



# RESEARCH NOTE

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## Reserved Seats in Parliament for Indigenous Peoples— the Maori Example

### Introduction

Constitutional reform and reconciliation between Aboriginal and non-Aboriginal Australians are two continuing and important items on the policy agenda. They converge on the issue of reserved indigenous seats in Parliament.

In its 1995 Social Justice submission the Council for Aboriginal Reconciliation recommended that any constitutional consultation process explore the possibility of separate indigenous seats in both Houses of the Commonwealth Parliament.<sup>1</sup> In April 1997 the NSW Parliament Standing Committee on Social Issues called for public submissions on Aboriginal representation in the NSW Parliament.<sup>2</sup> Aboriginal people have sought dedicated representation since at least 1938, when a petition was presented to Prime Minister Lyons demanding representation in the national Parliament.<sup>3</sup>

A number of countries have a form of indigenous representation. In Norway, for example, the Sami have their own Assembly and in the state of Maine in the United States, two Indian tribes have seats in the state legislature but without voting rights. However, only New Zealand has a system which specifically includes the indigenous people in the general parliamentary process.

New Zealand has had dedicated seats for Maori for over 100 years. In the context of the reconciliation process and constitutional reform in Australia it might be useful to explore the New Zealand experience.

### New Zealand, 1867–1993

New Zealand has had indigenous representation since 1867 when, as a temporary measure, four seats were reserved in the House of Representatives for Maori elected on a (Maori) manhood suffrage.<sup>4</sup> In 1876 these seats became permanent. The number of reserved seats (4) remained fixed until the recent change in the electoral system in 1993.

The seats were allocated on a geographical basis (North, South, East, West). Since the Maori population at the time was about 50 000 and the European population about 250 000, Maori were significantly under-represented with only 4 seats compared with the European 72 seats.<sup>5</sup>

A separate Maori electoral roll was established in 1949 but Maori were not legally obliged to enrol until 1956. From 1975 Maori could choose to enrol on either the General or Maori roll: the only qualification for enrolment on the Maori roll was self-identification as Maori.

Prior to 1975 Maori with at least one full-blood parent were obliged to enrol on the Maori roll, whilst those with a lower proportion of Maori blood could choose to enrol on either the European (now General) or Maori roll. In 1986 there were 1 920 256 people (both Maori and non-Maori) on the General roll and 70 564 on the Maori roll.<sup>6</sup>

It is difficult to gauge the efficacy of separate representation during this period. The small Maori representation relative to non-Maori seats (4 seats in a 99 seat house) and an electoral system that maintained a non-Maori or *pakeha* ma-

jority tended, according to several observers, to 'have rarely given full effect to Maori concerns',<sup>7</sup> which first and foremost is the preservation of their culture.

### After 1993: From First-Past-the-Post to Mixed Member Proportional

In 1993 the electoral system in New Zealand changed to Mixed Member Proportional (MMP). See Gerard Newman, *New Zealand's new electoral system: from FPP to MMP*, Research Note 6/97. Under MMP every voter gets two votes. One is cast for a local electorate member and the other for the party (or 'party list') they wish to see in government. The number of seats in Parliament a party holds depends on its *party* vote.

If a party wins a proportion of votes equivalent to 40 seats and it has won 20 Electorate seats, the remaining 20 seats are List seats. A party must win 5% or more of the party vote to qualify for a seat. Any electorate seats won are maintained.

Currently in New Zealand there are 60 General Electorate MPs, 5 Maori Electorate MPs and 55 List MPs. The total number of seats (currently 120) may rise or fall depending on the proportion of votes received by party lists.

MMP resolves the conundrum of wanting to vote for a particular local candidate while preferring to see another party in government. It also encourages competition by the parties for list votes as the more they win, the greater the number of seats they gain.

