

The Maori Seats. Reuben P. Chapple

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The public debate New Zealand needs to have about the future of the Maori Seats can only happen when the mainstream media does its job and explains to New Zealanders why there are separate Maori seats in the first place. Only then can the country decide whether there is a valid argument for their retention. If not, they must be abolished.

When the Maori Representation Act was introduced in 1867, the right to vote rested on a property qualification, and was restricted to property-owning males.

It is now widely held that the Act was introduced because Maori were disenfranchised by their multiple ownership of land. This is incorrect.

Maori in possession of a freehold estate to the value of twenty-five pounds – even if “held in severalty” – were entitled to vote.

The real problem was the disputed ownership of customary Maori land which had not yet become subject to a registrable proprietary title, the proof of the then prevailing electoral requirement.

When the 1867 Act was still at the Bill stage, the view was expressed in Parliament that the Maori Land Court (established in 1865) would have resolved all these questions within five years.

The Maori Seats created by the Act were thus intended as an interim measure for five years only. It was hoped that by this

time enough Maori would hold land under freehold title to remove the need for separate representation.

However, in 1872, the temporary provision was extended for a further five years. Before that period expired, the Maori Representation Continuance Act 1876 decreed that separate representation would continue "until expressly repealed by an Act of the General Assembly."

In effect, the 1867 Act gave Maori the manhood franchise 12 years before European males were accorded the same right. It was not until 1879 that the Qualification of Electors Act introduced European male suffrage as an alternative to the property qualification.

Universal suffrage in 1893 removed the property qualification. It extended voting rights to all New Zealanders, subject only to an age qualification. Any practical reason for separate Maori seats had entirely disappeared.

However, "politics as usual" has kept the Maori seats in place for 120 years past their use-by date. The bottom line: politicians have always liked the fact that a separate Maori constituency could be pork barrelled in return for political support.

When Parliament finally reviewed the Maori seats in 1953 along with a major re-alignment of Maori electoral boundaries, the vested interests of both Labour and National meant the issue was yet again quietly shelved.

In the 1946 General Election, the two parties were tied for general seats. It was only Labour's hold on the four Maori seats that enabled it to remain the government. National, for its part, feared that cutting the Maori seats would bring thousands of Labour-voting Maori flooding onto the general roll in its marginal rural electorates.

In the 1980s, the Maori seats were increasingly linked with

the independence aspirations of Maori nationalists, and turned into a political hot potato. Pressure exerted by these groups meant that after the MMP electoral system was introduced in 1993, the number of Maori seats became tied to the number of New Zealanders electing to register on the Maori roll.

Several well-publicised taxpayer-funded enrolment drives meant these seats have increased in number from four to seven. Yet in the last two general elections, just over 50 percent of those registered on the Maori roll even bothered to vote, suggesting non-voters probably only signed up as a throwaway statement of cultural identity after being bailed up in a shopping mall by someone with a clipboard.

If the number of Maori seats depended not upon the number of people on the Maori roll but upon those who actually voted in the last election, there would be just four Maori seats.

Under MMP, the existence of the Maori seats gives rise to parliamentary 'overhang.' This occurs when a party wins more electorate seats than their party vote entitles them to.

In the 2008 election, the Maori Party gained 2.24 percent of the party vote, which entitled them to three Members of Parliament, but won five Maori seats. That meant that the Maori Party created an overhang of two additional seats, giving us 122 MPs in the 2008 Parliament, not 120.

This 'overhang' means the number of confidence votes needed to form a government increased from 61 to 62. The inflated representation of the Maori Party through 'overhang' thus gives it disproportionate leverage in coalition talks, should the highest polling party find itself unable to form a government in its own right or with other coalition partners.

It is hardly surprising that the Maori Party wants to set in concrete and expand an institution which gives it an easy ride into Parliament, and (because of the 'overhang' effect under MMP) excessive influence once it gets there.

The spectre of the racial tail wagging the majority dog gets worse the more Maori seats there are. For this reason, the Maori Party's demand for the Maori seats to be entrenched in law with all 18 year olds of Maori descent placed automatically onto the Maori roll poses a serious threat to our representative democracy.

It is today widely believed that the Maori seats have some kind of quasi-constitutional status and should be retained as long as Maori activists want them. This is arrant nonsense.

The Treaty of Waitangi does not provide for separate Maori political representation. Nor is there any constitutional basis for its existence.

What the Treaty does provide for is that all New Zealanders, irrespective of cultural affiliation, ethnicity, religious belief, or indeed any other distinguishing characteristic, will enjoy equality in citizenship. This means the universal suffrage subject only to an age qualification that has been in place since 1893.

In *Preferential Policies: An International Perspective*, Black American academic, Thomas Sowell records the downstream effect of government policies promoting group rights. Sold to the public as promoting inter-group harmony, Sowell found that wherever such policies have been tried, they invariably expanded over time in scale and scope; benefited already advantaged members of the preference group (those with the smarts to work the system); and led to increased rather than decreased inter-group polarisation. In many places they have brought about decades-long civil wars killing and maiming thousands of people.

David Round, a law lecturer at the University of Canterbury, is the latest in a long line of commentators to have preached the danger of identity politics:

"Are we to be a nation, or merely a collection of disparate

tribes and cultures all fighting for our own self-interest, heedless of the greater good? Every society has different elements and interests, but for the greater good these interest groups should be encouraged to sink their differences as much as possible and join in the same great common enterprise. The unthinking celebration of diversity which has recently begun to darken our national life carries a very dangerous potential to tear our country apart."

Entrenching separate Maori political representation permanently embeds a self-anointed racial aristocracy into the fabric of our nation. Whether we should retain the Maori seats is therefore not a matter to be decided on our behalf by politicians. The New Zealand public should be given the opportunity to make a call on this matter by way of binding referendum after hearing both sides of the argument.