

**Reprint
as at 1 July 2012**



**Bay of Plenty Regional Council
(Maori Constituency Empowering)
Act 2001**

Local Act 2001 No 1
Date of assent 8 October 2001
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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1 Title
 This Act is the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001.

2 Commencement
 This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation
 In this Act, unless the context otherwise requires,—
census has the same meaning as in section 3(1) of the Electoral Act 1993
constituency has the same meaning as in section 5(1) of the Local Electoral Act 2001
Council means the Bay of Plenty Regional Council
general constituency, in relation to the region, means every constituency of the region that is not a Māori constituency
general electoral population has the same meaning as in section 3(1) of the Electoral Act 1993
Māori constituency means a Māori constituency created in accordance with Part 1
Māori electoral district has the same meaning as in section 3(1) of the Electoral Act 1993
Māori electoral population has the same meaning as in section 3(1) of the Electoral Act 1993

region means the Bay of Plenty Region comprising the area delineated on SO Plan 58080 deposited under the Local Government Act 1974.

Section 3 **constituency**: substituted, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

4 Act to be read with Local Government Act 1974, Local Government Act 2002, and Local Electoral Act 2001

- (1) This Act is to be read in conjunction with the Local Government Act 1974 or the Local Government Act 2002, and the Local Electoral Act 2001, and those Acts and any regulations made under any of those Acts apply accordingly and with any necessary modifications.
- (2) However, if there is any inconsistency between the provisions of this Act and any provisions in any of the other Acts referred to in subsection (1) or any regulations made under any of those Acts, this Act prevails.

Section 4 heading: amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 4(1): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 4(2): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Part 1

Membership of Council at 2004 general election and subsequently

5 Review of membership and basis of election of Council

For the purposes of carrying out the duties imposed by section 19I of the Local Electoral Act 2001, in the year 2003 and in any subsequent year when those duties are required to be undertaken, the Council must first determine—

- (a) the proposed number of members of the Council; and
- (b) the proposed number of members of the Council to be elected by the electors of 1 or more Māori constituencies; and
- (c) the proposed number of members of the Council to be elected by electors of general constituencies.

Section 5: amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

6 Calculation of number of Māori and general constituency members

- (1) The number of members to be elected by the electors of 1 or more Māori constituencies of the Council (**Māori constituency members**) is to be determined in accordance with the following formula:

$$nmm = \frac{mepr}{mepr + gepr} \times nm$$

where—

nmm is the number of Māori constituency members

$mepr$ is the Māori electoral population of the region

$gepr$ is the general electoral population of the region

nm is the proposed number of members of the Council.

- (2) If the number of the Māori constituency members calculated under subsection (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori constituency members must be the next whole number above the number that includes the fraction.
- (3) The number of members to be elected by the electors of the general constituencies is to be determined by subtracting from the proposed number of members of the Council the number of Māori constituency members, as calculated under subsections (1) and (2).

7 Relationship with other provisions

- (1) In exercising its powers and duties under sections 19I to 19Y of the Local Electoral Act 2001, the Council or, as the case may require, the Local Government Commission must ensure that any proposal, revised proposal, or determination made under any of those sections is consistent with the result of the calculations required by section 6.
- (2) If it is proposed to alter the proposed number of members of the Council at any time after that number is first determined in

accordance with section 5 and section 19I of the Local Electoral Act 2001, the Council or, as the case may require, the Local Government Commission must again make the determinations required by section 5(a) and (b), in accordance with the method of calculation specified in section 6.

- (3) Subsection (2) does not limit subsection (1).

Section 7(1): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 7(2): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

8 Supplementary provisions regarding constituencies and boundaries

In determining the number of constituencies and boundaries of Māori constituencies, the Council and, if appropriate, the Local Government Commission must, in addition to satisfying the requirements in section 19U of the Local Electoral Act 2001, have regard to—

- (a) the need for the ratio of members to population in each Māori constituency to be similar (if more than 1 Māori constituency for the region is proposed); and
- (b) the boundaries of any existing Māori electoral district; and
- (c) communities of interest and tribal affiliations.

Section 8: amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

9 Population figures

- (1) The Government Statistician must, at the request of the Council or, if appropriate, the Local Government Commission, supply the Council or the Commission with a certificate—
 - (a) specifying the Māori electoral population for the region; and
 - (b) the general electoral population of the region.
- (2) The numbers included in the certificate must be derived from information contained in the most recent report of the Government Statistician to the Surveyor-General and to the other members of the Representation Commission made under section 35(6) of the Electoral Act 1993.

- (3) A certificate issued under subsection (1) is conclusive evidence of the information contained in that certificate.

10 Electors of Māori constituencies

- (1) The electors of any Māori constituency created in accordance with this Part are, in the case of any triennial general election,—
- (a) those residential electors of the region entitled to vote at the election of the Council who—
 - (i) are registered as a parliamentary elector at an address within the constituency; and
 - (ii) are registered as an elector of a Māori electoral district; and
 - (b) those ratepayer electors of the region entitled to vote at the election of the Council—
 - (i) whose entitlement as an elector arises in respect of property in the constituency; and
 - (ii) who are registered as an elector of a Māori electoral roll.
- (2) The electors of any Māori constituency created in accordance with this Part are, in the case of an election to fill an extraordinary vacancy,—
- (a) those residential electors of the region who, on the day before polling day at the election,—
 - (i) are registered as a parliamentary elector at an address within the constituency; and
 - (ii) are registered as an elector of a Māori electoral district; and
 - (b) those persons who, on the day before polling day at the election, are ratepayer electors of the region—
 - (i) whose entitlement as electors arises in respect of property in the constituency; and
 - (ii) who are registered as an elector of a Māori electoral district.

11 Voting rights at triennial election

- (1) A person who, under section 10, is an elector of a Māori constituency of the Council at a triennial general election is—

- (a) entitled to vote at the election of the member or members of that constituency at the triennial general election; but
 - (b) not entitled to vote at the election of the member or members of any other constituency of the Council.
- (2) No other person is entitled to vote at the election of members of that Māori constituency of the Council at a triennial general election.

12 Voting rights at election to fill extraordinary vacancy

- (1) A person who, under section 10, is an elector of any Māori constituency of the Council at any election to fill an extraordinary vacancy, is entitled to vote at that election.
- (2) No other person is entitled to vote at any election to fill an extraordinary vacancy in that Māori constituency.

**Part 2
Miscellaneous**

13 Supply of information by Electoral Commission to Council

- (1) A person nominated by the Council or the principal administrative officer of any constituent territorial authority within the region may request the Electoral Commission to inform the requester if any person who is qualified as a ratepayer elector of the region is registered as an elector of a Māori electoral district.
- (2) If the Electoral Commission receives a request under subsection (1), the Electoral Commission must provide the information requested, if the requester has supplied adequate identifying information.
- (3) **Electoral Commission**, in this section, means the Electoral Commission established by section 4B of the Electoral Act 1993.

Section 13 heading: amended, on 1 July 2012, by section 61(2) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 13(1): amended, on 1 July 2012, by section 61(3) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 13(2): amended, on 1 July 2012, by section 61(3) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 13(2): amended, on 1 July 2012, by section 61(4) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 13(3): inserted, on 1 July 2012, by section 61(5) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

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Notes

1 *General*

This is a reprint of the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001. The reprint incorporates all the amendments to the Act as at 1 July 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Local Electoral Amendment Act 2002 (2002 No 85): section 52

Electoral (Administration) Amendment Act 2011 (2011 No 57): section 61
