

# **Local Electoral (Equitable Process for Establishing Māori Wards and Māori Constituencies) Amendment Bill**

Member's Bill

## **Explanatory note**

### **General policy statement**

This Bill would amend the Local Electoral Act 2001 to make the process by which territorial authorities and regional councils can establish Māori wards and Māori constituencies the same as the process by which territorial authorities and regional councils can establish general wards and constituencies. It would require territorial authorities and regional councils to consider, at least once every 6 years, whether to establish Māori wards and Māori constituencies.

Currently, if a territorial authority or regional council resolves to establish a Māori ward or constituency, a poll on the issue must be held if 5 percent of the electors of the city, district or region request it. The result of such a poll is binding on the authority or council for at least two elections. There is no equivalent requirement applicable to the establishment of general wards or constituencies.

This discrepancy sets a double standard that limits Māori participation and representation in local government by allowing it only if the majority agree. This runs counter to Te Tiriti o Waitangi, which guarantees Māori participation and representation in local government.

The requirement for a poll is also contrary to the purpose of the ward or constituency system, which was designed to allow for the recognition of communities within a district or region and to increase community involvement in the local government system. This Bill would remove the requirement for a poll, to ensure that the process for establishing Māori wards and constituencies is the same as the current process for establishing general wards and constituencies.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

*Clause 3* provides that the bill amends the Local Electoral Act 2001 (the **principal Act**).

*Clause 4* inserts a *new paragraph (j)* into section 19ZH(1) of the principal Act. The new paragraph would require a territorial authority to determine by resolution whether to divide the district into 1 or more Māori wards for electoral purposes.

*Clause 5* inserts a *new paragraph (d)* into section 19ZI(1) of the principal Act. The new paragraph would require a regional council to determine by resolution whether to divide the region into 1 or more Māori constituencies for electoral purposes.

*Clause 6* repeals sections 19Z to 19ZG of the principal Act. Section 19Z authorises territorial authorities and regional councils to divide a district or region into Māori wards or Māori constituencies for electoral purposes. Sections 19ZB to 19ZG establish the right for the public to demand a poll on the question of whether the district or region should be divided into Māori wards or Māori constituencies, and specify the effect of such a poll.

*Clause 7* makes consequential amendments to section 138A.

*Clause 8* is a transitional provision. Māori wards and constituencies that are operating immediately before the commencement date of this bill are to be treated as if they had been established under the relevant provisions of this bill.

*Marama Davidson*

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### **Contents**

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 Section 19H amended (Review of representation arrangements for elections of territorial authorities)	2
5 Section 19I amended (Review of representation arrangements for elections of regional councils)	2
6 Sections 19Z to 19ZG repealed	2
7 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	2
8 Transitional provision	2

### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Local Electoral (Equitable Process for Establishing Māori Wards and Māori Constituencies) Amendment Act **2017**.

#### **2 Commencement**

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

#### **3 Principal Act**

This Act amends the Local Electoral Act 2001 (the **principal Act**).

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- 4 Section 19H amended (Review of representation arrangements for elections of territorial authorities)**
- (1) In section 19H(1)(i), after “board”, insert “; and”.
- (2) After section 19H(1)(i), insert:
- (j) whether to divide the district into 1 or more Māori wards for electoral purposes. 5
- 5 Section 19I amended (Review of representation arrangements for elections of regional councils)**
- (1) In section 19I(1)(c), after “constituency”, insert “; and”.
- (2) After section 19I(1)(c), insert: 10
- (d) whether to divide the region into 1 or more Māori constituencies for electoral purposes.
- 6 Sections 19Z to 19ZG repealed**
- Repeal sections 19Z to 19ZG.
- 7 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls) 15**
- (1) In section 138A(1), delete “section 19ZF(3)”.
- (2) In section 138A(1)(a), delete—
- (a) “section 19ZC(5), section 19ZD(4),”; and
- (b) “section 19ZF or”. 20
- (3) In section 138A(1)(b), delete—
- (a) “section 19ZC(5), section 19ZD(4),”; and
- (b) “section 19ZF or”.
- (4) In section 138A(1)(c), delete—
- (a) “section 19ZC(5), section 19ZD(4),”; and 25
- (b) “section 19ZF or”.
- 8 Transitional provision**
- (1) This section applies to all Māori wards or Māori constituencies established under the principal Act and in existence immediately before the commencement date. 30
- (2) Māori wards to which this section applies are to be treated as if they had been established under **section 19H(1)(j)** of the principal Act as inserted by **section 4** of this Act.
- (3) Māori constituencies to which this section applies are to be treated as if they had been established under **section 19I(1)(d)** of the principal Act as inserted by **section 5** of this Act. 35

- (4) In this section, **commencement date** means the date on which this Act comes into force.