29 June 2013, by section 12 of the Local Electoral Amendment Act 2013 (2013 No 40).

19T Requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities and local boards

- (1) In determining the matters specified in paragraphs (a) to (d) of section 19H(1), the territorial authority and, where appropriate, the Commission must ensure—
- (a) that the election of members of the territorial authority (other than the mayor), in one of the ways specified in subparagraphs (i) to (iii) of section 19H(1)(a), will provide effective representation of communities of interest within the district; and

- (b) that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
 - (c) that, so far as is practicable, ward boundaries coincide with any local board area or community boundaries.
- (2) In determining the matters specified in section 19H(1)(e) to (h), the territorial authority and, where appropriate, the Commission must ensure—
 - (a) that the election of members of the local board, in one of the ways specified in section 19H(1)(f)(i) to (iii), will provide effective representation of communities of interest within the local board area; and
 - (b) that the boundaries of subdivisions coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
 - (c) that, so far as is practicable, subdivision boundaries coincide with ward boundaries.

Compare: 1974 No 66 s 101L(2), (4)

Section 19T: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19T heading: amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19T(1)(c): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19T(2): inserted, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19U Requirement for effective representation and other factors in determination of membership and basis of election of regional council

In determining the matters specified in paragraphs (a) to (c) of section 19I(1), the regional council and, where appropriate, the Commission must ensure—

- (a) that the number and boundaries of constituencies will provide effective representation of communities of interest within the region; and
- (b) that constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
- (c) that, so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.

Compare: 1974 No 66 s 101L(1)

Section 19U: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or local board area or community and every ward or constituency or subdivision within the district or region or local board area or community.
- (2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or local board area or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).
- (3) Despite subsection (2),—
 - (a) if the territorial authority or the Commission considers that 1 or more of the following apply, wards and subdivisions of a local board area or a community may be defined and membership distributed between them in a way that does not comply with subsection (2):
 - (i) non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority; or
 - (ii) compliance with subsection (2) would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions; or
 - (iii) compliance with subsection (2) would limit effective representation of communities of interest by uniting within a ward or subdivision 2 or more communities of interest with few commonalities of interest:
 - (b) if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).
- (4) A territorial authority or regional council that decides under subsection (3) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in section 19Q(a) to (e).
- (5) A reference under subsection (4) must be treated as if it were an appeal against the decision of the territorial authority or regional council, for the purposes of

sections 19R (other than subsection (1)(b)), 19S, and 19Y, which apply with any necessary modifications.

- (6) On receiving a reference under subsection (4), the Commission must determine, under section 19R(1), whether—
- (a) to uphold the decision of the territorial authority or regional council; or
 - (b) to alter that decision.

Compare: 1974 No 66 s 101L(3)

Section 19V: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19V(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19V(2): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19V(2): amended, on 7 July 2004, by section 7 of the Local Electoral Amendment Act 2004 (2004 No 62).

Section 19V(3)(a): replaced, on 29 June 2013, by section 13(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(3)(a): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19V(4): amended, on 29 June 2013, by section 13(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(4): amended, on 29 June 2013, by section 13(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(5): amended, on 29 June 2013, by section 13(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19V(6)(a): amended, on 29 June 2013, by section 13(3) of the Local Electoral Amendment Act 2013 (2013 No 40).

19W Factors in determination of matters in relation to community boards

In determining the matters specified in paragraphs (a) to (i) of section 19J(2), the territorial authority and, where appropriate, the Commission must ensure—

- (a) that, in the case of the matters specified in paragraphs (a) to (g) of section 19J(2), it has regard to such of the criteria as apply to local government reorganisation under the Local Government Act 1974 or the Local Government Act 2002 as the territorial authority or the Commission considers appropriate in the circumstances; and
- (b) that the election of members of the community board, in one of the ways specified in subparagraphs (i) to (iii) of section 19J(2)(h), will provide effective representation of communities of interest within the community and fair representation of electors; and
- (c) that the boundaries of every community, and of every subdivision of a community, coincide with the boundaries of the current statistical mesh-

block areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Compare: 1974 No 66 ss 101ZH(2), 101ZL

