

Mr. Hobbs.

MAORI REPRESENTATION.

ANALYSIS.

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A BILL INTITULED.

AN ACT to make further Provision in respect of the Qualification Title. and for the Representation of the Maori People in Parliament.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Maori Representation Act, Short Title. 1882."

2. In this Act, if not inconsistent with the context,— Interpretation.

10 "Clerk of the Writs" means the Clerk of the Writs appointed under "The Regulation of Elections Act, 1881:"

15 "Maori" means an aboriginal native inhabitant of New Zealand, and includes any half-caste living as a member of a native tribe, according to their customs and usages, and any male descendant of such half-caste by a Maori woman:

"Registrar" means the Registrar for an electoral district appointed under "The Registration of Electors Act, 1879."

20 3. After the dissolution or expiration of the present Parliament, the number of Maori members to be elected for the whole colony shall bear to the entire number of the members of the House of Representatives (exclusive of the Maori members thereof) the same proportion as the entire number of the Maori population of the colony, as ascertained by the most recent census, shall bear to the entire number of the other population thereof (exclusive of Maoris), ascertained in like 25 manner. Maori representation to be in proportion to their numbers.

Colony apportioned into divisions.

4. From the total number of the Maori population in all the districts of the colony, as shown in the results of the census taken the most recently, the Governor shall ascertain in manner hereinbefore provided the number of Maori members to be returned, and thereupon shall apportion the colony into as many divisions as there are Maori members to be returned. 5

Each division to be equalized as to population therein.

5. Each such division shall be formed by aggregating districts together in such manner that the number of the Maori population within the several divisions shall be, as nearly as may be, equal to one another, taking care however that each single Native tribe shall be aggregated within the same division. 10

One representative for each division.

6. To each division formed as aforesaid there shall be assigned one member to be elected for such division.

Qualification of Maori electors.

7. Every Maori twenty-one years of age and upwards, who shall not have been attainted or convicted of any treason, or felony, or infamous offence, is entitled to be registered under this Act as an elector, and to vote at the election of Maori members for the House of Representatives in respect of the district for which he is registered, but no other person is entitled to vote at any such election. 15

Qualification of Maori members.

8. Every Maori duly registered under this Act as an elector, but no other person, is qualified to be a Maori member of the House of Representatives for any division of the colony under this Act. 20

Maori electoral rolls to be formed.

9. The Governor from time to time may appoint any Resident Magistrate within any district of the colony, together with one Native Assessor, to form the first rolls of Maori electors by placing thereon the names (in alphabetical order according to the manner usual with Maori names, and numbered consecutively) of all Maoris residing in the district who, in the joint opinion of such officers, are of the full age of twenty-one years and upwards. 25

The roll of each district shall be signed by the Magistrate and Assessor who formed the same. 30

Notice of formation of rolls to be gazetted.

10. The Resident Magistrate shall transmit the roll so formed when completed to the Colonial Secretary, who shall publish the fact in the *Gazette* and *Kahiti*; and from the day of such publication in the *Kahiti* the electoral roll so formed shall be the Maori electoral roll for such district for the time being for all purposes. 35

11. The elections of all Maori members shall be conducted according to the following regulations:—

Conduct of elections.

(1.) There shall be one Returning Officer for each Maori electoral division, to be appointed by the Governor, and the said Returning Officer shall have power to appoint, on the occasion of any election, such Deputy Returning Officers and Registration Officers as he may deem necessary. 40

(2.) Every Returning Officer, Deputy Returning Officer, and Registration Officer shall, before acting in his office, take an oath before a Justice of the Peace in the Form A in the First Schedule, and such Justice of the Peace shall transmit a record of the same to the Colonial Secretary. 45

(3.) Polling-places shall be appointed by the Governor in each district of every Maori electoral division, and notice of the places so appointed shall be published in the *Gazette* and 50

Kahiti for at least thirty days previous to the day of nomination.

