

Māori Representation in a Shrunken Parliament



IN A REFERENDUM held in conjunction with New Zealand's 2011 general election, Māori overwhelmingly supported the retention of the Mixed Member Proportional (MMP) voting system introduced in 1996. Māori support for MMP was significantly less equivocal than that of the general population.¹ The extent of support is understandable. MMP brought many benefits for Māori voters, most obviously a large increase in Māori representation in Parliament.² The bulk of Māori votes were no longer tied up in just four electorates where they could often be safely ignored. With all votes being equal, political parties had a heightened motivation to pay heed to Māori aspirations and to put forward Māori candidates. The benefits of MMP for Māori were increased through the retention of seats reserved for voters of Māori descent, along with the innovation of linking the number of such seats directly with the numbers enrolled to vote in them. In 1996 the number of Māori seats increased to five under the new rules, and further increased to seven in 2002.³ Previously the number of reserved Māori seats was fixed at four, and had been since 1867.⁴

New Zealand adopted MMP following a binding referendum held in 1993. In 1990 Ranginui Walker summarized some of the faults with the electoral system then in place, pointing to both historical and ongoing discrimination. Whereas the secret ballot applied in European electorates from 1870, it did not apply in Māori electorates until 1937.⁵ There were no Māori electoral rolls until 1949 and compulsory voter registration was not introduced for Māori until 1956. Māori voted on a different day to Pākehā voters until the 1950s.

The most discriminatory measure of all in the application of the law to Maori representation is its exclusion from the provisions for revision under the Electoral Representation Commission. Since 1887 the boundaries of European electorates have been subject to regular revision by the commission. Every five years, when the growth in population has been determined by the census, the size and number of European electorates is revised. A new seat is created for each increment of 30,000 to the population. Despite the increase of the Maori population at the 1986 census to 404,778, Maori representation has been held down to four seats.⁶

Walker did not state, although he strongly implied, that Māori have always been under-represented in Parliament due to this 'most discriminatory measure of all'. Others have been more explicit. In 1985, Augie Fleras claimed, in

an oft-cited article, that ‘political gerrymandering’ was involved when the Māori seats were established. Just four seats represented a population of 60,000, while the 250,000 settlers were distributed over 72 seats. ‘Repeated Māori requests for increased representation were denied, thereby ensuring European domination over the Māori’.⁷ Furthermore the number of European seats increased over time, while the number of Māori seats remained fixed ‘irrespective of numerous requests for a proportional increase’.⁸ A 2004 article put the argument more explicitly: Māori under-representation ‘became even more pronounced as the number of European electorates continued to increase with population’.⁹ In 2008, the Waitangi Tribunal criticized the lack of action on Māori requests for proportionate representation directed to Native Minister John Ballance as early as 1885. ‘Neither Ballance, his predecessors, nor his successors, acted on this reasonable Māori appeal. Māori representation remained at a relatively powerless and token level, much lower (per capita) than in the European electorates’.¹⁰ John Wilson’s history of the origin of the Māori seats, published on the parliamentary website, similarly notes that Māori long regarded four seats as inequitable, especially given increases in the number of European seats.¹¹ Rawiri Taonui states in the online encyclopedia maintained by the Ministry for Culture and Heritage that ‘the number of European electorates rose with population increases (from 72 in 1867 to 95 in 1993), but the number of Māori electorates remained fixed at four for 129 years’.¹²

Māori were greatly under-represented when the seats were first established in 1867, and this remained the case throughout much of the country’s history. Claims that Māori were *always* under-represented as a proportion of population in pre-MMP days are, however, mistaken. This article shows that four seats provided Māori with proportionate representation for nearly 50 years. This is due to a little-discussed event when in 1887 Parliament voted to abolish 21 European seats and rejected a proposal to abolish the Southern Maori seat. The reduction applied at the 1890 general election and cut the number of European members to 70. Their numbers soon increased again but were then frozen at 76 from 1902 until 1969. Parliament did not return to its 1887 size for nearly a century. As a result, calls for an increase in the number of Māori seats became a rarity from the 1890s to the 1930s.

This article outlines the political and economic circumstances that led to the downsizing of Parliament in 1890 and the way in which this and other parliamentary reforms affected special Māori representation. The reduction in the number of Members of the House of Representatives (MHRs) has to date been little commented on. Indeed, no book or article appears to give the reform anything more than a passing mention, including John Martin’s

history of the House of Representatives.¹³ A biography of Harry Atkinson, the Premier who oversaw the 1887 cuts, makes no mention of the reduction in seat numbers.¹⁴ The Ministry of Justice briefly mentions the reduction in a short history prepared for the Royal Commission on the Electoral System, but only Neill Atkinson's history of the vote provides more than a few lines on the subject.¹⁵

By the 1881 general election many of the features of the modern electoral system were already in place. This was the first election in which the universal male suffrage enacted in 1879 applied; all men aged over 21, with minor exceptions, could vote.¹⁶ However, a number of idiosyncrasies remained. Women, of course, had no vote. A 'country quota' applied, which allowed rural electorates 25% fewer people than urban electorates — a concession to arguments that the greater geographical size of rural electorates made it harder for voters to get to polling booths. Furthermore, those who owned multiple properties could in theory cast more than one vote. This was a residual provision from the pre-1879 situation that made the franchise a privilege largely linked to property ownership. Only those with properties in multiple electorates could exercise the 'dual' or 'plural' vote.¹⁷

Māori were one of the more obvious exceptions in the voting system. The Qualification of Electors Act 1879 gave voting rights to Māori under some circumstances, but in the main Māori voting rights were covered by separate legislation.¹⁸ Under the Māori Representation Act 1867, all Māori males aged over 21, with a few exceptions (largely ignored), could elect four Māori representatives to the House of Representatives.¹⁹ An important reason for granting this special franchise was that most Māori were disenfranchised under the existing property-based voting criteria. In 1859, Law Officers of the Crown ruled that Māori communal tenure did not qualify them to vote.²⁰ Almost all Māori land was communally-owned, but over subsequent decades many Māori acquired the individualized tenure that entitled them to enrol to vote in European seats. They could thus exercise two votes — one in a Māori electorate and another in a European electorate. By 1879 the number of Māori on the electoral roll, and thus able to exercise the 'dual vote', reached 2115.²¹

The ability of Māori to vote in European electorates was greatly curtailed by the Qualification of Electors Act 1879.²² Māori were specifically excluded from the greatly expanded franchise granted to most European males under the Act. The property qualification imposed on Māori was not only retained but was actually strengthened. The number of Māori able to vote in European seats soon slumped to under 1000.²³ Some Māori objected to the blatant discrimination inherent in the 1879 Act, and called for equal voting rights with Pākehā in European seats. At a Hastings hui in 1886, a Mr Harris complained

to Native Minister John Ballance that a Pākehā could vote after just six months in the country even if he had no property. ‘Put us in the same position, and do away with special representation’.²⁴ Airini Tonore expressed similar concerns:

