



9 February 2021

LOCAL ELECTORAL (MĀORI WARDS AND MĀORI CONSTITUENCIES) AMENDMENT BILL

LEGISLATIVE STATEMENT

The Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill (the Bill) amends the Local Electoral Act 2001 (the Act). Its objectives are to:

- align the treatment of Māori wards and Māori constituencies with the treatment of general wards and general constituencies as much as possible;
- remove all mechanisms for binding polls to be held on whether Māori wards and Māori constituencies will be established; and
- provide local authorities with an opportunity to make decisions on Māori wards and Māori constituencies, in light of these changes, in time for the 2022 local elections.

This Bill is intended as the first of a two-stage process. It is focused on making changes that will affect the 2022 local elections. Later in this parliamentary term, the second stage will consider in more detail how the Māori ward and constituency and general ward and constituency processes are best aligned.

Background to Māori wards and Māori constituencies

Māori wards and Māori constituencies provide for direct representation at local government of electors on the Māori electoral roll.

Processes for territorial authorities to consider establishing Māori wards, and for regional councils to consider establishing Māori constituencies, were inserted into the Act in 2002. For nearly twenty years, the Act has provided that:

- local authorities may resolve to establish Māori wards or constituencies, or to hold a binding poll on whether to establish Māori wards or constituencies; and
- 5% of the electors may demand that the local authority holds a poll on whether to establish Māori wards or constituencies.

The outcome of a poll on Māori wards or constituencies is binding on the local authority for the next two local elections. There is no equivalent poll provision for the establishment of general wards or constituencies.

No more binding polls on Māori wards and Māori constituencies

The Bill proposes amending the Act to:

- repeal the provisions relating to polls on the establishment of Māori wards and constituencies;
- prohibit binding local authority-initiated polls on Māori wards and constituencies (while retaining the right for local authorities to hold non-binding polls); and
- establish a transition period ending on 21 May 2021 in which local authorities may establish Māori wards or constituencies for the 2022 local elections.

When the Bill comes into effect:

- any demands for polls on Māori wards and constituencies that have been lodged (or are lodged subsequently) will have no effect;
- any resolutions by a local authority to hold a binding poll after the commencement of the Bill will have no effect; and
- polls on Māori wards or constituencies that have been publicly notified will not be held.

Transition period for fresh decision-making on Māori wards and Māori constituencies

Through the transition period ending on 21 May 2021, local authorities will be able to make decisions on their Māori wards or constituencies for the 2022 local elections despite any decisions they may have made (or not made) since the 2019 local elections. Local authorities may:

- resolve, if they had not done so previously, to establish Māori wards or constituencies;
- revoke a previous decision to establish Māori wards or constituencies;
- resolve to hold a non-binding poll on Māori wards or constituencies (to determine Māori wards or constituencies at the 2025 local elections); or
- make no decision, in which case their previous resolution (or lack thereof) continues in effect.

The Bill does not make changes to the processes in the Act which set out how Māori wards and constituencies, once established, are to be implemented by local authorities. This means:

- Māori wards and constituencies established for the 2022 local elections will remain established for the 2025 local elections;
- local authorities that establish Māori wards or constituencies will be required to review their overall representation arrangements, including the total number of councillors and the boundaries and names for any wards and constituencies, in consultation with their community; and
- the number of Māori councillor positions available at a local authority will be calculated in proportion to the total number of councillors and the number of people on the Māori electoral roll in the local authority area.