

Schedule 1A

Provisions relating to Māori wards and Māori constituencies

s 19ZH

Schedule 1A: inserted, on 25 December 2002, by section 49 of the Local Electoral Amendment Act 2002 (2002 No 85).

- 1 Review of representation arrangements for election of territorial authority**
- (1) If, for the purposes of a triennial general election, a district of a territorial authority (being a district that is not already divided into 1 or more Māori wards) is required to be divided into 1 or more Māori wards, the territorial authority must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 August in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19H.
- (2) That determination must be made as if the territorial authority were required by section 19H to determine by resolution, in accordance with Part 1A,—
- (a) the proposed number of members of the territorial authority (other than the mayor); and
 - (b) whether—
 - (i) all of the proposed members of the territorial authority (other than the mayor) are to be separately elected by the electors of 1 or more Māori wards and the electors of 1 or more general wards; or
 - (ii) some of the proposed members of the territorial authority (other than the mayor) are to be elected by the electors of the district as a whole and some to be elected separately by the electors of 1 or more Māori wards and 1 or more general wards, and, if so, what number of members are to be elected by electors of the district as a whole, and what number are to be elected separately; and
 - (c) the proposed number of members of the territorial authority to be elected by the electors of 1 or more Māori wards; and
 - (d) the proposed number of members of the territorial authority to be elected by electors of 1 or more general wards; and
 - (e) the proposed name and the proposed boundaries of each ward; and
 - (f) the number of members proposed to be elected by the electors of each Māori ward; and
 - (g) the number of members proposed to be elected by the electors of each general ward.
- (3) This clause does not limit section 19B(1).

Compare: 2001 No 1 (L) s 5

Schedule 1A clause 1(2)(b)(ii): amended, on 29 June 2013, by section 42 of the Local Electoral Amendment Act 2013 (2013 No 40).

2 Calculation of number of Māori and general ward members

- (1) The number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (**Māori ward members**) is to be determined in accordance with the following formula:

$$\text{nm} = \text{mepd} \div (\text{mepd} + \text{gepd}) \times \text{nm}$$

where—

nm is the number of Māori ward members

mepd is the Māori electoral population of the district

gepd is the general electoral population of the district

nm is the proposed number of members of the territorial authority (other than the mayor).

- (2) If a determination is made under clause 1(2)(b)(ii), the definition of nm in the formula must be applied as if for the words “proposed number of members of the territorial authority (other than the mayor)” there were substituted the words “proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole)”.
- (3) If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction.
- (4) The number of members to be elected by the electors of 1 or more general wards is to be determined by subtracting from the proposed number of members of the territorial authority (other than the mayor, or, if the case requires, other than the mayor and the members of the territorial authority to be elected by electors of the district as a whole) the number of Māori ward members, as calculated under subclauses (1) and (3).
- (5) Despite Part 1A and the provisions of this schedule, if the number of Māori ward members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori ward members as so determined is a fraction of the whole number 1 that does not exceed one half),—
- (a) the district must not be divided into 1 or more Māori wards and 1 or more general wards:
- (b) the provisions of clauses 1, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19H or section 19R.

Compare: 2001 No 1 (L) s 6

Schedule 1A clause 2(5): amended, on 28 June 2006, by section 5(1) of the Local Electoral Amendment Act 2006 (2006 No 25).

3 Review of representation arrangements for election of regional council

- (1) If, for the purposes of a triennial general election, a region of a regional council (being a region that is not already divided into 1 or more Māori constituencies) is required to be divided into 1 or more Māori constituencies, the regional council must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 August in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19I.
- (2) That determination must be made as if the regional council were required by section 19I to determine by resolution, in accordance with Part 1A,—
 - (a) the proposed number of members of the regional council; and
 - (b) the proposed number of members of the regional council to be elected by the electors of 1 or more Māori constituencies; and
 - (c) the proposed number of members of the regional council to be elected by electors of 1 or more general constituencies; and
 - (d) the proposed name and the proposed boundaries of each constituency; and
 - (e) the number of members proposed to be elected by the electors of each Māori constituency; and
 - (f) the number of members proposed to be elected by the electors of each general constituency.

Compare: 2001 No 1 (L) s 5

4 Calculation of number of Māori and general constituency members

- (1) The number of members to be elected by the electors of 1 or more Māori constituencies of a regional council (**Māori constituency members**) is to be determined in accordance with the following formula:

$$nmm = mepr \div (mepr + gepr) \times nm$$

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 regional council.

