

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 19 August 1993

ELECTORAL AMENDMENT BILL (NO. 3)

Proposed Amendments

Hon. Mrs T. W. M. TIRIKATENE-SULLIVAN, in Committee, to move the following amendments:

Clause 1A, Interpretation: To insert, after subclause (4), the following subclause:

(4A) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term "Maori electoral population", and substituting the following definition:

" 'Maori electoral population' means a figure representing both the persons registered as electors of the Maori electoral districts and a proportion of the persons of New Zealand Maori descent who are not registered as electors of any electoral district and a proportion of the persons of New Zealand Maori descent under the age of 18 years, which figure shall be fixed—

"(a) By ascertaining a proportion (which shall be determined by dividing the total number of persons registered, as at the close of the last day of the period specified in the last notice published under section 41A of this Act, as electors of Maori electoral districts by the number of persons of New Zealand Maori descent registered, as at the close of that day, as electors of either General electoral districts or Maori electoral districts); and

"(b) By applying the proportion ascertained under paragraph (a) of this definition to the total number of ordinarily resident persons of New Zealand Maori descent as determined by the last periodical census:".

New clauses 13A and 13B: To insert, after clause 13, the following new clauses:

13A. Maori representation—The principal Act is hereby amended by repealing section 23, and substituting the following section:

"23. (1) It shall be the duty of the Commission, for the purpose of the representation of the Maori people in the House

“(2) The Minister shall, in accordance with this section, specify from time to time, by notice in the *Gazette*, a period of 2 months during which any Maori may exercise the option given by section 41 of this Act.

“(3) The Minister shall, as soon as practicable after the commencement of this section, and in accordance with section 15 of this Act, publish the first notice under subsection (2) of this section.

“(4) Subject to subsections (3) and (5) of this section and to section 15 of this Act, the Minister shall, in every year that a quinquennial census of population is taken, but in no other year, publish a notice under subsection (2) of this section.

“(5) Notwithstanding subsection (4) of this section, where a Parliament is due to expire in a year in which a quinquennial census of population is to be taken, the Minister shall not, in that year, publish a notice under subsection (2) of this section, but shall instead, in the year following the year in which the quinquennial census of population is taken, publish such a notice.

“(6) For the purpose of enabling the Government Statistician to calculate the Maori electoral population, the Chief Registrar shall, as soon as practicable after the last day of each period specified in a notice published under subsection (2) of this section, supply to the Government Statistician—

“(a) The total number of persons registered as electors of the Maori electoral districts as at the close of that last day; and

“(b) The total number of persons registered as electors of the General electoral districts, who, as at the close of that last day, are recorded as having given written notice to the Registrar that they are persons of New Zealand Maori descent.

Cf. 1956, No. 107, s. 41A; 1980, No. 29, s. 12 (1); 1981, No. 120, s. 15; 1990, No. 1, s. 8

“41B. Exercise of Maori option—(1) Notwithstanding section 43A of this Act, every Maori who is registered as an elector on the first day of any period specified in a notice published under section 41A of this Act may exercise once in that period the option given by section 41 of this Act.

“(2) In each period specified in a notice published under section 41A of this Act, the Registrar shall send by post on the first day of that period a notice in the form prescribed for the purposes of this section to—

“(a) Every person registered as an elector of a Maori electoral district; and

“(b) Every person registered as an elector of a General electoral district who has given written notice to the Registrar that that person is of New Zealand Maori descent.

“(3) Every Maori—

“(a) Who is registered as an elector on the first day of the period in which the notice is sent under subsection (2) of this section; and

“(b) Who—

“(i) Being registered as an elector of a Maori electoral district wishes to be registered as an elector of a General electoral district; or

“(ii) Being registered as an elector of a General electoral district wishes to be registered as an elector of a Maori electoral district,—

shall indicate his or her choice on the prescribed form, sign and date it, and return it to the Registrar.

“(4) The Registrar, on receipt of any duly completed form, shall send the form to the Registrar in whose district the elector resides.

“(5) Every duly completed form received by a Registrar pursuant to subsection (4) of this section shall be deemed, for the purposes of the definition of the term “electoral roll” in section 3 (1) of this Act and for the purposes of sections 56, 57, and 60B of this Act, to be an application for registration as an elector and shall be treated accordingly.

“(6) No elector shall, by reason only of a failure to return a form sent to him or her under subsection (2) of this section, have his or her name removed from the electoral roll.

“(7) Every Maori who is registered as an elector of a Maori electoral district on the first day of any period specified in a notice published under section 41A of this Act and who fails to exercise in that period the option given by section 41 of this Act shall be deemed to have exercised his or her option to register as an elector of a Maori electoral district.

“(8) Every Maori who is registered as an elector of a General electoral district on the first day of any period specified in a notice published under section 41A of this Act and who fails to exercise in that period the option given by section 41 of this Act shall be deemed to have exercised his or her option to register as an elector of a General electoral district.

“(9) Where a document by which the option given by section 76 (1) of this Act may be exercised, being a notice in the form prescribed for the purposes of this section or an application for registration, is received by the Registrar by post after the end of a period specified in a notice published under section 41A of this Act but not later than noon on the day after the last day of that period, that document shall be deemed to have been received in that period, and the elector shall, if the document is otherwise in order, be deemed to have exercised the option given by section 41 of this Act in that period.

“(10) Where the Registrar receives, in a period specified in a notice published under section 41A of this Act, a document by which the option given by section 41 of this Act may be exercised but which does not comply with requirements concerning the signing or dating of that document or the particulars that it must contain, the Registrar may treat the document as being in accordance with those requirements before the end of that period if the non-compliance is remedied within 6 days after the end of that period.

Cf. 1956, No. 107, s. 41B; 1981, No. 120, s. 16; 1983, No. 104, s. 5 (2); 1990, No. 1, s. 9

“41c. **Exercise of the Maori option following the 1993 electoral referendum**—Notwithstanding sections 41 to 41b of this Act, for the purpose of enabling the Representation Commission to divide New Zealand into electoral districts, and if the proposal to retain the present electoral system is carried at the 1993 electoral referendum, the Minister shall, as soon as is practicable after the commencement of this section, specify a

period of 2 months during which any Maori may exercise the option given by section 41 of this Act.

“41D. Restriction on transfer between General and Maori electoral rolls—Except as provided in sections 41 to 41B of this Act,—

“(a) No Maori may transfer from a General electoral roll to a Maori electoral roll or vice versa:

“(b) No Maori whose name has been removed from an electoral roll or who ceases to be qualified as an elector of an electoral district may be registered as an elector for a different type of electoral district.

Cf. 1956, No. 107, s. 41c; 1981, No. 120, s. 17”.

EXPLANATORY NOTE

This Supplementary Order Paper—

- (a) Proposes that those provisions of the Electoral Act 1956 that relate to Maori representation, the calculation of the Maori electoral population, and the exercising of the Maori option be repealed and substituted with the provisions set out to this Supplementary Order Paper.
- (b) The proposed amendments allow for flexibility in determining the number of Maori seats to either decrease or increase based on the number of Maori enrolled on the electoral roll. The proposed amendments will also allow Maori, should first-past-the-post be carried by a majority of voters at the 1993 electoral referendum, to exercise the Maori option. Under the principle Act Maori would not otherwise be entitled to exercise the Maori option until 1997.
- (c) The proposed amendments reflect those contained in the recently enacted Electoral Reform Bill.