The Natives all had a great stake in the colony, and many Europeans voted whose only possessions in the colony were the clothes they wore and what they carried about with them: the only condition was that they should have lived in the colony for six months. These vagrant Europeans were allowed to elect members to Parliament, who go there and make laws which are a burden upon the Natives.²⁵

The four Māori electorates varied in population coverage — unsurprisingly given that one electorate covered the South Island with its sparse Māori population — and on average contained a far bigger population than European seats. But European electorates also varied greatly in population size. Uneven population growth made consistent parity between electorates difficult. In 1879, the smallest single-member European electorate had a population of 2000 and the largest over 7000.²⁶ Parliament in theory had the power to rectify the imbalance, but in practice this proved problematic. MHRs fiercely protected their electorates from unfavourable boundary changes or outright abolition. Electoral readjustment therefore invariably resulted in Parliament creating additional electorates. The Representation Act 1881 tried to deal with the problem of widely varying electorate sizes. It created 22 new European electorates and evened up electorate populations on the basis of the 1881 census. The Act also abolished multi-member constituencies, so the actual number of MHRs increased from 88 to 95.²⁷

The government recognized that the 1881 Act provided only a temporary solution to uneven electorate sizes. The Act thus contained an expiry clause of 1 December 1887, with the intention that Parliament would pass a new Representation Act after the 1886 census.²⁸ However, by 1886 Premier Robert Stout decided that dealing with boundary reform in such an ad hoc manner was unsustainable, especially given calls in some quarters to reduce, rather than increase, the size of Parliament. He therefore put forward a new Representation Bill that aimed to take decisions on boundary adjustments out of the hands of MHRs. Stout proposed an independent representation commission to redraw electoral boundaries, on the basis of population, after each five-yearly census.²⁹ His Bill was thrown out because of unrelated matters, such as proposed changes to the country quota.³⁰ However, returns from the 1886 census showed that reform was clearly needed. Despite the 1881 Act, three European electorates each contained more than 10,000 people, while 13 contained fewer than 5000 people.³¹

Stout successfully introduced a new version of his Bill into the House the following year.³² The Representation Act 1887 established the principle that electoral boundary changes should be determined independently, rather than by Parliament. It provided for a permanent Representation Commission to determine electoral boundaries after each census. The commission could not, however, increase or reduce the number of parliamentary seats unless instructed to do so by Parliament. The commission's electoral boundary decisions were to be based on electorate populations as determined by the census, supplemented by a 'country quota' and like measures to ensure greater representation for rural districts.³³ Although the 1887 reforms failed to eliminate controversy entirely — the commission's decisions were commonly criticized by MHRs — it was a major step forward. In 1896, separate representation commissions were established for the North and South islands, but otherwise the system remained little changed for decades.³⁴ The Representation Act 1887 was an important milestone in New Zealand's electoral history.

The 1887 Act did not empower the Representation Commission to increase the number of Māori seats, or indeed to deal with them at all.³⁵ The number of seats was set at four when they were introduced as a temporary measure in 1867. This number appears to have been settled on due to pressure from South Island members to ensure they retained their numerical dominance in the House. Once it was decided the South Island would have a single Māori seat, southern members argued that more than three North Island Māori seats would seriously upset the North–South balance.³⁶ Māori soon protested that four seats were insufficient given their share of the population. In 1876, HM Rangitakaiwaho and 394 others petitioned Parliament calling for a new Act that would make the Māori seats permanent, and would make 'the representation by Māori members of the Native race in the same proportion as the representation is of the European race by European members'.³⁷ Parliament assented to the first of these requests by making the Māori seats permanent later that year, but failed to act on the request for proportionality.³⁸ Some argued that more Māori seats were unnecessary because the 'dual vote' enabled some Māori to also vote in European seats. This argument may have had some validity in the 1870s but, as outlined earlier, the dual vote was significantly circumscribed in 1879. By 1886, just 796 Māori remained on the electoral rolls.³⁹

In 1884, a delegation led by Tawhiao, the Māori King, petitioned the British government about a variety of matters, including Māori representation. 'Māori representatives were established by the Government, but a prohibitive rule was made, by which the number of members was limited to four, and

though the Maoris demanded a representation proportionate to their numbers, this has been refused by the Government.⁴⁰ In September 1884 Southern Maori member Hori Taiaroa introduced a Bill to achieve proportionate representation.⁴¹ The Bill never proceeded beyond its second reading, but was supported by Waitaki MHR Thomas Duncan and Native Minister John Ballance. Ballance told the House that there ‘can hardly be any doubt that the Natives, in proportion to the Europeans, are not fairly represented in this House’.⁴²

A few months later, Ballance undertook a tour of ‘Native districts’. On 5 February 1885 he met with King Country representatives at Kihikihi. One of the main spokesmen was John Ormsby, who requested that the number of Māori seats be determined by population. Ormsby claimed, on the basis of 1881 census data, that there was one European member for every five thousand Europeans in the population. However, ‘when we come to appoint the Māori members, you only allow a Native member for every ten thousand.’⁴³ In response, Ballance said that he had called for a ‘fair and just share of representation’ for Māori in the last parliamentary session, and undertook to continue to advocate this. ‘I shall propose that they shall have the same number of members in proportion to population as the Europeans’.⁴⁴ The issue of Māori representation was raised again the following day, when Ballance visited Tawhiao and some of his supporters at Whatiwhatihoē. Paora Tuhaere asked Ballance whether Māori representation would be increased ‘to make it equal in numbers to that of the Europeans in the House’. Ballance asked Tuhaere if he meant that Māori ‘were entitled to the same representation in proportion to their numbers’, to which Tuhaere replied ‘yes’. Ballance said he was prepared to advocate that in Parliament.⁴⁵ In August that year, Premier Robert Stout told the House that he supported his Native Minister in this assurance. ‘I have not hesitated to state that if we are to give the Maoris equal rights with ourselves they ought to have equal representation with ourselves in Parliament.’⁴⁶ Yet within a year, Ballance had changed his stance. At the 1886 Hastings hui referred to earlier, Ballance announced that, in his opinion, ‘Parliament will not add to the number of Maori members in the House’. Instead, he exhorted those present to try and use the property qualification to increase their voting influence in the European seats.⁴⁷