- (2) If the number of the Māori constituency members calculated under subclause (1) includes a fraction, the fraction must be 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 1 or more general constituencies is to be determined by subtracting from the proposed number of

members of the regional council the number of Māori constituency members, as calculated under subclauses (1) and (2).

- (4) Despite Part 1A and the provisions of this schedule, if the number of Māori constituency members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori constituency members as so determined is a fraction of the whole number 1 that does not exceed one half),—
- (a) the region must not be divided into 1 or more Māori constituencies and 1 or more general constituencies:
 - (b) the provisions of clauses 3, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19I or section 19R.

Compare: 2001 No 1 (L) s 6

Schedule 1A clause 4(4): amended, on 28 June 2006, by section 5(2) of the Local Electoral Amendment Act 2006 (2006 No 25).

5 Relationship with other provisions

- (1) In exercising its powers and duties under sections 19H to 19U, and sections 19W to 19Y, a territorial authority or regional council or, as the case may require, the Commission must ensure that any proposal, revised proposal, or determination made under any of those sections is,—
- (a) in the case of a territorial authority, consistent with the calculations required by clause 2; and
 - (b) in the case of a regional council, consistent with the result of the calculations required by clause 4.
- (2) If it is proposed to alter the proposed number of members of a territorial authority or regional council at any time after that number is first determined in accordance with clause 1 or clause 3, the territorial authority or regional council or, as the case may require, the Commission must again make, in accordance with the method of calculation specified in clause 2 or the method of calculation specified in clause 4, as the case may require, the determinations required by clause 1 or clause 3.
- (3) Subclause (2) does not limit subclause (1).

Compare: 2001 No 1 (L) s 7

6 Supplementary provisions regarding wards, constituencies, and boundaries

In determining the number of wards and the boundaries of Māori wards, and the number of constituencies and the boundaries of Māori constituencies, a territorial authority or regional council or, as the case may require, the Commission must, in addition to satisfying the requirements of section 19T or section 19U,—

- (a) ensure, to the extent that is reasonably practicable and is consistent with the requirements of paragraph (b), that—
 - (i) the ratio of members to Māori electoral population in each Māori ward produces a variance of no more than plus or minus 10% (if 2 or more Māori wards for the district are proposed); and
 - (ii) the ratio of members to Māori electoral population in each Māori constituency produces a variance of no more than plus or minus 10% (if 2 or more Māori constituencies for the region are proposed):
- (b) have regard to—
 - (i) the boundaries of any existing Māori electoral district; and
 - (ii) communities of interest and tribal affiliations.

7 Population figures

- (1) The Government Statistician must, at the request of a territorial authority or regional council or, if appropriate, the Commission, supply the territorial authority or regional council or the Commission with a certificate—
 - (a) specifying the Māori electoral population for the district or region; and
 - (b) the general electoral population of the district or region.
- (2) The numbers included in the certificate must be derived from information contained in—
 - (a) the most recent report of the Government Statistician to the Surveyor-General and the other members of the Representation Commission made under section 35(6) of the Electoral Act 1993; or
 - (b) if subclause (2A) applies, the alternative report referred to in subclause (2A)(b).
- (2A) In a year where a periodic census is held but a report under section 35(6) of the Electoral Act 1993 is not due to be completed (for the purposes of that Act) until after 1 April of the following year (*see* the definition of counting day in section 79(2) of that Act),—
 - (a) the Electoral Commission must, as soon as practicable after census day, supply to the Government Statistician the information listed in section 79(1) of that Act as on census day; and
 - (b) the Government Statistician must prepare an alternative report for the purposes of this Act, with the information referred to in paragraph (a).
- (3) A certificate issued under subclause (1) is conclusive evidence of the information contained in that certificate.

Compare: 2001 No 1 (L) s 9

Schedule 1A clause 7(2): replaced, on 31 March 2023, by section 15 of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Schedule 1A clause 7(2A): inserted, on 31 March 2023, by section 15 of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

8 This schedule to be read with Local Government Act 1974 or Local Government Act 2002 and other provisions of this Act

- (1) This schedule is to be read in conjunction with the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act, and the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act and the provisions of any regulations made under either the Local Government Act 1974 or the Local Government Act 2002 or this Act apply accordingly and with any necessary modifications.
- (2) However, if there is any inconsistency between the provisions of this schedule and any provisions of the Local Government Act 1974 or the Local Government Act 2002 or of this Act or of any regulations made under the Local Government Act 1974 or the Local Government Act 2002 or this Act, this schedule prevails.

Compare: 2001 No 1 (L) s 4