

## ELECTORAL AMENDMENT BILL (NO. 2)

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### EXPLANATORY NOTE

THIS Bill, which amends the Electoral Act 1956, deals with a number of problems that have arisen from difficulties in applying the definition of the term “Maori electoral population” (which definition was first inserted into the Electoral Act 1956 by section 3 (3) of the Electoral Amendment Act 1980).

The “Maori electoral population” is required to be calculated after each census. The making of the calculation is one of the steps involved in fixing, after each census, the boundaries of electoral districts.

*Clause 2* provides, for the avoidance of doubt, that the boundaries of the electoral districts fixed by the Representation Commission in the year 1983 and proclaimed by the Governor-General on 6 May 1983 were valid.

*Clause 3* provides, for the avoidance of doubt, that the boundaries of the electoral districts fixed by the Representation Commission in the year 1987 and proclaimed by the Governor-General on 9 April 1987 are valid.

*Clause 4* modifies the definition of the term “Maori electoral population”. The modified definition is to have effect only for the purpose of the fixing of electoral boundaries that is required by the Electoral Act 1956 to take place after the census taken in the year 1991.

The modification deals, in particular, with the manner in which the number of Maori children under the age of 18 years is to be ascertained from the information obtained in the 1991 Census of Population.

Children who are now to count, for the first time, as Maori children under the age of 18 years are children who, according to the census schedules,—

- (a) Are under the age of 18 years; and
- (b) Have New Zealand Maori ancestry; and
- (c) Are not living with one or both of their parents.

The term “parent” means, for the purposes of the modified definition, each person who, as at the night of the 1991 Census of Population and for the purposes of that census, is classified by the Government Statistician as a parent.

*Clause 5* relates only to the fixing of electoral boundaries that is required by the Electoral Act 1956 to take place after the census taken in the year 1991.

The clause provides for the apportionment of the number specified in *clause 4* (being the number of Maori children under the age of 18 years) for the purposes of the calculations required to ascertain the Maori electoral population of—

- (a) The North Island; or

- (b) The South Island; or
- (c) Any electoral district.

*Clause 6* relates only to the fixing of electoral boundaries that is required by the Electoral Act 1956 to take place after the census taken in the year 1991.

The clause declares the results of the calculations made by the Government Statistician of—

- (a) The Maori electoral population of New Zealand;
- (b) The General electoral population of New Zealand;
- (c) The Maori electoral population of the North Island;
- (d) The General electoral population of the North Island;
- (e) The Maori electoral population of the South Island;
- (f) The General electoral population of the South Island.

*Clause 7* provides that, as soon as practicable after the passing of the Bill, the Government Statistician shall report to the Surveyor-General and to the other members of the Representation Commission, in the manner prescribed by section 16 (2A) of the Electoral Act 1956,—

- (a) The results of the census taken in the year 1991; and
- (b) The Maori electoral population (as set out in *clause 6 (a)*), which population (as so set out) represents the Government Statistician's calculation as at the close of the 7th day of June 1991, of the Maori electoral population.

The Government Statistician, in making the report, is required to apply the provisions of this Bill.

*Clause 8* validates the existing maps prepared by the Surveyor-General following the receipt by the Surveyor-General of the earlier report of the Government Statistician. Those maps contain provisional boundaries of electoral districts.

The Representation Commission is however required to take into account any discrepancies between those maps and the report made under *clause 7*.

*Clauses 9 and 10* are provisions designed to ensure that, in the period beginning on the passing of the Bill and ending with the close of 31 December 1993, both the report prepared by the Government Statistician under *clause 7* and the maps prepared by the Surveyor-General in reliance on the earlier report of the Government Statistician shall be sufficient evidence as to the General electoral population of New Zealand or of any district or of the Maori electoral population, but that, in the event of any discrepancy between those maps and the report made under *clause 7*, that report shall prevail.

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Hon. D. A. M. Graham

## ELECTORAL AMENDMENT (NO. 2)

### ANALYSIS

Title	6. Calculations based on 1991 Census of Population
1. Short Title	7. Preparation of further report by Government Statistician
2. Validation of boundaries of electoral districts fixed and proclaimed in 1983	8. Validation of existing maps containing provisional boundaries
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### A BILL INTITULED

#### An Act to amend the Electoral Act 1956

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Electoral Amendment Act (No. 2) 1992, and shall be read together with and deemed part of the Electoral Act 1956\* (hereinafter referred to as the principal Act).