There is an obvious context to Ballance’s revised assessment of Parliament’s likely response to requests for more Māori seats. The colony was in the midst of the ‘long depression’, commonly seen as lasting from 1879 to 1895. There is some debate as to whether there really was a depression in the technical sense of the word. Garry Hawke has argued that contemporaries used the term ‘depression’ fairly loosely, and James Belich suggests ‘long

stagnation' as a more suitable descriptor.⁴⁸ Regardless of such views, there seems a consensus that the country experienced an extended period of noticeable economic weakness. Different regions were affected at different times and with varying degrees of severity. The South Island was hit first, by falling international grain prices. The population of Canterbury and Otago, which had doubled during the 1870s, grew just 10% in the 1880s. In some years the colony lost people through net migration, mainly to Australia. By the mid-1880s the downturn had hit all areas to some extent.⁴⁹

The long depression was preceded by a period of significant government borrowing for infrastructure development, instigated by Julius Vogel. As a result, by the mid-1880s the government faced a mountain of debt at a time when its revenue was stagnating. By 1888 the public debt totalled £38 million among some 650,000 people, and the government was paying nearly £2 million per annum interest.⁵⁰ Governments continued to borrow during the 1880s, but by the middle of the decade there seemed a widespread acceptance by politicians and the voting public alike that retrenchment could no longer be avoided.⁵¹ The rapid growth of Parliament in the previous two decades was singled out for particular attention. In 1886, a specially convened Legislative Expenditure Committee recommended that 'the number of members in each House of the Legislature can be reduced with advantage to the colony'.⁵² MHRs had an opportunity to put this recommendation into effect when Stout's Representation Bill came before the House in 1887. At the committee stage, Parliament agreed to reduce the number of European members from 91 to 71.⁵³ Stout, however, was opposed to any reduction, and after further political wrangling the status quo was restored and the measure passed without any effect on the size of Parliament.⁵⁴

In June 1887 the government was defeated in the House over its attempts to increase tariffs. Parliament was dissolved and a general election was called for September.⁵⁵ According to Keith Sinclair, the 1887 general election marked an important transition from provincial to national politics. Previous elections tended to be characterized by a regional scramble for government largesse. By 1887 government largesse had dried up, replaced by the need to avoid further significant borrowing. The revised landscape tended to encourage splits along ideological lines. Although the Liberal Party had yet to be formed, the terms 'liberal' and 'conservative' were commonly used to describe the factions in Parliament. At one end of the spectrum were the hardline retrenchers, who opposed tax increases and borrowing. Sinclair labels this group as 'conservatives', as they called for cuts in government expenditure, including a reduced membership of both houses of Parliament by as much as 50% and cuts in the allowances paid to members. These

‘conservatives’ generally stood in rural electorates and tended to favour free trade.⁵⁶ They were thus not conservatives in the conventional sense, for they were pushing for more change than any other group. Indeed, one MHR, James Allen, objected to being labelled a conservative for supporting a downsizing of Parliament, saying the label should be applied to supporters of the status quo. ‘We want liberalism; they want conservatism and the ninety-five members.’⁵⁷

At the other end of the spectrum were the ‘liberals’, who favoured tax increases, along with a moderate level of borrowing and some retrenchment. They tended to be urban candidates keen on tariff increases that they hoped would stimulate local industry. The liberals tended to oppose cutbacks in the number of MHRs, arguing that larger electorates would make campaigning more expensive, disadvantaging those of modest means. Moderates steered a middle course, favouring slight tax increases, some retrenchment and a minimal amount of new borrowing. They tended to favour a cut in the number of MHRs to 70 or so, rather than the 40 to 60 seats favoured by the conservatives.

A number of regional lobby groups with titles such as ‘the Auckland Political and Financial Reform Association’ were formed in 1887 to oppose tax rises and lobby for retrenchment.⁵⁸ A standard tactic of these groups was to quiz candidates on issues such as the size of Parliament and then publish the results. Many candidates, however, took public positions on such matters without prompting.⁵⁹ In some electorates, such as Parnell, voters had no choice, as both candidates were conservatives pushing for a large reduction in member numbers.⁶⁰ In Dunedin East, on the other hand, there was a clear contest between Robert Stout, who opposed any reduction, and challenger James Allen, who favoured fewer members.⁶¹

The 1887 general election delivered a mixed bag. Premier Stout lost his seat, but John Bryce, the main hope of the conservatives, failed to regain his. A government was eventually cobbled together by former Premier Harry Atkinson, a moderate in the above taxonomy, although with a reputation for radical or ‘faddish’ views. His grab-bag of ministers, two from the Legislative Council, quickly resulted in the conservatives dubbing his government the ‘scarecrow ministry’.⁶² Parliament recommenced sitting on 6 October, and the press predicted that the new government would pursue retrenchment policies, including cutting the number of members and their pay.⁶³ The Premier soon indicated that this was indeed his intention.⁶⁴

One of the first retrenchment measures was the Parliamentary Honorarium and Privileges Bill, which had its second reading on 30 November 1887. Once passed, the Act cut the allowances paid to members of both Houses.⁶⁵ During the course of the debate, Atkinson revealed that his Bill to amend

the Representation Act proposed to cut the size of the House from 95 to 70 members.⁶⁶ That Bill had its second reading two days later.⁶⁷ It proposed to abolish 24 of the 91 European seats in the House of Representatives, or roughly one in four. The task of eliminating seats was to fall to the Representation Commission established under Stout's Representation Act 1887.⁶⁸ In introducing the Bill, Atkinson said that the issues had already been widely canvassed in the previous session and in the election campaign.⁶⁹ However, his Bill contained an additional proposal not previously discussed, namely imposing the same 25% reduction on the Māori seats. Because the Representation Commission was debarred from dealing with these seats, the Bill itself proposed which of the four Māori seats would be eliminated; Southern Maori was to be absorbed into Western Maori.⁷⁰

Atkinson's Representation Bill provoked a lengthy and, at times, acrimonious debate. Richard Seddon led the opposition to the downsizing of Parliament, arguing it would reduce representation and favour those with property.⁷¹ The Bill's opponents resorted to stonewalling tactics, including proposing numerous amendments. The House sat until around 3am for three nights in a row before the Bill was finally passed. At one point a successful amendment by Downie Stewart saw the Bill altered so as to not come into effect until the existing Parliament was in its third year. Atkinson threatened to resign as Premier if the amendment was not reversed, and a meeting was held the following morning to get his caucus into line.⁷² Atkinson eventually succeeded in having the amended clause reconsidered, and it was overturned by a vote which, as with the Stewart amendment, was held in the early hours of the morning.⁷³

