

**Bay of Plenty Regional Council (Maori  
Constituency Empowering) Bill**

Local Bill

As further reported from the committee of the whole House

---

## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (majority)

Subject to this Act,

Text struck out by a majority

#### New (majority)

Subject to this Act,

Text inserted by a majority

### As reported from the committee of the whole House

#### Struck out

Subject to this Act,

Text struck out

*((Subject to this Act,))*

Words struck out

Subject to this Act,

Words inserted

### As further reported from the committee of the whole House

#### Struck out

Subject to this Act,

Text struck out

#### New

Subject to this Act,

Text inserted

*((Subject to this Act )))*

Words struck out

# Bay of Plenty Regional Council (Maori Constituency Empowering) Bill

Local Bill

## Contents

1	Title	10	Calculation of number of Māori and general constituency members
2	Commencement	11	Relationship with other provisions
3	Interpretation	12	Supplementary provisions regarding constituencies and boundaries
4	Act to be read with Local Government Act 1974 and Local Electoral Act 2001	13	Population figures
	<b>Part 2</b>	14	Electors of Māori constituencies
	<b>Membership of Council at 2004 general election and subsequently</b>	15	Voting rights at triennial election
9	Review of membership and basis of election of Council	16	Voting rights at election to fill extraordinary vacancy
			<b>Part 3</b>
			<b>Miscellaneous</b>
		17	Supply of information by Chief Registrar of Electors to Council

The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Bay of Plenty Regional Council (Maori Constituency Empowering) Act **2000**.

#### Struck out (majority)

### 2 Commencement

This Act comes into force on the day on which it receives the Royal assent. 5

### 3 Interpretation

In this Act, unless the context otherwise requires,—  
**constituency** has the same meaning as in section 2(1) of the Local Government Act 1974 10  
**Council** means the Bay of Plenty Regional Council  
**Maori electoral district** means an electoral district determined under **section 6**  
**meshblock** means statistical meshblock

**Struck out (majority)**

**region** means the Bay of Plenty Region comprising the area delineated on SO Plan 58080 deposited under the Local Government Act 1974 and the Local Elections and Polls Act 1976.

- 4 Act to be read with Local Government Act 1974 and Local Elections and Polls Acts 1976** 5  
This Act is to be read in conjunction with the Local Government Act 1974 and the Local Elections and Polls Act 1976.
- 5 Membership of Council**
- (1) Despite anything in sections 101H to 101M of the Local Government Act 1974, the region must be divided into constituencies with membership in accordance with this section. 10
- (2) The constituencies of the region are—
- (a) those general electoral districts being the constituencies specified in clause 11 of the Government (Bay of Plenty Region) Reorganisation Order 1989; and 15
- (b) 1 or more Maori electoral districts to be determined in accordance with **section 6**.
- (3) Sections 101H to 101M of the Local Government Act 1974 apply in respect of the region with such modifications as may be necessary to give effect to this Act. 20
- 6 Determination of Maori electoral districts**
- (1) The Maori electoral districts must be determined no later than 31 August in the year immediately preceding the year in which the triennial general election is to be held. 25
- (2) The number of Maori electoral districts must be ascertained by dividing the number of voters in the region enrolled on the Maori electoral roll for parliamentary purposes, by the total number of voters in the region enrolled on all electoral rolls for parliamentary purposes, and multiplying the quotient by the number of members of the Council. 30
- (3) Where the number of Maori electoral districts calculated according to **subsection (2)** includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds

