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# LG Law

## Bill Proposing Mandatory Maori Wards or Constituencies Defeated: The Local Electoral (Maori Representation) Amendment Bill

Earlier this month we reported on the introduction of a Private Members Bill, the Local Electoral (Maori Representation) Amendment Bill (**Bill**), which sought to make Maori wards and constituencies a mandatory requirement for all regional and territorial authorities, and to amend the calculation by which the number of such wards or constituencies was decided. That Bill was defeated in its first reading in the House on 16 June 2010. Our earlier article is available here [http://www.brookfields.co.nz/newsroom/localgovernment/lgjun10\\_1.asp](http://www.brookfields.co.nz/newsroom/localgovernment/lgjun10_1.asp).

While the defeat of this Bill signals Parliament's intention that there should be no mandatory requirement on councils to establish Maori wards or constituencies, it is worth noting that the existing provisions of the Local Electoral Act 2001 already give councils the option to establish these wards or constituencies should they wish to do so. The provisions by which Maori wards or constituencies are created under the existing Act, do however, leave such decisions open to a demand for a public poll on that matter.

The Bill had sought an amendment to the calculation by which the number of Maori constituencies or wards is determined. While currently based on the Maori electoral population, the Bill intended that the calculation be based on the general Maori population, taking into consideration the fact that 40% of that population is under 18. Through the Bill's defeat the House has signalled that it does not support this change in policy.

The defeat of this Bill also defeats the amendment sought to the Local Government Act 2002 which would have required one member of the Local Government Commission having knowledge of Tikanga Maori to be appointed with the agreement of the Minister of Maori Affairs. It is noted here that the current section 33(2)(b) of the Local Government Act already requires one member to have knowledge of Tikanga Maori, however that member may be appointed by the Minister after consultation with the Minister of Maori Affairs.

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