The proposal to abolish the Southern Maori electorate attracted much opposition, even from those who otherwise supported the Bill. New Southern Maori member Tame Parata understandably objected to the proposed abolition of his seat. He admitted that few votes were cast there, but pointed out the huge size of the electorate and the logistical difficulties of travelling around it. Parata was particularly concerned that his constituents would no longer have someone to advocate for them after the many injustices they had suffered at the hands of the government.⁷⁴ In this he was supported by Seddon. 'It is bad enough, in all truth, to have taken away from them the whole of their land, to have given them a mere pittance for it, to have made only a few paltry reserves; but it is far worse, having done that, to now take away from them their right of representation in this House.'⁷⁵ The other Māori members also objected to the planned abolition of Southern Maori. The new member for Eastern Maori, James Carroll, had campaigned for a smaller Parliament but certainly not for fewer Māori members.⁷⁶

I shall decidedly object to any reduction in the Maori members, on the simple ground that for a long time we have been under-represented upon the basis of population; and now we would be deprived of even some of that representation which we are entitled to if our numbers are reduced to three. If you are going to meddle with the special representation at all, I should be in favour of doing away with it altogether. Let all the Maoris have the same electoral privileges as Europeans — place them on one roll.⁷⁷

Before the Bill was sent to committee, Hoani Taipua pointed out that the proposal to include the entire South Island in his Western Maori electorate was impractical.⁷⁸ Others reinforced this point.⁷⁹ Bay of Islands member Richard Hobbs supported the Bill but signalled his intention to move an amendment at the committee stage to ensure four Māori members were retained.⁸⁰ This proved unnecessary as Atkinson proposed such a change himself. The Premier told the House that he felt justified in proposing to reduce the number of Māori members by the same 25% imposed on European members because of the Māori dual vote. ‘Now, I have found since this Bill was introduced that the Māoris are quite willing to give up the right to vote in [European seats] if they are allowed to retain their four members. That seems to me quite reasonable.’⁸¹ Julius Vogel took from this statement that an arrangement had been made with the Māori members.⁸² However, Carroll denied a deal had been done, saying he supported equal Māori voting rights in European seats, not the abolition of all such rights.⁸³

The following day Atkinson moved amendments setting the size of Parliament at 74, including four Māori members, rather than the previously proposed 70 seats.⁸⁴ Parliament voted to retain four Māori seats by a comfortable majority of 19 votes.⁸⁵ Seddon, Henry Fitzherbert and Henry Fish all again accused the Māori members of doing a deal with the government.⁸⁶ Fish said that the Māori members were unfit to be in the House because of the ‘shameless’ way they had been induced to vote for the government.⁸⁷ Carroll again denied that the Māori members ‘had pledged themselves to support the Government on consideration of being granted four members’. He then lambasted the Bill’s opponents for ‘continuing useless discussions by stonewalling’.⁸⁸ The *Auckland Star* commented that ‘Mr Carroll’s statement was received with considerable applause’.⁸⁹ Parata also refuted suggestions that the Māori members had been ‘bribed’ to support the government. ‘I think the reason why we withdrew our objection to this Bill is quite clear ... the Government withdrew that part of the Bill which was objectionable to us’. Parata went on to thank ‘those honourable gentlemen on both sides of the House who admitted the justice of the opposition that we made to the Bill’.⁹⁰ The Representation Bill was eventually passed by a comfortable majority, although the House still adjourned for the third time at around 3am.⁹¹ The

Bill then had an easy passage through the Legislative Council, which was unaffected by the proposals.⁹²

This was not the last of the Atkinson government's representation reforms. In 1889, a further Representation Amendment Act increased the country quota from 18% to 28% due to the increased electorate sizes.⁹³ It also reinstated multi-member urban constituencies, creating one for each of the four main centres, and abolished plural voting for property owners. This last measure had widespread support, for plural voting had, since 1879, been something of an anomaly. As the *Clutha Leader* pointed out in 1889, the plural vote 'does not give any man more electoral power because he possesses more landed property, but gives him more voting power merely on account of the accidental circumstance of his possessing of freehold land in more than one electoral district'.⁹⁴ Exercising the right to a plural vote was in any case made difficult by the fact that, from 1881, voting in European seats took place on a single day, rather than being spread over several weeks as in previous elections. The logistics of travelling between several electorates — particularly rural ones — in a single day could prove prohibitive.⁹⁵

David Hamer has argued that abolition of the plural vote may have helped the Liberals into power in 1891 by preventing property owners from casting second votes in marginal electorates such as Wanganui, Waitotara, New Plymouth and Masterton.⁹⁶ However, even after the 1889 reforms, those owning property in multiple electorates could still register in more than one electorate. The change simply meant that on election day they needed to choose one electorate among several in which to cast their vote. Those in this position would, where possible, likely choose marginal electorates, or electorates where the country quota gave individual voters more influence. The 1889 reform is therefore unlikely to have made much difference to the 1890 election result. The downsizing of Parliament was probably a more prominent factor in the Liberal victory — somewhat ironic given that leading Liberals such as Seddon opposed it. Larger electorates likely resulted in 'the decline of politicians of the "local notable" type' and a shift in focus to national issues of the sort espoused by the Liberals.⁹⁷ This was a continuation of the process instigated by the depression, under which ideology began to replace the pork barrel politics that had, until the mid-1880s, predominated in New Zealand.

During the debate on the 1889 amendment to the Representation Act, George Grey made a last-ditch effort to retain the size of the House at 95 members. His proposal had some support, but he later withdrew it. The *Thames Star* noted that 'any hope that may have been entertained for the reversion to the old number of members, has now vanished'.⁹⁸ In April

1890, the Electoral Commission appointed in June 1887 reported on the new electoral boundaries.⁹⁹ As instructed in the Atkinson government's Representation Amendment Acts of 1887 and 1889, the commission created 62 European electorates, with four each returning three members, making 70 European members in all. The addition of the four Māori members brought the total after the 1890 general election to 74 — fewer members than after the creation of the Māori seats in 1867.

The Representation Act 1900 added six more European seats with effect from the 1902 election, thus increasing the size of Parliament to 80 seats.¹⁰⁰ In 1965 an amendment to the Electoral Act gave the Representation Commission the job of determining the number of European seats in the North Island after each census. The number of South Island seats was fixed at 25.¹⁰¹ This change led to two additional European seats being created for the 1969 general election, the first increase in the size of Parliament in 67 years. It was the 1965 reform that Ranginui Walker referred to when he wrote that the number of European members increased after each census. However, this system was in effect for only the 24 years between the 1969 and 1993 general elections. For the remainder of New Zealand's electoral history the total number of members has been determined solely by Parliament.

