



# Saving our seats

Note to self for Prime Minister John Key. “Better read that bit in the 1986 Royal Commission on our electoral system where Mr Justice Wallace says that ‘a full understanding of the history of Maori representation’ is essential for those who wish to consider the future of the Maori seats. Bugger.”

Despite Key’s apparent flipflop when challenged by Pita Sharples, National’s pre-election threat (or promise) to get rid of the Maori seats by 2014 is nothing new. Ever since the Maori seats were established in 1867, Pakeha politicians have wanted to abolish them. A century later National Prime Minister Keith Holyoake called them ‘a form of apartheid’. As Danny Keenan, (Ngati Te Whiti Ahi kaa, Te Atiawa), Associate Professor of Maori Studies at Victoria University, writes “the history of Maori Parliamentary representation is a shameful history of Pakeha seeking to manipulate the Maori franchise for Pakeha ends”.



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Hone Heke Ngapua – Liberal MP for Northern Maori 1893 -1900.

**H**istorically the Maori seats were not about special rights for Maori. They were set up as an act of denial; Maori were to be denied their rights of full customary franchise as British citizens. Instead, they were to be granted four seats.

No politician tells us that after the Treaty was signed in 1840, no Maori was able to vote.

In 1852, when New Zealand gained its constitutional independence from Britain, Maori were denied the vote, waiting until 1867 - 27 years after the Treaty - before Maori (males) got the franchise.

Since the 1850s, Pakeha politicians had been debating whether Maori should be voting or not. Over the years, a range of Maori electoral measures were introduced into Parliament, but they all failed because politicians were reluctant to allow Maori more than a token representation in Parliament.

So what did Maori get in 1867? Four Maori seats in a Parliament of 70 Pakeha seats.

The four seats were set up as temporary, to be abolished within 10 years or so.

Unlike Pakeha seats which increased in number as the population expanded, the Maori seats were locked in at four only. Given the Maori population in 1867, Maori should have had an estimated 15 seats, not four.

Why weren't Maori enrolled straight onto

the general rolls in 1867, instead of being lumped into four special seats? Because they would have 'swamped the rolls' and were threatening to gain a strong hand in Parliament, one that might subvert the policies of Maori assimilation.

And because Maori representation was ultimately linked to Maori political autonomy. At times, the Maori MPs felt miles away from that aspiration. In 1913 Peter Buck (Northern Maori) spoke of the 'absolute impotency' of Maori MPs.

The vote for Maori finally arrived in 1867, via the Maori Representation Act. The idea of 'special seats' came about because the Crown had thus far failed to break up Maori communal holdings – once that was done, it was thought, Maori could go onto the general rolls. But it wasn't happening fast enough, and the British Government was asking – 'why are Maori still being denied the vote?'

In that same year, the government gave two special seats to the West Coast miners, adding two seats to the South Island. The Maori seats were therefore set up as part of an electoral deal whereby the numbers of MPs from the North and South Island would remain equal, once miners and Maori were added to the mix. There was no magnanimity towards Maori in this decision; it was simply a political calculation aimed at maintaining Pakeha dominance in Parliament, represented as parity between North and South.

The four seats covered enormous electorates with arbitrarily drawn boundaries that paid little attention to customary iwi and hapu configurations. Tribal districts were cut in half, lumping together groups with longstanding enmities. Agreeing on a single parliamentary candidate was very difficult.

The first Maori MPs, like Mete Kingi Paetahi (Western Maori) and Tareha Te Moananui (Eastern Maori) became quickly demoralised, having to put up with derision and ignorance from other MPs in a hostile environment.

Despite this, Maori participation in parliamentary politics grew rapidly. By 1871, all four Maori seats were vigorously

contested.

Once the seats were functioning, they continued to attract the close attention of legislators. Tinkering with the Maori franchise was common. For example, originally, Maori were able to vote in a general seat, provided they owned land as an individual (though very few did). Increasingly however, as more Maori became individual land owners (consistent with Crown policy of breaking up tribal estates

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into small individual plots), more and more Maori began to qualify for the general rolls.