Hopes have been expressed that the resultant increase in a vote's value will increase the profile of Maori

and other minorities. Parties may become more focussed on minority issues, place Maori candidates in higher positions on the list and field more Maori candidates for winnable electorates in an effort to win more votes.<sup>8</sup>

The Maori population is estimated at between 9.6% and 13% of the population (351 400–475 850). Currently, the number enrolled on the Maori roll is 141 929 (a 100% increase since 1986) with 143 013 Maori on the General roll. A recent estimate is that approximately 2%<sup>9</sup>, or 7 028, are not enrolled, a considerable improvement from the 40 000 to 60 000 Maori estimated as not enrolled on either the General or Maori rolls in 1986.

Under the previous first-past-the-post (FPP) system the number of Maori enrolled made no difference to the number of seats allocated. While at the time that MMP was introduced, the actual number enrolled on the Maori roll would only have been sufficient for the allocation of four seats, the same as before, after MMP the number enrolled on the Maori roll increased, raising the number of seats to five.

Maori people can continue to choose whether to enrol on the General or Maori electoral rolls and can be candidates for any seat, Maori or General. After each five-yearly census an individual may re-nominate their preferred electoral roll.

The 12 October 1996 election was the first election held under the new system. New Zealand First (NZF), a party formed in 1993 and led by an ex-National Cabinet Minister of indigenous descent, Winston Peters, won 13% of the vote, 17 seats and the balance of power. NZF won all five of the Maori electorate seats, four of which had been safe Labour seats for nearly 60 years. Parliamentary representation of Maori increased in the 1996 election: the percentage of Maori rose from 6.1% in 1993 to 12.5% in 1996, 'for the first time roughly in line with its share of the total population.'<sup>10</sup>

### Reserved seats in Australia?

Australian Aborigines are estimated to comprise approximately 1.8% of the Australian population in 1997 (about 327 000 people)<sup>11</sup>, a much smaller percentage than Maori in New Zealand. The number of Aborigines enrolled to vote is unknown.

Distinct differences in culture and race-histories exist between the Australian Aborigines and the New Zealand Maori. Both indigenous groups, however, share an important agenda: the preservation and continuation of their culture and attention to their pronounced socio-economic disadvantages relative to the majority.

Parliamentary representation stands as a powerful symbol of both self-determination and inclusion.

Yet it may be the case that the electoral system is more relevant to self-determination than reserved seats. The New Zealand Royal Commission on the Electoral System stated in its highly regarded report that 'Maori representation *under MMP* would be much better than under the plurality system *with or without* separate Maori electorates' [emphasis mine].<sup>12</sup>

But, with a 12.5% representation in Parliament in New Zealand, Maori are arguably now in a position to effect some influence on indigenous issues. Given the much smaller Aboriginal population in Australia and the current electoral system, reserved seats in Parliament could be most significant as symbols.

**Georgina McGill**  
**Politics and Public Administration Group**  
**Information and Research Services**

Phone: 06 277 2506  
Fax: 06 277 2532

*Views expressed in this Research Note are those of the author and do not necessarily reflect those of the Information and Research Services and are not to be attributed to the Department of the Parliamentary Library. Research Notes provide concise analytical briefings on issues of interest to Senators and Members. As such they may not canvass all of the key issues.*

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1. Council for Aboriginal Reconciliation, *Going Forward, Social Justice for the First Australians* (submission to the Commonwealth Government), 1995: 42.
2. NSW Parliament Standing Committee on Social Issues, *Aboriginal Representation in Parliament*, (Issues Paper No. 3), April 1997.
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4. Raewyn Dalziel, Chapter 4, 'Towards Representative Democracy: 100 years of the Modern Electoral System', in A. Anderson, J. Binerny et al, *Towards 1990 Seven Leading Historians Examine Significant Aspects of New Zealand History*: 1989 : 53.
5. The New Zealand Royal Commission on the Electoral System, *Report*, December 1996 p.83.
6. Ibid: 97.
7. Ibid: 91; and Richard Mulgan, *Democracy and Power in New Zealand* (2nd edn) Oxford University Press, Auckland:1989 p.54.
8. The New Zealand Royal Commission on the Electoral System, op.cit.: 101-3.
9. Dr Ann Sullivan, University of Waikato, New Zealand, personal communication, April 1997.
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