10 **2. Validation of boundaries of electoral districts fixed and proclaimed in 1983**—(1) For the avoidance of doubt, the boundaries of the electoral districts fixed by the Representation Commission in the year 1983, which boundaries—  
15 (a) Were included in the Representation Commission's report to the Governor-General; and  
(b) Were, under the principal Act, declared by the Governor-General in a Proclamation published in the *Gazette* on the 6th day of May 1983,—  
are hereby declared to have been valid and to have always been valid.

\*R.S. Vol. 26, p. 173  
Amendments: 1991, No. 68; 1991, No. 152

(2) The boundaries validated by **subsection (1)** of this section are hereby declared to have continued in force until the time at which, in accordance with the provisions of the principal Act, those boundaries ceased to have effect.

**3. Validation of boundaries of electoral districts fixed and proclaimed in 1987**—(1) For the avoidance of doubt, the boundaries of the electoral districts fixed by the Representation Commission in the year 1987, which boundaries—

- (a) Were included in the Representation Commission's report to the Governor-General; and 10
- (b) Were, under the principal Act, declared by the Governor-General in a Proclamation published in the *Gazette* on the 9th day of April 1987; and
- (c) Were modified by the Representation Commission (Correction of Errors) Order 1987 (which was published in the *Gazette* on the 8th day of July 1987),— 15

are hereby declared to be valid and in force and to have always been valid and in force and to have continued in force.

(2) The boundaries validated by **subsection (1)** of this section shall,— 20

- (a) In the case of the boundaries of the General electoral districts, continue in force until the time at which, in accordance with the provisions of the principal Act, those boundaries cease to have effect; and 25
- (b) In the case of the boundaries of the Maori electoral districts, continue in force until the time at which, in accordance with the provisions of the principal Act, those boundaries cease to have effect.

**4. Definition of "Maori electoral population"**—(1) For the purpose of the fixing of the boundaries of both General electoral districts and Maori electoral districts, being the fixing of those boundaries that is required by the principal Act to take place after the census taken in the year 1991, the definition of the term "Maori electoral population" (which is set out in section 2 (1) of the principal Act) shall be read as if, for subparagraphs (ii) and (iii) of paragraph (c), there were substituted the following subparagraph: 30 35

"(ii) By applying the proportion ascertained under subparagraph (i) of this paragraph to the number 160,396, which number is the number of Maori children under the age of 18 years as ascertained from information obtained in the 1991 Census of 40

Population, and includes, on the basis of the census schedules,—

5 “(A) All children who, as at the night of the 1991 Census of Population, were under the age of 18 years and had New Zealand Maori ancestry and were living with two parents, both of whom were New Zealand Maori; and

10 “(B) All children who, as at the night of the 1991 Census of Population, were under the age of 18 years and had New Zealand Maori ancestry and were living with only one parent, being a parent who was New Zealand Maori; and

15 “(C) Half of the number of children who, as at the night of the 1991 Census of Population, were under the age of 18 years and had New Zealand Maori ancestry and were living with two parents, only one of whom was New Zealand Maori; and

20 “(D) All children, who, as at the night of the 1991 Census of Population, were under the age of 18 years and had New Zealand Maori ancestry and were not living with one or both of their parents:”.

25 (2) For the purpose of the fixing of the boundaries of both General electoral districts and Maori electoral districts, being the fixing of those boundaries that is required by the principal Act to take place after the census taken in the year 1991, section 2 of the principal Act shall be read as if, before  
30 subsection (2), there were inserted the following subsection:

35 “(1A) For the purposes of **subparagraph (ii)** of **paragraph (c)** of the definition of the term ‘Maori electoral population’, the term ‘parent’ means each person who, as at the night of the 1991 Census of Population and for the purposes of that census, is classified by the Government Statistician as a parent.”

**5. Calculation of “Maori electoral population”**—Where, for the purpose of the fixing of the boundaries of electoral districts, being the fixing of those boundaries that is required  
40 by the principal Act to take place after the census taken in the year 1991, a calculation is required to be made of the Maori electoral population of—

- (a) The North Island; or
- (b) The South Island; or

(c) Any electoral district,—  
 the Government Statistician shall apportion the number  
 160,396 (being the number specified in subparagraph (ii) of  
 paragraph (c) of the definition of the term “Maori electoral  
 population” (as affected by section 4 of this Act)), and shall  
 likewise apportion the total number of persons registered as  
 electors of Maori electoral districts as at the close of the last day  
 of the period last specified under section 41A (2) or (3) of this  
 Act and the total number of persons of New Zealand Maori  
 descent registered as electors of General electoral districts as at  
 the close of the last day of the period last specified under  
 section 41A (2) or (3) of this Act and the total Maori adult  
 population as determined by the last periodical census, and  
 shall apply those numbers as so apportioned both for the  
 purposes of the calculation and for the purposes of paragraphs  
 (a), (b), and (c) (i) of the definition of the term “Maori electoral  
 population”.

