

Member's Bill Proposes Mandatory Maori Wards or Constituencies: Local Electoral (Māori Representation) Amendment Bill

The Local Electoral (Māori Representation) Amendment Bill (**Bill**) was introduced on 6 May 2010. This is a Private Members Bill by Te Ururoa Flavell the MP for Waiariki and a member of the Māori Party. The purpose of this Bill is to achieve amendments to the Local Electoral Act 2001 (**Act**) to provide for Māori representation. The Bill would also repeal the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001 (**Bay of Plenty Act**).

The primary change is to require all territorial authorities and regional councils to establish Māori wards and constituencies. The bill is also intended to strengthen Māori representation on the Local Government Commission.

Part 2 of the Bill imposes a requirement on Councils to provide for Māori wards and constituencies. Under clause 9 of the Bill section 19A of the Local Electoral Act is replaced. The new clause requires that all territorial authorities must establish one or more Māori wards for electoral purposes within the district, and similarly all regional councils must establish one or more Māori constituencies for electoral purposes within the region.

The current provisions of the Act state that councils may establish Māori wards and constituencies. The Bill would shift from empowering councils to create Māori wards and constituencies to making this mandatory.

Under the current provisions, a territorial or regional authority has to give public notice of its resolution to implement a Māori ward or constituency and there is provision for electors to demand a poll on this matter. Under the proposed changes, there would be no such requirement to publicly notify, or hold a public poll, and the requirement to establish a ward or constituency would be compulsory.

The Bill introduces a new formula by which the numbers of such wards or constituencies are to be calculated from the total Māori population of a district or region. This is an amendment to schedule 1A of the Act and also the Bay of Plenty Act, both of which base the current formula on the Māori Electoral Population. The explanatory note to the Bill states that this change is to reflect the fact that 40% of the Māori population is under 18 and is therefore excluded under the current formula.



Clause 11 of the Bill makes changes to sections 24A to 24D of the Act relating to electoral rights for Māori wards and constituencies. While most of these changes do not alter the substance of the current sections, clause 11 substitutes a new section 24D which enables a territorial or regional authority to enquire from the Chief Registrar of Electors whether a person is registered as an elector of a Māori electoral district.

Part 3 of the Bill deals with Māori representation on the Local Government Commission. That part amends the Local Government Act 2002, inserting a requirement that one member of the commission must have knowledge of Tikanga Māori and must be appointed with the agreement of the Minister of Māori Affairs.

The Bill has not yet had its first reading in the House and as a Private Members Bill it may not progress further. It is very unlikely that this Bill will be passed in time to apply for this year's local body elections.

The creation of Māori seats has been a contentious issue in the formation of Auckland's super city structure and this Bill would in effect reverse the government's decision against Māori seats on the Auckland Council, although it would not be in place for the first Auckland Council election in October.

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