

**Reprint  
as at 1 July 2012**



**Bay of Plenty Regional Council  
(Maori Constituency Empowering)  
Act 2001**

Local Act    2001 No 1  
Date of assent    8 October 2001  
Commencement    see section 2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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**1 Title**  
This Act is the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001.

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

**3 Interpretation**  
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 5(1) of the Local Electoral Act 2001  
**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  
**Māori constituency** means a Māori constituency created in accordance with Part 1  
**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.

Section 3 **constituency**: substituted, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

**4 Act to be read with Local Government Act 1974, Local Government Act 2002, and Local Electoral Act 2001**

- (1) This Act is to be read in conjunction with the Local Government Act 1974 or the Local Government Act 2002, and the Local Electoral Act 2001, and those Acts and any regulations made under any 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 any of the other Acts referred to in subsection (1) or any regulations made under any of those Acts, this Act prevails.

Section 4 heading: amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 4(1): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 4(2): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

**Part 1**  
**Membership of Council at 2004 general  
election and subsequently**

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

For the purposes of carrying out the duties imposed by section 19I of the Local Electoral Act 2001, in the year 2003 and in any subsequent year when those duties are required to be undertaken, the Council must first determine—

- (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.

Section 5: amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

## **6 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 the Council (**Māori constituency members**) is to be determined in accordance with the following formula:

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

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 Council.

- (2) If the number of the Māori constituency members calculated under subsection (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 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).

## **7 Relationship with other provisions**

- (1) In exercising its powers and duties under sections 19I to 19Y of the Local Electoral Act 2001, 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 6.
- (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 5 and section 19I of the Local Electoral Act 2001, the Council or, as the case may require, the Local Government Commission must again make the determinations required by section 5(a) and (b), in accordance with the method of calculation specified in section 6.

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

Section 7(1): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 7(2): amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

## **8 Supplementary provisions regarding constituencies and boundaries**

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 19U of the Local Electoral Act 2001, have regard to—

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

Section 8: amended, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

## **9 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.
- (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.