

Fact Sheet: Changes to Māori Ward and Māori Constituency Processes

The status quo

What are Māori wards and constituencies?

Under the Local Electoral Act 2001, councils decide their own representation arrangements, including whether to establish Māori and/or general wards and constituencies.

Māori wards and constituencies are the local government equivalent of the Māori parliamentary electorates. They are called “wards” at city and district councils and “constituencies” at regional councils. Each council is responsible for deciding whether it will have Māori wards or constituencies at its elections.

If a council has Māori wards or constituencies, then:

- voters on the Māori electoral roll will vote for and be represented by candidates contesting a Māori ward or constituency rather than candidates contesting a general ward or constituency;
- voters on the general electoral roll will continue to vote for candidates contesting general wards and constituencies; and
- everyone will vote for the mayor, at-large councillors (if any), and local board or community board members (if any).

Māori wards and constituencies are subject to the same population ratio rules as general wards and constituencies. This ensures that all representation at the council is fair.

What are the “Māori ward poll provisions”?

The Local Electoral Act 2001 has provided that after a council resolves to establish Māori wards or constituencies, a binding poll on Māori representation must be held if 5% of a council’s electors demand one. A council may also opt to initiate its own binding poll.

The outcome of the binding poll lasts for two elections.

How is this different from the processes for general wards and constituencies?

There are no poll provisions on the establishment of general wards. Instead, councils are required to undertake a consultation process which may be subject to review by the Local Government Commission. (The Local Government Commission is an independent body which hears appeals on the total number of councillors and the placement of boundaries).

Changes proposed by the Bill

What is happening?

The Government is seeking to pass legislation under urgency in February 2021 to make it easier for local authorities (“councils”) to establish Māori wards and constituencies for the 2022 local government elections.

The Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill proposes:

- repealing the “Māori ward poll provisions” in the Local Electoral Act 2001;

- preventing councils from holding binding polls on Māori wards and constituencies (while retaining the right for councils to hold non-binding polls); and
- providing a transition period ending on 21 May 2021 in which councils may consider, or reconsider, establishing Māori wards or constituencies for the 2022 local elections.

These changes will bring the Māori ward and constituency processes into greater alignment with the general ward and constituency processes.

What happens if a poll is demanded or resolved for before the Bill comes into force?

The Bill proposes that any demands or council resolutions for a poll will not have any effect, even if they are lodged or made before the Bill comes into force.

What happens during the transition period?

The Bill proposes that councils will have a fresh opportunity to consider Māori representation for the 2022 local elections. Until 21 May 2021, councils may:

- resolve, if they had not done so previously, to establish Māori wards or constituencies;
- revoke a previous resolution to establish Māori wards or constituencies; or
- make no decision, in which case the council's previous actions will stand.

At any time, councils may resolve to hold a non-binding poll on Māori representation to gauge community sentiment.

There is no obligation on councils to consider Māori wards or constituencies during the transition period.

Implementation

What happens after a council establishes Māori wards or constituencies?

Any council that establishes Māori wards must complete a representation review to propose how many councillors it will have at the next election and the boundaries for any wards or constituencies. The Bill does not make any changes to the representation review process. The number of Māori councillors is calculated in proportion to the overall number of councillors and the number of people on the Māori electoral roll at the council. The council's initial proposal must be publicly notified by 8 September 2021.

In its representation review, a council may propose that any new Māori councillor positions are additional to the existing general councillor positions, or it may propose converting some general councillor positions to Māori councillor positions.

The council must consult on its representation review proposal with its community. The final proposal may be subject to review by the Local Government Commission.