

# THE MAORI SEATS



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## BACKGROUND

The Maori electorates were established in 1867 and were initially a temporary expedient. Maori obtained full adult franchise along with European in 1893. The secret ballot was applied to Maori electorates in 1938 and the compulsory registration of voters in 1956. From 1956 to 1975 Maori electoral enrolments were governed by the Electoral Act, which directed that adults who were more than half Maori had to enrol on the Maori electoral roll, but half-castes were given a choice of going onto the Maori or general roll.

In 1975 the Labour government passed an Electoral Amendment Act changing the definition of Maori to "a person of the Maori race of New Zealand, including any descendant of such a person". It gave all adult Maori the right to choose whether they wished to vote on the Maori or general roll and also contained provisions for the number of Maori seats to be revised on the basis of the number of Maori choosing to enrol on the Maori roll at the time of census.

## SIZE AND NUMBER OF SEATS

From their establishment in 1867 to the passing of the 1975 Electoral Amendment Act, the number of Maori seats has remained constant. During this time Maori electorates were specifically exempted from provisions which determined the size and boundaries of the general electorates. Maori electorates differ from other electorates in being much more extensive in territory, and for this purpose, New Zealand is simply divided into North, East, South and West.

Because half-castes could choose which roll they wished to register on, it was usual to measure the size of Maori electorates in terms of registered voters, and when this was done they proved to have proportionately fewer voters than the general electorates (e.g. in 1972 Maori seats averaged 13,600, compared with Pakeha seats at 18,250).

However, the size of general electorates was, and is, standardised in terms not of voters, but of total population, which worked out at an average of 31,000 in 1972, and now it is something like 34,000. Setting aside the problem of determining half-caste enrolments and dividing the total Maori population by the existing four seats, we find that on the same basis of reckoning, Maori members of Parliament are representing approximately 56,000 in each electorate. Put another way, the number of Maori enrolled on the Maori roll has, for many years, been lower than the number of Maori of voting age (e.g. in December 1972, of the 98,000 Maori aged 20 or over, only 55,451 were enrolled).

## ELECTORAL LAW AND MAORI SEATS

Up to 1975 electoral law fixed the number of Maori seats in Parliament. Their boundaries are set but can be altered by



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proclamation. However, there was no mention of altering the actual number of seats. The Labour Party in Section 16 of its 1975 Act, proposed to make the number of Maori seats a direct proportion of the number of electors on the Maori rolls, in the same way and in exactly the same proportion as the non-Maori seats. A big increase in the Maori roll might well have brought in extra Maori seats. The possibility of the abolition of separate Maori seats was also talked about, but Martin Finlay, Minister of Justice at the time, did not attempt to make it part of that Act. He said the Labour Party would not do it without a referendum.

There is a problem however. Section 16 is an entrenched clause, that is, it can only be repealed by a 75% majority of the House, or by referendum. At the same time, there is an odd gap in the constitutional law in that you can not entrench an entrenchment. That is, one Parliament can not bind the next as firmly as all that, and in particular, an entrenchment is wiped out by a consolidating act.

In 1976 the National government repealed Section 8 of the 1975 Act and replaced it with Section 23 of the 1957 Act which virtually fixed the number of Maori seats at four. The Act of 1957 was itself a consolidation, and the Amendment Act of 1976, by some odd wording, seems to make itself part of the consolidated Act of 1957. So any talk of change in Maori representation must consider these legalistic and party constraints.