

anism from substantive and formal involvement in local government planning processes represents a significant defeat for Maori interests.

The Bill also makes strong provision for heritage and water body protection. Heritage protection is to be achieved through Heritage Protection Authorities (HPA's) which will have the power to require a local body to impose a Heritage Protection Order. The provisions are a significant advance on that which currently obtains, but again no provision is made to allow Iwi authorities to be Heritage Protection Authorities as of right. Similar comments apply with respect to water conservation orders.

Part 9 of the Act makes provision for Crown-owned minerals. The Crown has stated consistently throughout the review process that the question of ownership was not up for negotiation in the RMLR process. Maori interests have consistently argued that the question of resource management cannot properly be addressed where any or all of the resources are the subject of Treaty-based claims. In the face of all of this the Crown has proceeded to expropriate Petroleum, Gold, Silver and Uranium to itself by codifying former legislative and common law provision as to the ownership of those four minerals.

The Bill also provides that alienation of land after the Bill's commencement will be deemed to carry a reservation of every mineral (including greenstone) in its natural condition in the land.

There are also several matters relating to the makeup and procedure of the Planning Tribunal which are new and will be of particular interest to tangata whenua. These include provision for the appointment of assessors with knowledge of Maori cultural matters and provision for evidence to be given in the Maori language.

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APPENDIX 4 LEGISLATION ON MAORI REPRESENTATION, 1867-1990

1. **Maori Representation Act, 1867**
Four Maori seats created representing the Northern, Eastern, Western and Southern Maori districts for a period of five years. In 1872, the system was given extension for a period of five years. For the purposes of the Act, a Maori was defined as 'a male aboriginal native inhabitant of New Zealand of the age of twenty-one years and upwards and shall include half-castes.'
2. **Maori Representation Act Continuance Act, 1876**
'The Maori Representation Act, 1867 as amended by The Maori Representation Act Amendment and Continuance Act, 1872 shall be and is hereby continued in operation, and shall remain in operation until expressly repealed by an Act of the General Assembly.'
3. **Electoral Act, 1879**
Europeans accorded manhood suffrage; Maori could vote in a European electorate on the basis of a 25 pound freehold estate or as a ratepayer.
4. **Electoral Act, 1893**
Half-castes or Maori who had a freehold estate valued as above might still vote in European electorates but only at the expense of losing their votes in Maori electorates. Definition of Maori altered to 'an aboriginal inhabitant of New Zealand, and includes half-castes and their descendants by Natives.'
5. **Legislative Amendment Act, 1910**
Voting by show of hands abandoned in favour of voting declaration.
6. **Legislative Amendment Act, 1914**
Maori rolls introduced.
7. **Election Amendment Act, 1937**
Maori granted the secret ballot, which had been introduced for Europeans in 1870.
8. **Electoral Amendment Act, 1948**
Gave statutory for the creation of Maori rolls, while at the same time providing for the retention of the Maori right to vote declaration. Provided for the preparation of Maori rolls to be centralised in the Chief Electoral Office.
9. **Electoral Amendment Act, 1950**
Maori and European voting to occur on the same day.

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10. Electoral Act, 1956

Enrolment for Maori was made compulsory and the procedure for enrolling became the same for Maori as for European voters.

11. Electoral Amendment Act, 1967

Allowed Maori other than half-castes to stand as candidates for European electorates; Europeans allowed to stand for Maori electorates.

12. Electoral Amendment Act, 1975

Maori defined as a person of the Maori race of New Zealand, including any descendant of such a person who elected to be considered a Maori.

Application forms for enrolment to be distributed with the census questionnaire but separate from it. Electors to be asked whether they were Maori, and, if so, whether they wished to enrol on the Maori or General Roll. The results would determine the number and boundaries of the Maori seats, calculated by taking the total number of those wishing to enrol on Maori rolls together with their children under eighteen years and dividing that total by the New Zealand quota. The quotient obtained would determine the number of Maori seats.

13. Electoral Amendment Act, 1976

Repealed the section of the 1975 legislation relating to the number of Maori seats. Adjustment of the boundaries of the Maori electorates removed from the jurisdiction of the Representation Commission and returned to the Governor General.

14. Electoral Amendment Act, 1981

Representation Commission to draw the boundaries for the four Maori electorates.

15. Electoral Amendment Act, 1990

Maori electoral population to mean the sum of (a) total number of persons registered as electors of the Maori electoral districts, and (b) a figure representing a proportion of the persons of Maori descent who have not registered in any electoral district. The mechanism for exercising the Maori option also changed.