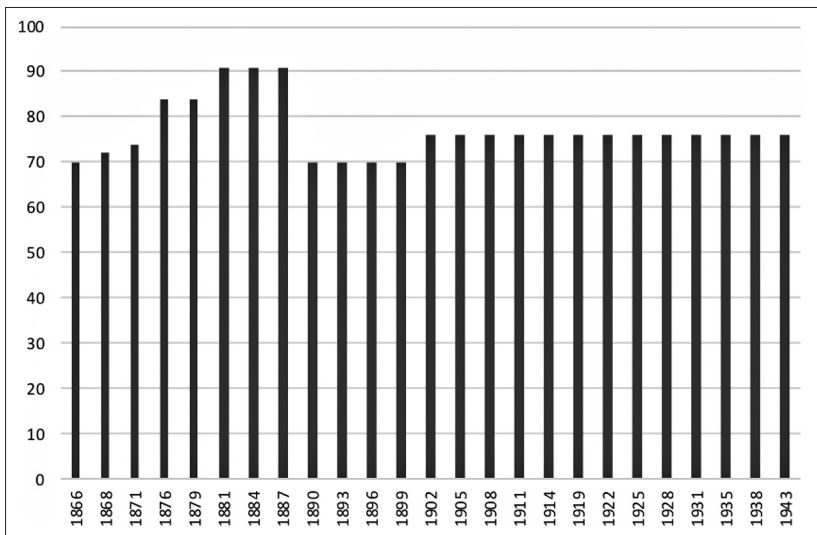


Figure 1: Number of European MHRs 1866–1943.

Source: Atkinson, pp.244-5.

Figure 1 illustrates the effect of the electoral changes between 1866 and 1900 on the number of European members in the House of Representatives. As can be seen, there was no change in the number of European MHRs after 1902. The graph also illustrates the fall in the number of European MHRs between 1887 and 1890. One result of this fall was a large reduction in the extent to which Māori were under-represented in Parliament. In 1887 there were an estimated 10,492 Māori in the population for each Māori seat compared with just 6630 Pākehā per European seat. This was a disparity of 58% and, as Joseph Ward pointed out, an additional Māori seat would have been required to restore the balance.¹⁰² In 1890 the estimated number of Māori per Māori seat (10,468) had barely changed. However, the number of Pākehā per European seat rose 35% to 8952 and the disparity fell to just 17% as a result.¹⁰³ In the 1890s it was commonly believed that Māori had achieved proportionate representation in Parliament. When touring native districts in 1894, Native Minister Seddon told a gathering at Galatea that ‘there are only four Native members in the House, but you have the same, if not a greater, proportion of representatives in the House than have the pakehas’. It is clear from an examination of the parliamentary debates in 1887 that members were well aware that to reduce the number of European seats, without reducing the number of Māori seats, would benefit Māori.¹⁰⁴

The population figures in the above comparisons were based on Statistics Department estimates derived from the 1887 population census. The weakness of the population census in collecting information on Māori has been well documented elsewhere.¹⁰⁵ Until Māori began filling out their own census returns in 1926, as Pākehā had done for decades, district officials estimated Māori population numbers using inconsistent methods. That said, the census figures are the only ones available and, as has been seen, contemporaries commonly used census figures when discussing Māori representation. The census data supplemented by inter-census estimates indicates that the disparity between Māori and Pākehā representation disappeared altogether by 1896. This is illustrated by Figure 2.

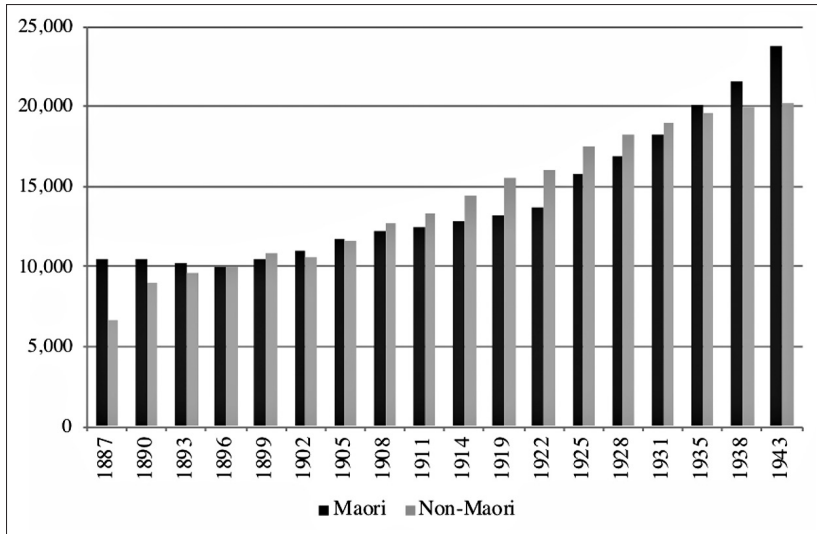


Figure 2: Population per Parliamentary Seat, 1887–1943.

Source: Sorrenson, 'A History of Maori Representation in Parliament', Appendix 1 and 2, pp.65-66; New Zealand Official Year Book, 1902, p.273; New Zealand Official Year Book, 1906, p.457.

It was not solely the 1887 reforms that contributed to more equitable representation for Māori. Figure 2 shows that, because the number of parliamentary seats was frozen from 1902, the population per electorate increased with each successive election. For many years the Pākehā population grew more quickly than the Māori population, resulting in increasingly populous European electorates. Indeed, between 1908 and 1931 there were actually more Pākehā per European seat than Māori per Māori seat, by as much as 18%. Thanks to the 1887 reforms and subsequent freeze on seat numbers, Māori and Pākehā were more or less equally represented in Parliament in proportion to their respective populations for around 50 years. This is precisely what many Māori had requested before 1887.

It was only from 1943 onwards that a significant disparity favouring Pākehā re-emerged thanks to a rapidly growing Māori population. The demographic shift in earlier periods is illustrated by Figure 3. As can be seen, population change had its greatest impact before the 1887 reforms. A move towards more equal representation was therefore already underway by 1890, because of the falling Māori population, but the reforms had a decisive impact in making it a reality.

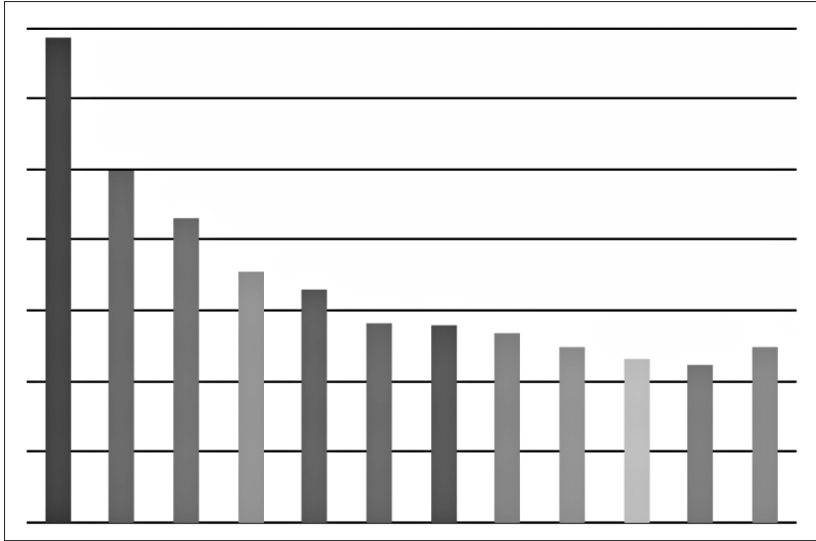


Figure 3: Māori census population as a proportion of total population, 1874–1926.
Source: Statistics New Zealand.