In 1879 the government made it harder for Maori to move across rolls. Legislation was passed stating that Maori could no longer vote within a general seat unless they owned a much-increased amount of freehold land, an amount far beyond most Maori. This forced Maori to vote within the Maori electorates, even if they were substantially town-dwellers. This same Act extended the general franchise to all Pakeha men, but with no land restrictions attached.

Some Maori with property and economic wealth did manage to remain within the general seats. But in 1896, all Maori, irrespective of means, were forced to vote within the four Maori electorates.

Twenty years earlier the government had

justified awarding only four seats by saying it hoped that 'all of Her Majesty's peoples could one day be amalgamated into one united people'. But now, 20 years later, the reverse was the case – the policy now was to segregate Maori into the Maori electorates.

The 'amalgamating' of Maori would now be left to the haphazard process of intermarriage and the producing of 'half-caste' children to whom these restrictions did not apply, so long as they lived as Pakeha.

The earliest Maori MPs were frustrated by not being able to block the Native Lands legislation which was responsible for the huge tribal land losses.

Parliamentary procedures, rules and practices were also a foreign world - all in English. As a consequence, Maori MPs were largely ineffectual. But they were determined to speak in Maori to the extent that a translation service was hurriedly put together.

Maori MPs often spoke of the Treaty as underpinning their calls for greater representation and recognition as tangata whenua. But not all Maori MPs were agreed on the role of Parliament in their struggle for autonomy. Some saw their primary allegiance with Maori nationalist groups.

Throughout the 1870s-1890s, considerable pressure was building amongst Maori outside Parliament for an independent political autonomy. The major focus was the Maori King but by 1884 his influence was on the wane. In 1869, Paora Tuhaere had tried to recreate the Kohimarama conference of 1860. When that failed, he formed the Orakei Parliament which ultimately led to the forming of the 1889 Union of Waitangi, or the independent Maori Parliament (Kotahitanga).

The Kotahitanga movement was essentially made up of 'loyalist' Maori who had once worked with the Crown. The 'confiscated tribes' did not take part in Kotahitanga proceedings nor did they show much interest in Parliamentary politics. Kotahitanga sought political independence outside of Parliament, by establishing an autonomous Maori Parliament.



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Apirana Ngata Eastern Maori MP from 1905-1943.



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James Carroll – MP from 1887-1919. The first Maori to hold a general seat.

Other Maori MPs however were committed to working within Parliament. The most prominent defender of Parliament was James Carroll. He was first elected to Parliament in 1887 as member for Eastern Maori but rapidly became unpopular with Maori because of his pro-government stances. In 1891, he switched to a general seat (Waiapu) becoming the first Maori MP to hold a general seat.

To the dismay of Maori, Carroll supported the abolition of both the Native Department 1892 and the native districts Resident Magistrates in 1893. He also supported the Liberal Government's line that the colonial days were over. The historic ties between the government and Maori should be severed, he said, and Maori should now look to themselves for answers to their economic and political problems.

The major opponent of this view was Hone Heke Ngapua, member for Northern Maori since 1893. Ngapua had been involved with Kotahitanga during the 1880s. In 1893, barely into his twenties, he was permitted to address the Kotahitanga Parliament. A tireless supporter of Kotahitanga, as such he became a bitter opponent of Carroll.

It was the young Carroll protégé, Apirana Ngata, who sought to bring the two sides together, though his sympathy lay with Carroll. Ngata had been active in the Young Maori Party through the 1890s. His was a major influence in persuading Kotahitanga to support new legislation in 1900 that offered Maori a semblance of autonomy in health and land reform. But by 1905, these initiatives were substantially dead, as was the Kotahitanga movement which had disbanded on Ngata's urging in order to give participation in Parliamentary politics an opportunity to work.

Ngata was elected to Parliament in 1905 as member for Eastern Maori, just in time to see the health and land reforms begin to unravel, and prospects for Maori autonomy rapidly decline. After 1900, few attempts were made by Maori to recreate an independent political

movement that might function outside of Parliament. From that date, Maori have been committed to working within the system as a means of, paradoxically, acquiring political autonomy.

The debates on the validity of the Maori seats continued. So did the legislative manipulating of the rules by which they were governed. This constantly put Maori MPs in an invidious position. One of the tragedies of this situation was the extent to which Maori MPs felt their electoral effectiveness to be severely compromised.