**Struck out (majority)**

- a half, the number of Maori electoral districts must be the next whole number above the number that includes the fraction.
- (4) The boundaries of each Maori electoral district, if more than 1, must be determined having regard to—
- (i) the need for the number of voters in each such district to be similar; and 5
  - (ii) the boundaries of any existing Maori electoral districts; and
  - (iii) communities of interest and tribal affinities.
- 7 Qualification for Maori residential electoral roll** 10
- Every person who is enrolled on the Maori Electoral roll for parliamentary purposes under sections 45 and 76 to 79 of the Electoral Act 1993 must be enrolled as an elector of the Maori constituency in which the address at which that person is registered as a parliamentary elector is situated. 15
- 8 Maori residential electoral roll**
- (1) The Maori residential electoral roll must comprise the names and addresses, arranged in alphabetical order of their surnames, of every person who, as at 14 July of the year in which a triennial general election of members of the Council is to be held, is qualified as an elector of the local authority under **section 6**. 20
- (2) For the purposes of compiling the Maori residential electoral roll, the principal administrative officer must—
- (a) obtain from the Registrar of Electors, under section 113 of the Electoral Act 1993, a computer-compiled list or computer tape containing the information specified in that section in respect of electors appearing to reside within the Region; and 25
  - (b) use that list or tape to compile the Maori residential electoral roll. 30
- (3) The Maori residential electoral role must also contain the following information:
- (a) the occupations and postal addresses of electors; and
  - (b) the statistical meshblock areas of the residences of electors; and 35

**Struck out (majority)**

- (c) such other information as has been supplied by the Chief Registrar under section 113 of the Electoral Act 1993 in respect of electors.

**New (majority)****2 Commencement****Struck out**

- (1) **Part 2** of this Act comes into force on **14 October 2001**. 5
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

**New**

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

**3 Interpretation** 10

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 2(1) of the Local Government Act 1974 15

**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 20

**Māori constituency** means *(((the Māori constituency established by **section 5** or)))* a Māori constituency created in accordance with **Part 2**

**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. 5

4 **Act to be read with Local Government Act 1974 and  
(*Local Elections and Polls Act 1976*) Local Electoral Act  
2001** 10

**Struck out**

- 
- 
- (1) This Act and any regulations made under this Act are to be read in conjunction with the Local Government Act 1974 and the ~~(*Local Elections and Polls Act 1976*)~~ Local Electoral Act 2001, and those Acts and any regulations made under those Acts apply accordingly and with any necessary modifications. 15
- (2) However, if there is any inconsistency between the provisions of this Act or any regulations made under this Act and any provisions in either of ~~(*those Acts or any regulations made under those Acts, this Act prevails*)~~ the other Acts referred to in subsection (1) or any regulations made under either of those Acts, this Act and any regulations made under this Act prevail. 20
- (3) This section is subject to **section 18**.
- 
-

---



---

**New**

---



---

- (1) This Act is to be read in conjunction with the Local Government Act 1974 and the Local Electoral Act 2001, and those Acts and any regulations made under either 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 either of the other Acts referred to in **subsection (1)** or any regulations made under either of those Acts, this Act prevails. 5
- 
- 

---



---

**Struck out**

---



---

**Part 1**

**Members of Council between 2001 and 2004** 10

**5 Māori constituency**

For the purposes of the election of the Council at the triennial general election on 13 October 2001 and any subsequent election to fill an extraordinary vacancy in the membership of that Council held before the 2004 triennial general election,— 15

- (a) the region consists of—
- (i) the constituencies created for the purposes of that triennial general election under sections 101H to 101M of the Local Government Act 1974; and
- (ii) 1 Māori constituency, the boundaries of which are the same as those of the region: 20
- (b) the number of members to be elected by electors of the general constituencies referred to in **paragraph (a)(i)** is 12:
- (c) the number of members to be elected by electors of the Māori constituency is 2. 25

**6 Electors of Māori constituency**

The electors of the Māori constituency established by **section 5** are,—

- (a) in the case of the triennial general election on 13 October 2001, the residential electors and ratepayer electors 30
- 
-



**New (majority)**

**Struck out**

- entitled to vote at the election of the Council who are registered as an elector of a Māori electoral district:
- (b) in the case of any election to fill an extraordinary vacancy in the membership of that Council that is held before the 2004 triennial general election, those persons who, as at the day before polling day at the election to fill the extraordinary vacancy,—
- (i) would be entitled to vote as a residential elector or ratepayer elector at any general election of the Council, were it to be held on that polling day; and
- (ii) are registered as an elector of a Māori electoral district.
- 7 Voting rights at 2001 election**
- (1) A person who, under **section 6**, is an elector of the Māori constituency of the Council at the triennial general election on 13 October 2001 is—
- (a) entitled to vote at the election of members of that constituency; but
- (b) not entitled to vote at the election of members of any general constituency.
- (2) No other person is entitled to vote at the election of members of the Māori constituency of the Council at the triennial general election on 13 October 2001.
- 8 Voting rights at election to fill extraordinary vacancy before 2004 general election**
- (1) A person who, under **section 6**, is an elector of the Māori constituency of the Council at any election to fill an extraordinary vacancy that is held before the 2004 triennial general election, is entitled to vote at that election.