- 5 (4.) The Governor shall issue a writ in the Form B in the said Schedule, specifying the day and place of nomination, and the day on which the poll, if necessary, shall take place, which shall not be earlier than fourteen days after the day of the nomination.
- 10 (5.) The above writ shall be forwarded to each Returning Officer, and a copy thereof shall be published in the *Gazette* and *Kahiti*, and posted in such public places as shall be thought desirable by the Returning Officer.
- 15 (6.) On the day of nomination, so to be fixed as aforesaid, the Returning Officer shall preside at a meeting to be held at noon at the appointed place, and shall declare the purpose for which the meeting is held. It shall be competent for the Returning Officer to declare the meeting adjourned from day to day.
- 20 (7.) Every candidate shall be proposed by one and seconded by another registered elector; and if no more than one candidate shall be so proposed and seconded, the Returning Officer shall declare such candidate duly elected, and will make his return accordingly.
- 25 (8.) In the event of their being more candidates than one proposed and seconded, the Returning Officer shall call for a show of hands, separately, in favour of each candidate, and after such show shall declare the name of the person in whose favour the show of hands shall appear to have been largest; and if thereupon a poll be not demanded by one of the candidates, the Returning Officer shall declare such person to be duly elected, and indorse and return and forward the writ as provided by subsection *fourteen*.
- 30 (9.) If a poll be demanded as aforesaid, the Returning Officer shall then declare the day on which the same shall be taken, being the day fixed by the writ as aforesaid, and on that day the poll shall be taken at the places appointed as aforesaid; it shall commence at nine o'clock in the forenoon of the day appointed, and shall close at six o'clock in the afternoon of the same day.

40 Care shall be taken that no nomination or polling at any election of a member for any Maori electoral division shall occur on the same day as any other election of members of the House of Representatives is in progress within any part of such division.

- 45 (10.) If a poll be demanded, the Returning Officer shall immediately make arrangements for the issue, by the Registration Officer or Officers at each polling-place, of voting papers to electors, and such papers shall be issued at any time during the day of the poll until the close of the poll.

50 Each candidate may appoint one scrutineer for each booth at the election.

- (11.) On the day of the poll the electors shall enter one by one the polling-booth, and shall each present his voting paper, which shall be in the Form C in the First Schedule, and in the English and in the Maori language, and, when requested to do so, shall state the name of the candidate for whom he intends to vote, and his own name. The Returning Officer or his deputy shall thereupon write the name of such candidate and elector on the voting paper, and any scrutineer may place his initials or name upon the paper as witness. 5 10
- (12.) The Returning Officer shall, as soon as convenient, immediately after the closing of the poll, proceed with such of his deputies and scrutineers as may be convenient, to ascertain the numbers polled for each candidate, and shall sign a notice and declaration stating the number of votes polled for each candidate, and declare the candidate having the greatest number duly elected. 15
- The Returning Officer shall forthwith publish such notice and declaration in the *Gazette* and in the *Kahiti*.
- (13.) If two or more candidates have received an equal number of votes, the Returning Officer shall give a casting vote. 20
- (14.) The Returning Officer shall thereupon indorse on the writ a certificate stating the name of the person elected, and shall forthwith return the writ to the Clerk of the Writs. 25
- The day on which the writ so indorsed comes into the possession of the Clerk of the Writs shall be indorsed by him on the writ, and his signature subscribed thereunto; and such day shall be deemed to be the day of the return thereof.
- (15.) The Returning Officer shall also, as soon as practicable, enclose and seal up in a parcel all the voting papers relating to the electoral division, and transmit the same, indorsed with the name of the district, and verified by his signature, to the Clerk of the House of Representatives. 30
- The sealed packet shall be safely kept for one year unopened, except by the lawful command of a competent Court or other tribunal. 35
- At the end of one year the packet shall be burnt unopened, in the presence of the said Clerk and the Clerk of the Writs. 40
- (16.) Where by these regulations it is directed that any notice or copy of any instrument is to be published in the *Kahiti*, such publication shall be in the Maori language, and where by these regulations it is directed that any notice or copy of any instrument is to be published in the *Gazette*, such publication shall be in the English language. 45
- (17.) In any case not provided for in the above regulations, the Returning Officer shall as far as possible be guided by the provisions of any Act for the time being in force, *mutatis mutandis*, in relation to election of European members for the House of Representatives. 50

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12. If within five days before the day, or before the poll commences on the day, appointed for a poll to supply a vacancy a candidate die, the Returning Officer shall, upon being satisfied of the fact of such death, countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received by him on the day on which proof was given him of such death.