Premier Atkinson never acted on his intention to abolish the Māori dual vote as a *quid pro quo* for proportionate Māori representation. However, the abolition of the plural vote for landowners in 1889 raised further questions about the continuation of the Māori dual vote. The Electoral Act 1893 abolished not only the ability of property owners to vote in multiple electorates but also their ability to register in more than one electorate.¹⁰⁶ At the same time the Act prohibited most Māori from voting, or standing for election, in European seats. Exceptions were made for ‘half-castes’ and those Māori who met the property qualifications, who could choose to vote and stand in either a Māori or a European seat, but these exceptions did not last long.¹⁰⁷ In 1896, Parliament abolished all property qualifications in the Electoral Act.¹⁰⁸ This meant that only ‘half-castes’ retained the option of enrolling or standing in a European electorate. As a result, New Zealand had an almost completely racially segregated electoral system until Māori were again permitted to stand for election in European seats in 1969.¹⁰⁹

By the end of the nineteenth century, New Zealand’s electoral system had been radically reformed. The various forms of special representation granted in earlier decades, for the likes of miners and boarders, had long since gone. The last vestiges of multiple voting in European seats had also

been eliminated.¹¹⁰ Age and residency were almost the only qualifications for the franchise. As a result, some argued that the special representation granted to Māori seemed increasingly out of place. Even during the 1887 debates on reducing seat numbers, George Grey, William Fraser and Alfred Cadman (later Minister of Native Affairs) proposed to abolish the Māori seats and give Māori equal electoral rights in European seats.¹¹¹ These arguments were revived in the early 1900s. In 1905, for example, radical Liberal Tommy Taylor argued that both special Māori representation and the country quota were anachronisms that should be eliminated.¹¹² Another argument advanced for abolishing Māori seats was that they disadvantaged Māori. During debates over Electoral Bills in 1902 and 1905, some members claimed it was detrimental to Māori interests to have all their votes tied up in just four seats. Frederick Pirani told Parliament that special representation ‘prevents the pakeha members of the House from taking that interest in Māori matters that they ought to take’.¹¹³

One member who consistently advocated the abolition of the Māori seats was James Carroll. As has been seen, in 1887 Carroll called for Māori to have ‘the same electoral privileges as Europeans’. In 1905 Carroll told Parliament that he had always believed that ‘the sooner Māoris throughout the colony are given equal rights as electors and voters as Europeans on the one roll — the more comprehensive and effective will be the representation they enjoy’.¹¹⁴ By then Carroll represented the European seat of Waiapu, which he had held since switching his candidacy from Eastern Maori in 1893. He thus showed through his actions that his support for equal voting rights for Māori was more than mere rhetoric. Carroll held Waiapu until 1908, when he switched to the Gisborne seat following a change in electoral boundaries.¹¹⁵ Carroll was able to stand in the Waiapu and Gisborne seats only because his father was Pākehā — otherwise he would have been excluded by the reform in 1896 which allowed only ‘half-castes’ to stand in both European and Māori seats. When Carroll lost the Gisborne seat in 1919 it ended a period of 26 years when there were five Māori representatives in Parliament. It was not until 1975 that Māori candidates again stood successfully in European seats, by then called ‘general’ seats.¹¹⁶

Carroll was unusual in advocating the abolition of the Māori seats, for other Māori representatives argued for their retention. In 1902 Northern Maori member Hone Heke argued that special representation was justified because ‘Maori interests in a good many cases are entirely and distinctly different from the interests of Europeans’.¹¹⁷ There were, in any case, compelling practical reasons for retaining special Māori representation. In the early twentieth century electoral rolls did not exist for Māori seats, so the

abolition of those seats would have required a vigorous enrolment campaign to avoid the loss of Māori voting rights. In lieu of voter registration, voting in Māori electorates was by a verbal declaration to the polling officer and thus was not undertaken in secret.¹¹⁸ A 1914 Act provided for the preparation of Māori rolls, with registration to begin ‘immediately on completion’ of that year’s general election.¹¹⁹ However, the war and other factors resulted in few enrolments, so Parliament eventually amended the Act so that Māori enrolment provisions would come into effect only on a date ‘to be appointed by the Governor-General by Proclamation’ — in other words at the discretion of the government of the day.¹²⁰ In October 1936, a Māori Labour conference issued a report stating that the existing electoral law was ‘one of the most unjust laws every placed on the Statute Book of this Dominion’, and recommended a variety of reforms including an increase in the number of Māori MPs to six and Māori voters’ rolls with compulsory registration.¹²¹ In 1937 Parliament legislated for a secret ballot in Māori electorates but took no action on the Māori roll until after the war.¹²² Māori rolls were finally established in 1949 in time for two national referendums and a general election, although registration was not made compulsory until 1956.¹²³

The provision of electoral rolls for Māori made the abolition of the Māori seats feasible, but calls for their abolition were not revived. Keith Sorrenson notes that the quality of candidates elected to the Māori seats, and their mana both within and outside Parliament, helped ensure ‘that the system of Māori representation in Parliament became firmly fixed in the New Zealand political system’. While nineteenth-century Māori members often struggled to deal with the parliamentary system, in the twentieth century ‘Māori members could operate the system as well as any European members’.¹²⁴ But even nineteenth-century Māori politicians showed that, by successfully opposing the planned abolition of Southern Maori in 1887, they were on occasions more than capable of sticking up for Māori interests. They thereby helped ensure that Māori were represented in Parliament in proportion to their population for the better part of 50 years.

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NOTES

1 The vote for MMP in the seven Māori seats ranged from 78.9% to 85.5%, compared with 57.8% percent for the total population. See Electoral Commission, electionresults.govt.nz/electionresults_2011/referendum_elect.html (accessed 16 June 2017).

2 Rawiri Taonui, 'Ngā māngai — Māori representation — Effect of Māori seats', Te Ara — the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/nga-mangai-Maori-representation/page-2> (accessed 10 July 2017).

3 Taonui, 'Māori representation'. The number of general electorate seats fell from 95 in 1993 to 60 in 1996.

4 A 1975 Act made the number of Māori seats dependent on the number of enrolments, but this provision was repealed in 1976 before it could be used. See Taonui, 'Māori representation'.

