



Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

Public Act 2021 No 3
Date of assent 1 March 2021
Commencement see section 2

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal Act	2
4 New section 5AA inserted (Transitional, savings, and related provisions)	2
5AA Transitional, savings, and related provisions	2
5 Section 9 amended (Holding of referendum)	2
6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)	2
7 Sections 19ZA to 19ZG repealed	3
8 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	3
9 New Schedule 1 inserted	3
Schedule	4
New Schedule 1 inserted	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021.

2 Commencement

This Act comes into force on the day after the date of Royal assent.

3 Principal Act

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

4 New section 5AA inserted (Transitional, savings, and related provisions)

After section 5, insert:

5AA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

- (7) The result of a referendum conducted as a consequence of a direction under this section is not binding on a local authority—
- (a) in the case of any matter or proposal relating to the division of any district or region into 1 or more Māori wards or Māori constituencies; or
 - (b) in any other case, unless the local authority resolves otherwise or an enactment provides otherwise.

6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)

(1) Replace section 19Z(3)(c) with:

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under this section takes effect.

(2) Replace section 19Z(4) with:

- (4) This section—
- (a) is subject to clauses 2(5) and 4(4) of Schedule 1A; and
 - (b) does not apply in relation to a territorial authority or regional council if another enactment requires,—
 - (i) in the case of a territorial authority, that the district be divided into 1 or more Māori wards; or
 - (ii) in the case of a regional council, that the region be divided into 1 or more Māori constituencies.

(3) In section 19Z(5), delete “and in sections 19ZB to 19ZG”.

7 Sections 19ZA to 19ZG repealed

Repeal sections 19ZA to 19ZG.

8 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

In section 138A(1),—

- (a) replace “section 19ZF(3), section 33(3),” with “section 33(3)”; and
- (b) delete “section 19ZC(5), section 19ZD(4),” in each place; and
- (c) delete “section 19ZF or” in each place.

9 New Schedule 1 inserted

Insert the Schedule 1 set out in the Schedule of this Act as the first schedule to appear after the last section of the principal Act.

Schedule
New Schedule 1 inserted

s 9

Schedule 1
Transitional, savings, and related provisions

s 5AA

Part 1
**Provisions relating to Local Electoral (Māori Wards and Māori
Constituencies) Amendment Act 2021**

1 Definitions

In this Part, unless the context otherwise requires,—

amendment Act means the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

commencement date means the date on which the amendment Act comes into force

transition period means the period beginning on the commencement date and ending on 21 May 2021.

2 Territorial authority or regional council may resolve during transition period to establish Māori wards or Māori constituencies for next triennial general election

- (1) Any territorial authority may resolve at any time during the transition period that the district be divided into 1 or more Māori wards for electoral purposes.
- (2) Any regional council may resolve at any time during the transition period that the region be divided into 1 or more Māori constituencies for electoral purposes.
- (3) A resolution under subclause (1) or (2)—
 - (a) may be made despite any poll held under section 19ZF before the commencement date; and
 - (b) takes effect for the purposes of the next 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under section 19Z takes effect.
- (4) This clause—
 - (a) is subject to clauses 2(5) and 4(4) of Schedule 1A (as if this clause were in Part 1A of this Act); and

- (b) does not apply to Bay of Plenty Regional Council (*see* the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001).
- (5) In this clause, **associated election** has the same meaning as in section 19Z.
- 3 Territorial authority or regional council may revoke resolution made under section 19Z before commencement date**
- (1) This clause applies to a resolution of a territorial authority or regional council made under section 19Z at any time during the period—
- (a) commencing on 13 October 2019; and
- (b) ending on the day before the commencement date.
- (2) The territorial authority or regional council may, at any time during the transition period, revoke the resolution.
- 4 No poll may be demanded on or after commencement date to countermand resolution made under section 19Z before commencement date**
- (1) This clause applies in relation to a resolution of a territorial authority or regional council made under section 19Z before the commencement date.
- (2) No demand for a poll to countermand the resolution may be made under section 19ZB on or after the commencement date despite any public notice having been given under section 19ZA by the territorial authority or regional council before the commencement date of a right to demand a poll.
- 5 Demand for poll by electors under sections 19ZB and 19ZC before commencement date must be disregarded on commencement date**
- (1) This clause applies if—
- (a) a territorial authority or regional council receives a demand for a poll made in accordance with sections 19ZB and 19ZC before the commencement date; and
- (b) the poll has not been held as at the commencement date.
- (2) The demand must be disregarded on and after the commencement date.
- (3) The chief executive of the territorial authority or regional council must not give notice to the electoral officer of the demand on or after the commencement date.
- (4) An electoral officer for a territorial authority or regional council who, before the commencement date, receives notice under section 19ZC(5) of a demand for a poll must not give public notice of the poll on or after the commencement date.

- 6 Resolution of territorial authority or regional council made under section 19ZD before commencement date ceases to have effect on commencement date**
- (1) This clause applies to a resolution of a territorial authority or regional council under section 19ZD(1) if—
- (a) the resolution was made before the commencement date; and
- (b) the poll has not been held as at the commencement date.
- (2) The resolution ceases to have effect on the commencement date.
- (3) An electoral officer who, before the commencement date, received a notice under section 19ZD of a resolution that a poll be held must not give public notice of the poll on or after the commencement date.
- 7 Electoral officer must give public notice that any poll announced before commencement date will not be held**
- (1) This clause applies to an electoral officer who, during the period of 89 days before the commencement date, gives public notice of a poll in accordance with section 19ZF(1).
- (2) The electoral officer must, as soon as practicable after the commencement date, give public notice that the poll will not be held.

Legislative history

5 February 2021	Introduction (Bill 6–1)
9 February 2021	First reading and referral to Māori Affairs Committee
15 February 2021	Reported from Māori Affairs Committee
23 February 2021	Second reading, committee of the whole House, third reading
1 March 2021	Royal assent

This Act is administered by the Department of Internal Affairs.