This was evident in 1913 when the Maori MPs almost came to blows over the Reform Government's Native Land Amendment Bill. Peter Buck argued that 'under the cloak of enabling Maori to individualise land, the government was taking further steps to deprive him of his land'. The only Maori land that would be left, he said, would be 'the soil under my fingernails'.

Maui Pomare (Western Maori and Reform member) objected. If a Maori were dispossessed of his land, he said, and acted instead on initiative and commenced work, then he would be a better citizen than a 'spoon-fed native'. Ngata interjected, accusing Pomare of talking claptrap!

These have been described as some of the most bitter exchanges ever made by Maori in Parliament. Why were they talking this way? Because this was legislation that would strip Maori of vast estates.

After the 1920s Maori politics were dominated by the influence of Wiremu Ratana, though after the heyday of Carroll and Ngata, the effectiveness Maori MPs had long been on the wane.

Ratana never stood for Parliament himself, but in 1928 declared that his people would capture the four Maori seats. The first Ratana candidate elected was Eruera Tirakatene in 1932 (Southern Maori), followed by his son Tokouru in 1935, who clinched Western Maori. In 1938, the highly-regarded Parire Paikea won Northern Maori. When Tiaki Omana won

Eastern Maori in 1943, the unthinkable happened - Sir Apirana Ngata, perhaps Maoridom's greatest son - was beaten. Ratana had delivered the clean sweep.

Ratana members were able MPs who supported the Savage-Fraser Labour Government. But they were disappointed that they were never offered the Minister of Native Affairs portfolio and in time became disillusioned with Labour's tendency to take their support for granted.

In the 1950s the Maori seats were once again placed under the microscope. In July 1957, Maori Affairs Minister E.B. Corbett suggested that perhaps the time had come, once again, to review the seats. Perhaps Maori interests might best be served by their local Pakeha MP? But the onus was placed on Maori to indicate when the time had come to dispense with the seats.

In his 1960 Hunn Report, in the context of promoting 'integration of Maori' as State

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policy, Jack Hunn referred to the Maori seats as 'conferring a Maori privilege'. Hunn stated that the seats 'should not endure indefinitely by default' and suggested they were deserving of what he called 'sceptical scrutiny'. National's Minister of Maori Affairs, J.R. Hannan, also said that he did not agree with 'special electoral privileges'.

In 1965, via an Electoral Amendment Act, Maori MPs sought an increase in the number of Maori seats, consistent with increases in the Maori population. The Prime Minister, Keith Holyoake, argued the seats had never been tagged to the Maori population and never could be. The next logical step for Maori, he maintained, was not an increase in the seats, but integration with Pakeha, describing the Maori seats as a 'form of apartheid'.

These views did not substantially change despite the influence of men like Maori Affairs Minister Duncan Macintyre, and leaders aligned with National like Turi Carroll, Pei Te

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”

**Lincoln Savage**

Tuwharetoa Te Arawa Te Rarawa

Teacher in Charge and Dean of Māori students

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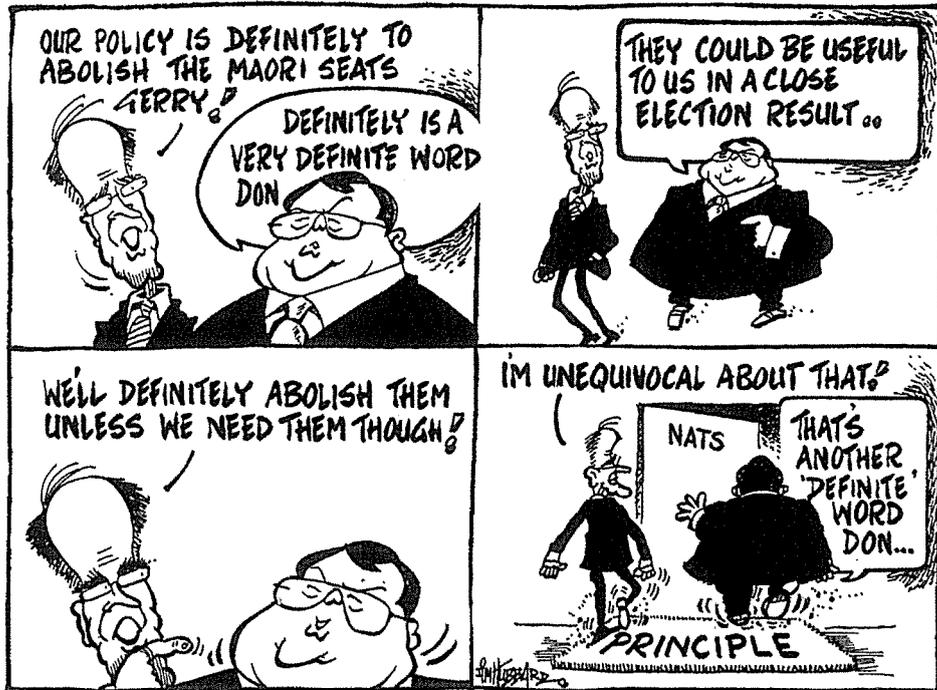
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Akona a Aotearoa