In cases of death before poll, proceedings *de novo*.

13. No Maori member elected under the provisions of this Act to serve in the House of Representatives, and no Maori member who shall be summoned to the Legislative Council, shall be capable of being appointed to or holding any office of emolument under the General Government of the colony so long as he may be a member of the General Assembly.

Disqualification of Maori members.

15. But the provisions of this section shall not apply to the holding a seat in the Executive Council, or holding an appointment as adviser or assessor of or in connection with the Executive Council, and receiving salary only in respect of such seat or such appointment, such seat or appointment being held on the ordinary tenure of responsible government.

14. On and after the dissolution or expiration of the present Parliament,—

No Maori to be qualified except under this Act.

(1.) No Maori shall be entitled to be registered as an elector in respect of any qualification, or to vote at any election of members of the House of Representatives, except under the provisions of this Act;

(2.) The names of all Maoris appearing on any roll of electors qualified to vote at any such election other than a roll formed under the provisions of this Act shall be erased from such roll by the Registrar forthwith after the dissolution or expiration aforesaid;

(3.) The Acts and part of an Act enumerated in the Second Schedule shall be repealed.

Repeal.

15. The number of Maori members to be returned shall be reapportioned and the electoral divisions fixed under this Act shall be readjusted from time to time by the Governor whenever the number of representatives for the electoral districts appointed under "The Representation Act, 1881," or any other Act of similar import, is sensibly altered in such manner as to disturb the justice of the proportion mentioned in section *three* of this Act.

Readjustment of Maori representation

SCHEDULES.

Schedules.

FIRST SCHEDULE.

FORM A.

I [A.B., Returning Officer for the Maori Electoral Division [or one of the Deputy Returning Officers or Registration Officers], do promise and swear that I will faithfully perform the duties of Returning Officer [or Deputy Returning Officer or Registration Officer] to the best of my ability—So help me God.

FORM B.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the Islands of New Zealand, &c. Queen, to _____, Esquire, Returning Officer for the _____ Maori Electoral Division,—Greeting:

WHEREAS it is necessary that an election of _____ member of the House of Representatives of New Zealand shall take place: Now, therefore, we do hereby require and command you to cause to be elected by the voters duly qualified for that purpose, freely and indifferently, and in manner and form by law and regulations in this behalf prescribed, _____ legally qualified person to serve as member of the said House of Representatives for the _____ Maori Electoral Division: And we do hereby further require and command that you cause the nomination of the said member to be at _____, on the _____ day of _____, and the polling, in case it shall be required, to be at the several polling-places, on the _____ day of _____, and that this our writ, with the name of the person so elected indorsed thereon by you, shall be returned to the Clerk of the Writs on or before the _____

In witness whereof His Excellency _____, the Governor and Commander-in-Chief of New Zealand, has caused the Public Seal of the Colony of New Zealand to be hereunto affixed, at Wellington, the _____ day of _____ 18 _____

Governor.

FORM C.

Pakapuka Pooti.

Ko te tangata Maori kei raro nei tona ingoa e marama ana ia kia pooti a te whakatunga o te tangata mo te Takiwa Pooti Maori Whaka-te _____ hei reo mo ratou Whaka-Maori ki roto ki te Runanga Nui o Niu Tirenī.

Voting Paper.

THE under-mentioned person is entitled to vote at the election of a Member of the House of Representatives for the _____ Maori Electoral Division.

Ko te ingoa iriri, Maori hoki, o te tangata pooti. Christian and Surname of Elector.	Iwi. Tribe.	Hapu. Hapu.	Kainga. Abode.

Tangata e pootitia ana
Candidate voted for _____

Returning Officer.

SECOND SCHEDULE.

1867, No. 47.—The Maori Representation Act, 1867.

1872, No. 72.—The Maori Representation Act Amendment and Continuance Act, 1872.

1876, No. 44.—The Maori Representation Acts Continuance Act, 1876.

1879, No. 40.—The Qualification of Electors Act, 1879. *In part, namely, subsection three of section two and section seven.*

NOTE.—Total estimated European population, 489,983; Maori, 44,097.