

Report 14.511
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Committee Council
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Māori constituencies

1. Purpose

For Council to consider the establishment of Māori constituencies with effect from the 2016 triennial elections.

2. Background

Under the Local Electoral Act 2001 (LEA) there are two ways that a decision can be made on establishing Māori constituencies:

- The Council may resolve that the region be divided into Māori constituencies; or
- A poll may be conducted whereby every elector in the region has the opportunity to vote on whether or not the region should be divided into Māori constituencies. The majority view of those who vote will determine the result of the poll. Such a poll could either be initiated by Council or demanded by the public.

It is important to note that neither of these options is mandatory. The Council could in fact do nothing. This would, in effect, be a decision to retain the status quo, i.e. no Māori constituencies.

2.1.1 Council passing a resolution by 23 November 2014

If the Council decides to pass a resolution on establishing Māori constituencies, it must pass a resolution by 23 November 2014 for the Council's decision to take effect for the 2016 elections. The decision of Council would be effective for the next two triennial elections (unless a poll is held), and would continue in effect after these two elections until a further resolution is made by Council or a poll of electors is held.

2.1.2 Council initiates a poll by 28 February 2015

If the Council decides to initiate a poll on the matter of establishing Māori constituencies, it must do so by 28 February 2015 for the result of the poll to be effective for the 2016 elections. The outcome of a poll is binding and overrides

a resolution of Council. The result of the poll would be effective for the next two elections and would continue in effect after these two elections until a resolution is made by Council or a poll of electors is held.

2.1.3 Public demands a poll by 28 February 2015

At least five percent (16,991) of the region's electors enrolled at the previous triennial election may demand that a poll be held on the subject of establishing Māori constituencies. As above, demand for a poll must be received by 28 February 2015 for the result to be effective for the 2016 elections. Again, the outcome of a poll is binding and overrides a resolution of Council, and the result of the poll would be effective for the next two elections and would continue in effect after these two elections until a resolution is made by Council or a poll of electors is held.

2.1.4 Local Electoral Act determines number of Māori constituencies, constituency boundaries and number of Māori members

A Council resolution or a poll decides whether or not Māori constituencies will be established. They do not, however, determine how many Māori constituencies shall be established, the boundaries of the Māori constituencies or the number of members that shall be elected by the electors of each Māori constituency. These matters must be determined in line with the requirements of the LEA.

3. Comment

3.1 Application of legislation

3.1.1 Only one Māori member for this Council

The number of Māori members for election must be calculated in line with the LEA (Clause 4 of Schedule 1A). When applying this formula it becomes evident that Greater Wellington Regional Council could have only one Māori member.

Based on the Statistics New Zealand 2013 census, the region's Māori Electoral Population at 30 June 2013 was 39,900 and the General Electoral Population was 446,800. The Māori Electoral Population is 8.20 percent (8.94 % in 2010) of the region's total electoral population, which provides for a single Māori representative on the Council for total membership options for the Council of 7 to 14 members.

3.1.2 One Māori constituency to cover entire region

One Māori member would mean that only one Māori constituency could be established and this constituency would cover the entire region.

3.1.3 Māori and general constituencies

If a Māori constituency were created, one member of Council would be elected from the Māori constituency and the other members would be elected from the general constituencies. Only electors on the Parliamentary Māori electoral roll are entitled to vote for candidates in a Māori constituency. Only electors on the

Parliamentary general electoral roll are entitled to vote for candidates in general constituencies. No-one can vote in both a general and a Māori constituency.

3.1.4 How Māori constituencies relate to general representation

The establishment of Māori constituencies impacts on the number of general constituency members. This is mainly because the number of general constituency members would be determined by subtracting the number of Māori constituency members from the proposed total number of members of the Council. If, for example, there were 13 members of Council in total, one member would be a Māori constituency member and 12 would be general constituency members.

The LEA requires that a representation review must be undertaken when a decision is made to establish Māori constituencies.

3.2 Views of iwi in the region

The views of the region's iwi groups have been communicated to councillors.

4. Communication

If the Council passes a resolution to establish Māori constituencies then it must notify the public of that resolution and the right of the public to demand a poll within seven days of the resolution.

The Council must also notify the public where it decides to initiate a poll on Māori constituencies.

The Council does not have to notify the public where a resolution is passed to not establish Māori constituencies or the Council decides to do nothing. However, the Council can still decide, if it thinks it appropriate, to place a notice advising the public of the current situation and the public's right to demand a poll on the matter.

5. The decision-making process and significance

Officers recognise that the matters referenced in this report may have a high degree of importance to affected or interested parties.

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

5.1 Significance of the decision

Part 6 requires Greater Wellington Regional Council to consider the significance of the decision. The term 'significance' has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

6. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Either:***
 - ***Resolves to establish Māori constituencies with effect from the 2016 triennial elections.***

or

 - ***Resolves to initiate a poll on the matter of establishing Māori constituencies with effect from the 2016 triennial elections.***

or

 - ***Resolves that a public notice should be issued of the public's right to demand a poll on the matter.***

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