5 In this paper the term 'European electorates' is used to refer to those electorates not reserved primarily for Māori in the pre-MMP period. Until 1893 some Māori could qualify to vote in these electorates, but they were generally referred to as 'European' seats or electorates at the time.

6 Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle Without End*, Penguin Books, Auckland, 1990, p.145.

7 Augie Fleras, 'From Social Control towards Political Self-Determination? Maori Seats and the Politics of Separate Maori Representation in New Zealand', *Canadian Journal of Political Science*, Vol 18, No 3 (September 1985), p.557.

8 Fleras, 'From Social Control towards Political Self-Determination?', p.565.

9 Susan A. Banducci, Todd Donovan, and Jeffrey A. Karp, 'Minority Representation, Empowerment and Participation', *The Journal of Politics*, Vol 66, No 2 (May 2004), p.536, available on the New Zealand Election Study website at http://www.nzes.org/docs/papers/jop_2004.pdf.

10 Waitangi Tribunal, *He Maunga Rongo: Report on the Central North Island Claims*, Waitangi Tribunal, Wellington, 2008, p.338.

11 John Wilson, 'The Origins of the Maori Seats', in Maria Bargh, ed., *Māori and Parliament: Diverse Strategies and Compromises*, Huia Publishers, Wellington, 2010, p.59, also available as a Parliamentary Library Research Paper at <https://www.parliament.nz/en/pb/research-papers/document/00PLLawRP03141/origins-of-the-m%C4%81ori-seats>.

12 Taonui, 'Māori representation', p.2.

13 John E. Martin, *The House: New Zealand's House of Representatives 1854–2004*, Dunmore Press, Palmerston North, 2004.

14 Judith Bassett, *Sir Harry Atkinson, 1831–1892*, Auckland University Press, Auckland, 1975, see also Judith Bassett, 'Sir Harry Atkinson and the Conservative Faction in New Zealand Politics, 1879–1890', *New Zealand Journal of History*, 2, 2 (1968), pp.130–47.

15 Neill Atkinson, *Adventures in Democracy: A History of the Vote in New Zealand*, University of Otago Press, Dunedin, 2003, pp.76, 81–82, 241; Ministry of Justice, 'The Electoral Law of New Zealand: A Brief History', in *Report of the Royal Commission on the Electoral System*, 1986, Appendix A, A42–A43.

16 Qualification of Electors Act 1879, section 2(2).

17 Atkinson, *Adventures in Democracy*, pp.72–74; Qualification of Electors Act 1879, section 2(1).

18 Qualification of Electors Act 1879, section 2(3).

19 The main sources on the establishment of the Māori seats are M.P.K Sorrenson, 'A History of Maori Representation in Parliament', Appendix B, *Report of the Royal Commission on the Electoral System*, Wellington, 1986; Sarah McClelland, 'Maori Electoral Representation: Challenge to Orthodoxy', *New Zealand Universities Law Review*, Vol 17, June 1997, pp.272–91; Wilson, 'The Origins of the Maori Seats'.

- 20 Wilson, 'The Origins of the Maori Seats', p.47; Sorrenson, 'A History of Maori Representation in Parliament', p.14.
- 21 Atkinson, *Adventures in Democracy*, p.70.
- 22 Qualification of Electors Act 1879, section 2(3).
- 23 Atkinson, *Adventures in Democracy*, pp.69–70.
- 24 *Appendices to the Journal of the House of Representatives* (AJHR), 1886, G2, p.15.
- 25 AJHR, 1886, G2, pp.15–16. These were her words as conveyed by an interpreter.
- 26 Atkinson, *Adventures in Democracy*, pp.57–59. There were several multi-member urban electorates until these were temporarily abolished in 1881.
- 27 Representation Act 1881; Atkinson, pp.72–74, 244.
- 28 Representation Act 1881, section 9.
- 29 *New Zealand Parliamentary Debates* (NZPD), 1886, 56, p.567.
- 30 NZPD, 1887, 57, p.30.
- 31 AJHR, 1886, H31B.
- 32 NZPD, 1887, 57, p.30.
- 33 Ministry of Justice, 'The Electoral Law of New Zealand: A Brief History', in *Report of the Royal Commission on the Electoral System*, 1986, Appendix A, p.A42.
- 34 Atkinson, *Adventures in Democracy*, pp.105–106.
- 35 Representation Act 1887, section 12.
- 36 Walker, *Ka Whawhai Tonu Matou*, pp.144–145; NZPD 1867, 1, 1, p.460.
- 37 AJHR, 1876, J6, p.2.
- 38 Maori Representation Acts Continuance Act 1876.
- 39 AJHR, 1886, Session 1, G12A.
- 40 *British Parliamentary Papers*, Papers Relating to New Zealand 1883–96, Vol 17, p.7.
- 41 NZPD, 1884, 48, p.298.
- 42 NZPD, 1884, 48, pp.298–9.
- 43 AJHR, 1885, G1, p.15.
- 44 AJHR, 1885, G1, p.18.
- 45 AJHR, 1885, G1, p.28.
- 46 NZPD, 1885, 47, p.408.
- 47 AJHR, 1886, G2, p.7.
- 48 Garry Hawke, *The Making of New Zealand: An Economic History*, Cambridge University Press, Cambridge, 1985, pp.5, 82; James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000*, Penguin, Auckland, 2001, pp.32–34.
- 49 Belich, *Paradise Reforged*, p.35; Bassett, *Sir Harry Atkinson*, p.139.
- 50 Keith Sinclair, 'The Significance of the "Scarecrow Ministry", 1887–1891', in Robert Chapman and Keith Sinclair, eds, *Studies of a Small Democracy: Essays in Honour of Willis Airey*, University of Auckland, Auckland, 1963, pp.108–109.
- 51 Keith Sinclair, *A History of New Zealand*, Penguin, Auckland, 2000, revised edition, pp.167–8.
- 52 Report of the Legislative Expenditure Committee, 3 August 1886, AJHR, 1886, Session 1, H0, p.1.
- 53 NZPD, 1887, 57, p.80.
- 54 NZPD, 1887, 57, pp.92–93, 298–9; Representation Act 1887, section 3(1).
- 55 NZPD, 1887, 57, p.903; Sinclair, 'Scarecrow Ministry', p.109.
- 56 Sinclair, 'Scarecrow Ministry', pp.109–110. Sinclair notes that free trade was traditionally espoused by nineteenth-century British Liberals, but in the New Zealand context at the time it was a conservative position.
- 57 NZPD, 1887, 59, p.331.
- 58 Bassett, *Sir Harry Atkinson*, p.135; *Mataura Ensign*, 9 August 1887, p.4; *Otago Witness*, 12 August 1887, p.22.