Hurinui Jones, John Te Herekiki Grace and Graham Latimer.

When Norman Kirk came to power in 1972, he widened the definition of 'Maori' for electoral purposes, and in 1975 gave Maori the option of choosing electoral rolls, thereby accommodating the ambivalent position of 'half-castes' (a term that was soon to disappear). When Labour lost office in 1975, the incoming National Government of Rob Muldoon included two Maori MPs elected in general seats - Ben Couch from the Wairarapa and Rex Austin of Awarua. They were joined by Winston Peters who won a recount in the Hunua seat in the 1978 election.

In 1980 Northern Maori MP Matt Rata left Labour and established Mana Motuhake. He lost his seat in the subsequent by-election to Labour's Bruce Gregory by less than 1000 votes. He fared little better in 1981. In 1984, Mana Motuhake fielded eight candidates, four of them in general seats, polling seven percent of the Maori vote.

In 1986, the Royal Commission suggested that, under MMP Maori would not longer

need the Maori seats since MMP would deliver Maori as list members. The list was a guarantee that Maori would be represented, it argued. Maori strongly disagreed, pointing out that MMP could not guarantee Maori representation.

As a result of the reforms introduced in the wake of that Royal Commission, the Maori seats survived. Their number is now pegged to the Maori population and to the exercise of the five-yearly Maori electoral option.

In 2002, Bill English and the National Party ran a vigorous campaign seeking the abolition of the Maori seats, under the slogan 'one people, one law'. When Don Brash became National's leader, he intensified the rhetoric, arguing that the seats represented a 'special privilege for Maori' and should be abolished.

National's John Key has carried on with this conservative political tradition in New Zealand, that of opposing the existence of the Maori seats in the interests of 'amalgamating Maori'. Key has proposed that the seats should be abolished by 2014. A recent outcome of debates like this, along with the Foreshore

debate, has seen the emergence of the Maori Party which relies very heavily on winning over the Maori electorate and capturing the Maori seats.

To some extent, the Maori seats can be seen today as a 'permanent expedient.' Until the day arrives when the nation faces the issue of positioning Maori autonomy somewhere within our constitutional structures, the Maori seats remain as the only real guarantee Maori have that they will be represented in Parliament.

However, the extent to which Maori MPs have been able to convert that representation into a robust dialogue about political autonomy has waxed and waned over time.

Under MMP, the list provides no guarantee that Maori will be in the House at all, much less able to litigate Maori issues in a forthright manner. Some parties have punished Maori members for doing this insisting that they adhere to party policy, even though it be hostile to Maori interests. Witness the humiliating demotion of Georgina Te Heuheu by Don Brash in 2004 and the insult that offered to Tuwharetoa.

The capturing of Maori seats by the Maori Party has undoubtedly shaken the political landscape. But whether they can push the debate along, about the sovereign position of Maori within our constitution as was envisaged in 1840, is a moot point. Unlike Te Kotahitanga, which was a mass movement with a political wing, the Maori Party has no 'mass Maori movement', though it enjoys considerable support amongst Maori.

That said, it will have to be the Maori Party MPs who ask the hard questions of Parliament and of the country; it will not be Maori MPs in other parties, and it certainly won't be the Maori list MPs.

Saving the Maori seats therefore is the only way Maori have of ensuring that Maori representation continues, and that the broader issues of Maori political autonomy can continue to be addressed. *o*