Section 19W: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19W(a): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

19X Certificate of Government Statistician

- (1) For the purposes of sections 19H to 19W, the certificate of the Government Statistician as to the population of any region, district, local board area, constituency, ward, community, or subdivision or any proposed constituency, ward, community, or subdivision is to be—
 - (a) a certificate of the ordinarily resident population as shown by the figures for the most recently published census (other than the figures for a census carried out in the year before a triennial general election of a territorial authority or regional council or the year in which such an election is to be held); or
 - (b) a certificate of the ordinarily resident population as assessed by the Government Statistician at any later date assessed by the Government Statistician.
- (2) Every territorial authority and every regional council must supply to the Government Statistician such information as may be required by the Government Statistician concerning the definition of any area to which any certificate of the kind referred to in subsection (1) is to relate.

Compare: 1974 No 66 s 101L(5)

Section 19X: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19X(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

19Y When determinations take effect

- (1) If there are no submissions on the proposal publicly notified under section 19M by a territorial authority or regional council, or if there are no appeals against, or objections to, a resolution publicly notified under section 19N(1) by a territorial authority or a regional council, the proposal or amended proposal, as the case may be, becomes the basis for election at the next triennial general election of the territorial authority or regional council or local board or community board, and continues in effect until a subsequent determination under this Part comes into effect, and the territorial authority or regional council must give public notice accordingly of that basis for election.
- (2) As soon as practicable after the publication of a public notice under subsection (1), the territorial authority or regional council by which that notice was given must—

- (a) send a copy of that notice to—
 - (i) the Commission; and
 - (ii) the Surveyor-General; and
 - (iii) the Government Statistician; and
 - (iv) the Remuneration Authority; and
 - (v) the Secretary for Local Government; and
 - (b) if that notice was given by a territorial authority, send a copy of that notice to any regional council for a region in which the district of the territorial authority or a part of that district is situated; and
 - (c) if that notice was given by a regional council, send a copy of that notice to every territorial authority whose district or a part of whose district is within the region.
- (3) If a territorial authority or a regional council has, under subsection (1), or the Commission has, under section 19S(1), given public notice of the basis of election for the next triennial general election for a territorial authority or regional council or local board or community board, 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
 - (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.
- (4) If the description of any ward or constituency or community or subdivision to which subsection (3) 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—
 - (a) may be so amended by resolution; and
 - (b) if so amended, has effect as if the provisions of subsection (3) had been complied with.
- (5) The territorial authority or regional council must reimburse the Commission for any costs incurred by the Commission in obtaining the certificate required by subsection (3) or must meet the cost of the production of that certificate if required to do so by the Surveyor-General.
- (6) The following provisions apply to every determination of the Commission under this section:
 - (a) it is to come into force at the next triennial general election, except so far as may be necessary to provide for that election; and

- (b) a copy must be kept at the office of the territorial authority or regional council, and must be available for inspection without fee by any person during normal office hours.

Compare: 1974 No 66 s 101M

Section 19Y: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Y(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19Y(2)(a)(iv): amended, on 29 June 2013, by section 14 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19Y(3): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Māori wards and Māori constituencies

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19Z Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies

- (1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.
- (2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes.
- (3) A resolution under this section,—
 - (a) if made after a triennial general election but no later than 23 November of the year that is 2 years before the next triennial general election, takes effect, subject to paragraph (c), for the purposes of the next triennial general election of the territorial authority or regional council; and
 - (b) in any other case, takes effect, subject to paragraph (c), for the purposes of the next but one triennial general election; and
 - (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 a further resolution under this section takes effect.
- (4) This section—
 - (a) is subject to clauses 2(5) and 4(4) of Schedule 1A; and
 - (b) does not apply in relation to a territorial authority or regional council if another enactment requires,—
 - (i) in the case of a territorial authority, that the district be divided into 1 or more Māori wards; or
 - (ii) in the case of a regional council, that the region be divided into 1 or more Māori constituencies.