59 For examples, see *Otago Daily Times*, 8 August 1887, p.4; *Wanganui Chronicle*, 1 September 1887, p.2; *Poverty Bay Herald*, 16 August 1887, p.2; *Taranaki Herald*, 15 August 1887, p.3; *Timaru Herald*, 8 September 1887, p.3; *Grey River Argus*, 5 August 1887, p.4; *North Otago Times*, 5 August 1887, p.2; *Star*, 1 September 1887, p.3; *Mataura Ensign*, 2 August 1887, p.3.

60 George proposed a reduction to 50 seats, *Auckland Star*, 23 July 1887, p.3. Moss favoured halving member numbers, *Auckland Star*, 17 September 1887, p.8. Moss won the seat.

61 For Stout's position see *Wanganui Chronicle*, 1 September 1887 and *Wanganui Herald*, 26 September 1887, p.2. For Allen, see *Auckland Star*, 20 June 1887, p.8.

62 Bassett, *Sir Harry Atkinson*, pp.137–8; Sinclair, 'Scarecrow Ministry', pp.114–8.

63 NZPD, 1887, 58, p.1; *Evening Post*, 10 October 1887, p.2.

64 *Bay of Plenty Times*, 21 October 1887, p.2; *Tuapeka Times*, 22 October 1887, p.3.

65 NZPD, 1887, 59, p.192; The Parliamentary Honorarium and Privileges Act Amendment Act 1887. Ministers' salaries and allowances were also reduced through the Minister's Salaries and Allowances Act 1887, and the Governor's pay was cut through the Governor's Salary and Allowances Act Amendment Act 1887.

66 NZPD, 1887, 59, p.194.

67 NZPD, 1887, 59, p.307.

68 *Southland Times*, 1 December 1887, p.2.

69 NZPD, 1887, 59, p.307.

70 *Southland Times*, 1 December 1887, p.2.

71 NZPD, 1887, 59, pp.369–70.

72 *Wanganui Herald*, 7 December 1887, p.2, *Auckland Star*, 7 December 1887, p.5, *Otago Witness*, 9 December 1887, p.21.

73 NZPD, 1887, 59, p.445.

74 NZPD, 1887, 59, pp.336–7.

75 NZPD, 1887, 59, p.310.

76 *Poverty Bay Herald*, 11 August 1887, p.3.

77 NZPD, 1887, 59, p.308.

78 NZPD, 1887, 59, pp.373–4.

79 See, for example, John Kerr, NZPD, 1887, 59, p.326; Frederick Fitchett, NZPD, 1887, 59, pp.375–6; Parata, NZPD, 1887, 59, p.376.

80 NZPD 1887, 59, p.327. Joseph Ward expressed similar views, NZPD, 1887, 59, p.332.

81 NZPD, 1887, 59, pp.396–7.

82 NZPD, 1887, 59, p.402.

83 NZPD, 1887, 59, pp. 409–10.

84 *Wanganui Chronicle*, 8 December 1887, p.2.

85 NZPD, 1887, 59, p.429.

86 NZPD, 1887, 59, pp.480, 496–7.

87 NZPD, 1887, 59, p.496.

88 NZPD, 1887, 59, pp.499–500.

89 *Auckland Star*, 9 December 1887, p.2.

90 NZPD, 1887, 59, p.502.

91 NZPD, 1887, 59, pp.509–10, 520.

92 NZPD, 1887, 59, pp.597–602, 632.

93 The country quota had been reduced from 25 to 18 percent by Stout's Representation Act 1887, section 3(2)–(3).

94 *Clutha Leader*, 16 August 1889, p.3.

95 Atkinson, *Adventures in Democracy*, p.77.

96 David Hamer, *The New Zealand Liberals: The Years of Power, 1891–1912*, Auckland University Press, Auckland, 1988, p.36.

- 97 Bassett, *Sir Harry Atkinson*, p.136.
- 98 *Thames Star*, 3 August 1889, p.2.
- 99 AJHR, 1890, Session I, H19. The commission had made a hurried report before the 1887 election. See also Atkinson, *Adventures in Democracy*, p.76.
- 100 Atkinson, *Adventures in Democracy*, pp.106, 244–5. Because the 1890 election was held in late December, the new, smaller Parliament did not sit until January 1891.
- 101 Electoral Amendment Act 1965, section 3.
- 102 NZPD, 1887, 59, p.332.
- 103 Figures from Sorrenson, 'A History of Maori Representation in Parliament', Appendix 1 and 2, pp.65–66 and *New Zealand Official Year Book*, 1902, p.273.
- 104 See, for example, NZPD, 1887, 59, pp.317, 322, 402.
- 105 See especially Ian Pool, *Te Iwi Maori: A New Zealand Population Past, Present and Projected*, Auckland University Press, Auckland, 1991, pp.64–68 and elsewhere, and Department of Statistics, 'Counting Māori', *New Zealand Official Year Book*, 1990, pp.157–8.
- 106 Electoral Act 1893, section 6(3).
- 107 Electoral Act 1893, sections 7, 9, 156(11).
- 108 Electoral Amendment Act 1896, section 3.
- 109 Electoral Amendment Act 1967, section 2. Non-Māori were also permitted to stand in Māori seats under the Act, which took effect from the 1969 general election.
- 110 Electoral Amendment Act 1896, section 3.
- 111 NZPD, 1887, 59, pp.314–5, 328–9, 347–8.
- 112 NZPD, 1905, 134, pp.28–29.
- 113 NZPD, 1902, 122, p.189.
- 114 NZPD, 1905, 134, p.38.
- 115 Alan Ward, 'Carroll, James', first published in the *Dictionary of New Zealand Biography*, Vol 2, 1993. Te Ara — the Encyclopedia of New Zealand, www.TeAra.govt.nz/en/biographies/2c10/carroll-james (accessed 18 July 2017). Carroll would have been able to stand in a European seat in 1893 by meeting the property qualification in the Electoral Act which was abolished in 1896.
- 116 Atkinson, p.188. In 1975 Ben Couch won the Wairarapa seat and Rex Austin the Awarua seat, both being National Party candidates.
- 117 NZPD, 1902, 122, p.217.
- 118 Wilson, 'The Origins of the Maori Seats', pp.54–55.
- 119 Legislature Amendment Act 1914, section 25.
- 120 Legislature Amendment Act 1920, section 2. This provision was incorporated as section 196 of a consolidated Electoral Act in 1927.
- 121 Claudia Orange, 'A kind of equality: Labour and the Maori people 1935–1949', MA thesis, University of Auckland, 1977, Appendix 3, pp.254–5.
- 122 The Electoral Amendment Act 1937.
- 123 Taonui, 'Māori representation', p.2.
- 124 Sorrenson, 'A History of Maori Representation in Parliament', p.36.