

Report 05.444
Date 24 August 2005
File X/16/07/01

Committee Ara Tahī
Author Graham Cameron Policy Advisor-Māori
Amy Norrish Policy Analyst

Maori constituencies

1. Purpose

This report is seeking the opinion of Ara Tahī on the matter of Maori constituencies.

2. Background

The Local Electoral Act 2001 (the Act) governs councils' electoral and representation arrangements, that is the number of elected members and the constituencies they are elected from. Greater Wellington currently has 13 elected members which are elected from six general constituencies.

Greater Wellington must review its representation arrangements in 2006. When making a decision on its arrangements the Council must take into account whether or not the region will be divided into one or more Maori constituencies (19Z and 19ZH).

2.1 Decision to establish Maori constituencies

There are two ways that Greater Wellington could establish Maori constituencies:

- The Council may pass a resolution (19Z). This is optional; or
- A poll may be conducted whereby every elector in the region (on both the Maori and general electoral rolls) has the opportunity to vote on whether or not the region should be divided into Maori constituencies. The majority view of those who voted will determine the result of the poll.

2.1.1 Council passing a resolution

For the Council's decision to take effect for the 2007 elections, it must pass a resolution by 23 November 2005. The decision of Council is effective for the next two triennial elections (unless a poll is held), and continues in effect after these two elections until a further resolution is made by Council or a poll of electors is held.

2.1.2 Initiation of a poll

The result of a poll is binding and overrides a decision that is made by the Council. A poll can be initiated in two ways:

- By Council resolving to hold a poll; or
- By five percent of the region's public (approximately 15,000 people) demanding that a poll be held.

A decision to initiate a poll must be made by 28 February 2006 for the result of the poll to be effective for the 2007 elections. The outcome of a poll, regardless of whether that poll was initiated by the public or by the Council, will be effective for the next two elections. A poll could cost the Council up to \$300,000 to conduct.

2.1.3 A poll only relates to establishment of Maori constituencies

A Council resolution or a poll decides whether or not to establish Maori constituencies. Neither a Council resolution nor a poll decides how many Maori constituencies shall be established, the boundaries of the Maori constituencies or the number of members that shall be elected by the electors of each Maori constituency. These matters must be determined in line with the requirements of the Act.

3. Comment

To reiterate, for the Council's decision to take effect for the 2007 elections, it must pass a resolution by 23 November 2005. The Council meeting on 18 October 2005 is the final meeting before the 23 November deadline. Consequently, Ara Tahi is being asked to provide advice about Maori constituencies from its 7 September 2005 meeting to inform the Council's decision.

3.1 Formula for number of Maori members

The number of Maori members for election must be calculated in line with the Local Electoral Act (Clause 4 of Schedule 1A). When we use this formula it becomes evident that Greater Wellington Regional Council will only be able to establish one Maori constituency and have one Maori member. This will be the outcome regardless of whether the Council has either six or 14 elected representatives in total.

3.2 Maori and general constituencies

Were the decision made to create Maori constituencies, this would mean Greater Wellington would have members elected from Maori constituencies and general constituencies. Only electors from the Maori electoral roll for central government elections can vote for candidate members in a Maori constituency. Conversely, those electors on the Maori electoral roll cannot vote

for members from general constituencies. No-one can vote in both a general and a Maori constituency.

3.3 How it relates to general representation

The establishment of Maori constituencies impacts on the number of general constituency members. This is mainly because the number of members to be elected from general constituencies would be determined by subtracting the number of Maori constituency members from the proposed number of general members.

3.4 Implications and considerations

3.4.1 Representation

In the 2001 local authority elections only four percent of people elected to councils were Maori. Yet Maori make up 14 percent of the national population. The Maori constituencies are an attempt in legislation to raise the national level of representation.

A Maori constituent would be a “seat at the table.” This in turn would raise the Maori representation on the Council. However, while an elected member will be particularly conscious of issues relevant to their constituency and accessible to local electors, he/she represents the interests of the region as a whole and signs a Declaration to that effect at the first meeting of the Triennium.

Therefore, members of Maori represent both their Maori constituency and the region as a whole (this is prescribed in the Local Government Commission guidelines).

As Ara Tahi representatives represent their iwi authority on behalf of their iwi, they speak for their iwi in dealing with Greater Wellington. An elected Maori member would not speak exclusively for iwi even if from that iwi. They would speak for all Maori electors.

It is also worth noting, establishing Maori constituencies does not preclude the Council and Maori from establishing other forms of Maori input into Council processes and decision-making.

3.4.2 Mana

The election of a Maori representative may impact on the mana of Ara Tahi. In essence, a Maori member will have been given the mana to represent all Maori on the Maori electoral roll in Greater Wellington’s Region. They will be a democratically elected Councillor.

While the nuances of tikanga are for each iwi to establish, this may represent a shift in the relationship of Ara Tahi to the Council. Whereas mana whenua and mana tangata currently lie with iwi and are exercised through Ara Tahi, to have a Maori constituency is to place mana tangata for Greater Wellington matters

in that constituency. It creates a new figurehead for the Maori relationship with Greater Wellington that is currently encapsulated by Ara Tahi.

3.4.3 Standardisation of tikanga

The perception of a cultural view is the perception of tikanga. The creation of a Maori constituency could change the view of how tikanga applies at Greater Wellington, in effect standardising tikanga from tangata whenua to Maori. Clearly this is at odds with Ara Tahi attempts to protect the complexity of tikanga.

3.5 Options

It was agreed at the Ara Tahi technical workshop that an options paper would be developed to facilitate a decision at Ara Tahi on 7 September 2005 as to Ara Tahi's advice to Greater Wellington about Maori constituencies. This is the only opportunity for Ara Tahi to inform the Council, as a decision must be made by at the October 18 Council meeting to meet the 23 November 2005 deadline.

Any option taken by Ara Tahi constitutes advice to the Council, not a directive.

4. Recommendations

That the Committee either:

1. **support** the creation of a Maori constituency; or
2. **do not support** the creation of a Maori constituency or;
3. **recommend** that Council decide to conduct a poll about Maori constituencies; or
4. **recommend** no decision is made by Council for the 2007 elections; or
5. **has no shared position** about the establishment of a Maori constituency.

That the Committee:

6. **note** the content of the report.

Report prepared by:

Report prepared by:

Report approved by:

Graham Cameron
Policy Advisor-Maori

Amy Norrish
Policy Analyst

Wayne Hastie
Council Secretary