**6. Calculations based on 1991 Census of Population—**

For the purpose of the fixing of the boundaries of both General  
 electoral districts and Maori electoral districts, being the fixing  
 of those boundaries that is required by the principal Act to take  
 place after the census taken in the year 1991,—

- (a) The Maori electoral population of New Zealand (being  
 that population as calculated by the Government  
 Statistician) is hereby declared to be 180,782; and
- (b) The General electoral population of New Zealand (being  
 that population as calculated by the Government  
 Statistician) is hereby declared to be 3,180,216; and
- (c) The Maori electoral population of the North Island (being  
 that population as calculated by the Government  
 Statistician) is hereby declared to be 165,767; and
- (d) The General electoral population of the North Island  
 (being that population as calculated by the  
 Government Statistician) is hereby declared to be  
 2,341,210; and
- (e) The Maori electoral population of the South Island (being  
 that population as calculated by the Government  
 Statistician) is hereby declared to be 15,582; and
- (f) The General electoral population of the South Island  
 (being that population as calculated by the  
 Government Statistician) is hereby declared to be  
 838,439.

**7. Preparation of further report by Government Statistician**

(1) As soon as practicable after the passing of this Act, the Government Statistician shall report to the Surveyor-General and to the other members of the Representation Commission, in the manner prescribed by section 16 (2A) of the principal Act,—

- (a) The results of the census taken in the year 1991; and
- (b) The Maori electoral population (as set out in section 6 (a) of this Act), which population (as so set out) shall be deemed to represent the Government Statistician's calculation as at the close of the 7th day of June 1991, of the Maori electoral population.

(2) The Government Statistician, in making the report required by subsection (1) of this section, shall apply the provisions of this Act.

**8. Validation of existing maps containing provisional boundaries**

(1) Notwithstanding section 7 of this Act and notwithstanding that the report made by the Government Statistician under section 16 (2A) of the principal Act and dated the 4th day of November 1991 has not been prepared in accordance with the law,—

- (a) The maps prepared by the Surveyor-General pursuant to sections 16 (3) and 23 (3) of the principal Act following the receipt by the Surveyor-General of that report shall be deemed to be valid; and
- (b) The Surveyor-General shall not be required to prepare any further maps before calling, in accordance with section 16 (3) of the principal Act, a meeting of the Representation Commission.

(2) The Commission shall, before fixing the boundaries of the General electoral districts and the Maori electoral districts, take into account any discrepancies between the maps referred to in subsection (1) of this section and the report made pursuant to section 7 of this Act.

**9. Division of New Zealand into General electoral districts after each census**

In respect of the period beginning with the commencement of this Act and ending with the close of the 31st day of December 1995, section 16 of the principal Act shall have effect as if, for subsection (4), there were substituted the following subsection:

“(4) The report made by the Government Statistician pursuant to section 7 of the Electoral Amendment Act 1992 and the maps prepared by the Surveyor-General in reliance on the

report made by the Government Statistician under section 16 (2A) of this Act and dated the 4th day of November 1991 shall be sufficient evidence as to the General electoral population of New Zealand or of any district, but, in the event of any discrepancy between those maps and the report made pursuant to **section 7** of the Electoral Amendment Act **1992**, that report shall prevail.” 5

**10. Maori representation**—In respect of the period beginning with the commencement of this Act and ending with the close of the 31st day of December 1995, section 23 of the principal Act shall have effect as if, for subsection (4), there were substituted the following subsection: 10

“(4) The report made by the Government Statistician pursuant to **section 7** of the Electoral Amendment Act **1992** and the maps prepared by the Surveyor-General in reliance on the report made by the Government Statistician under section 16 (2A) of this Act and dated the 4th day of November 1991 shall be sufficient evidence as to the Maori electoral population, but, in the event of any discrepancy between those maps and the report made pursuant to **section 7** of the Electoral Amendment Act **1992**, that report shall prevail.” 15 20