**New (majority)**

**Struck out**

- (2) No other person is entitled to vote at any election to fill an extraordinary vacancy in the Māori constituency of the Council that is held before the triennial general election in 2004.

**Part 2**

5

**Membership of Council at 2004 general election  
and subsequently**

**9 Review of membership and basis of election of Council**

For the purposes of carrying out the duties imposed by section 101H(2) of the Local Government Act 1974, in the year 2003 and in any subsequent year when those duties are required to be undertaken, the Council must first determine—

10

- (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.

15

**10 Calculation of number of Māori and general  
constituency members**

20

- (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:

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

25

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.

30

- (2) If the number of the Māori constituency members calculated under **subsection (1)** includes a fraction, the fraction must be

**New (majority)**

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)**. 5

**11 Relationship with other provisions** 10

- (1) In exercising its powers and duties under sections 101H to 101M of the Local Government Act 1974, 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 10**. 15

- (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 9** and section 101H(2) of the Local Government Act 1974, the Council or, as the case may require, the Local Government Commission must again make the determinations required by **section 9(a) and (b)**, in accordance with the method of calculation specified in **section 10**. 20

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

**12 Supplementary provisions regarding constituencies and boundaries** 25

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 101L(1) of the Local Government Act 1974, have regard to— 30

- (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

**New (majority)**

- (b) the boundaries of any existing Māori electoral district;  
and
- (c) communities of interest and tribal affiliations.

**13 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. 10
- (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. 15
- (3) A certificate issued under **subsection (1)** is conclusive evidence of the information contained in that certificate.

**14 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 25
    - (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 30
    - (ii) who are registered as an elector of a Māori electoral roll.

**New (majority)**

- (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,—  
5
    - (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—  
10
    - (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.  
15

**15 Voting rights at triennial election**

- (1) A person who, under **section 14**, 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  
20
  - (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.  
25

**16 Voting rights at election to fill extraordinary vacancy**

- (1) A person who, under **section 14**, 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.  
30
- (2) No other person is entitled to vote at any election to fill an extraordinary vacancy in that Māori constituency.

**New (majority)****Part 3  
Miscellaneous**

- 17 Supply of information by Chief Registrar of Electors 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 Chief Registrar of Electors 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. 5
- (2) If the Chief Registrar of Electors receives a request under **subsection (1)**, the Chief Registrar must provide the information requested, if the requester has supplied adequate identifying information. 10

**Struck out**

- 18 Transitional regulations** 15
- For the purpose of facilitating the conduct of the election of the Council at the triennial general election on 13 October 2001 and any subsequent election to fill an extraordinary vacancy in the membership of that Council before the 2004 triennial general election, the Governor-General may by Order in Council make regulations— 20
- (a) prescribing provisions concerning the conduct of those elections that may be in addition to the provisions of this Act:
- (b) providing that, subject to such conditions as may be specified in the regulations, during a specified transitional period,— 25
- (i) specified terms have the meanings given to them by the regulations:
- (ii) specified provisions of the Local Government Act 1974, the Local Elections and Polls Act 1976, or any regulations made under either of those Acts are modified in the manner indicated by the regulations. 30

**New (majority)**

**Struck out**

**19 Expiry of section 18**

**Section 18** expires on the close of **30 June 2004** and on the close of that date is repealed.

**Legislative history**

1 August 2000	Introduction (Bill 49-1)
6 September 2000	First reading and referral to the Local Government and Environment Committee
9 May 2001	Reported from Justice and Electoral Committee (Bill 49-2)
16 May 2001	Second reading
20 June, 25 July, 8, 29 August 2001	Committee of the whole House (Bill 49-3)
12 September 2001	Recommitted to committee of the whole House (Bill 49-4)