

## The Parliament of New Zealand

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*Parliament House (right) has been the principal site for the legislative branch since 1918, and The 'Beehive' (left) has housed the executive branch since 1979.*

### Overview

As a former colony and dominion of Britain, New Zealand's early political institutions were molded on the Westminster model. Since the 19<sup>th</sup> century, New Zealand has developed an uncodified constitution, employing a framework of conventions, such as the Treaty of Waitangi; and statutes, including the Constitution Act 1986, New Zealand Bill of Rights Act 1990, and Electoral Act 1993.

Legally independent since the 20<sup>th</sup> century, some aspects of New Zealand's political system have moved away from the Westminster model. The modern-day Parliament is unicameral in structure, and members are elected through a Mixed Member Proportional system. A distinctive feature of New Zealand's House of Representatives is the presence of 7 seats reserved for Māori representation. With these electorates spanning the entirety of the nation, every constituency is represented by two MPs.

New Zealand remains a constitutional monarchy. The Commonwealth Sovereign is represented by a Governor-General, appointed on advice of the Prime Minister. In 2004, the Supreme Court of New Zealand was established as the final court of appeal, removing ties to Westminster's Privy Council.

### History

The history of New Zealand as a populated region dates to the 14<sup>th</sup> century, where Polynesian settlers, now known as the Māori population, arrived on the islands. Following years of exploration, British settlers sought to colonize the islands and, in 1840, British and Māori representatives signed the Treaty of Waitangi. The treaty brought New Zealand into the British Empire, while also purporting to extend the rights afforded to British citizens to the Māori people.

In practice, this was not always the case, and disputes over land ownership caused tensions between the colonial and indigenous populations, resulting in a factional war that spanned almost three decades. During this period, Westminster passed the New Zealand Constitution Act 1852, which established the bicameral General Assembly, alongside six provincial councils. National elections were scheduled to take place every five years, and the term for provincial councils was set at four-year terms.

Specific electorates for the Māori population were created in 1867 and, although the secret ballot was introduced for British descendants in 1870, indigenous communities were not permitted to vote in private until 1938. Provincial councils were abolished in 1877, and triennial Parliamentary terms were introduced two years later. With the vote originally reserved for male property owners over the age of 21, rules were relaxed in the late-19<sup>th</sup> century. Property ownership requirements were removed in 1879, and women were granted the right to vote in 1893.

Throughout the 20<sup>th</sup> century, New Zealand executed a series of reforms to formally gain independence. The 1947 adoption of the Statute of Westminster accorded New Zealand's legislature with the power to amend constitutional laws. In 1951, the General Assembly used these powers to dissolve its upper house. The Constitution Act 1986 discarded powers for Britain to legislate for or on behalf of New Zealand, removing formal ties to British Parliament. Renaming the General Assembly as the 'Parliament of New Zealand', the act also outlined the roles of the Governor-General and defined the powers of government branches.

### **Electoral System**

Following the first nationwide elections in 1853, Parliament was comprised of 37 independent representatives. The emergence of the Liberal and Conservative parties in the late-19<sup>th</sup> century formed the origin of the party system. Following the Westminster model, representatives were elected under the first-past-the-post system (FPP) which, excluding the short-lived introduction of runoff voting in 1908, remained in place through most of the 20<sup>th</sup> century. The use of FPP influenced the development of New Zealand's party system, where power has exchanged between the New Zealand Labour Party (NZLP) and National Party since 1938.

The early-1980s was an era of political realignment in New Zealand. Flaws in the FPP system were identified in successive elections where, despite receiving the highest proportion of nationwide votes, the NZLP sat in opposition. Aided by the 'New Zealand' protest party, the NZLP returned to government in 1984 and immediately established a *Royal Commission on the Electoral System*. Findings were key to the future of elections, proposing an expansion of the House of Representatives to 120 MPs, the establishment of an independent Electoral Commission, and a referendum on the electoral system. These proposals were acted upon in subsequent years, and a two-step referendum led to the adoption of a Mixed Member Proportional (MMP) system in the 1990s.

Under MMP, voters are allocated two votes in each election. Following a simple plurality system, the 'electorate' vote allows constituents to select their local representative. Alongside this, electors are entitled to a 'party' vote, which determines the proportionality of the remaining seats. All parties gaining above 5% of the vote are subsequently granted a number of 'list MPs', aligned with their proportion of the overall vote. If a party's share of the constituency seats outweighs their entitlement of proportional list MPs, the party will be entitled to an 'overhang seat'.

The underpinning structures of MMP have altered the 21<sup>st</sup> century party system; since 1996, the Alliance, NZ First, and Progressive parties have all acted as coalition partners. Although the NZLP and National have continued as major entities, the ACT NZ, Green, and Māori parties have developed into regular contributors in Parliament. A follow-up referendum was held in 2011, which retained the MMP system.

### **Māori Electorates**

The continued presence of Māori constituencies represents a distinctive feature of the Parliament of New Zealand. While legally entitled to vote in the 19<sup>th</sup> century, most of the Māori population were disenfranchised due to their collective ownership of property. Resulting tensions spurred calls for separate Māori political institutions. In 1867, the New Zealand Parliament attempted to placate these concerns by establishing four seats in parliament, reserved for Māori candidates. These electorates were introduced as a temporary measure, but were made permanent in 1876.

Since their introduction, Māori electorates have undergone numerous changes. In 1967, divisions were removed, permitting non-Māori individuals to participate in Māori elections, and vice-versa. Moreover, since 1975, Māori voters have been permitted to choose whether they register on the Māori or non-Māori electoral roll. To prepare for the shift to MMP, the number of electorates was annexed to float proportionally with the number of registrations on the Māori electoral roll. In 2001, the number of electorates increased to 7, where it has remained since.

### **Powers**

Government in New Zealand consists of the legislative (MPs and Governor-General), executive (Ministers), and judicial branches. Eligibility for executive positions is reserved for sitting MPs, and ministers are appointed on advice of the Prime Minister. Comprising ministers of the governing party, the executive is responsible for government operations, and is the principal contributor of bills to Parliament. Since the introduction of MMP, coalitions have influenced executive structure; partnerships are often formed on the assurance of executive positions for coalition members.

In most instances, bills require a Parliamentary majority to pass. The Electoral Act 1993 contains 'entrenched provisions' which can only be amended by supermajority or referendum. Following the Westminster model, branches follow a system of 'responsible government'. Thus, the executive branch is accountable to Parliament. The judiciary are authorized to review actions of the executive; Parliament is constitutionally supreme, so judicial review of legislation does not occur.

### **Procedures**

While in session, the House of Representatives sits every Tuesday, Wednesday, and Thursday. The Parliamentary calendar comprises approximately 90 days of the year. Elected at the commencement of each Parliamentary term, the speaker presides over the House, ensuring that debates are conducted in accordance with Standing Orders. Parliamentary sittings begin at 2pm, starting with prayers and general business before the opening of the question period.

Members are invited to submit oral questions to the Parliamentary Clerk on the morning of a sitting. Approved questions are fielded in the House on the same day. No specific time is reserved for Prime Minister's questions, as submissions can be directed to any Minister or MP. Until 1996, question time was limited to 45 minutes. Since then, an allocation of 12 questions has been permitted. In addition to oral submissions, members may submit written questions at any time.

As a unicameral legislature, bills only need to pass a House majority before receiving Royal Assent. The first stage of this process is the introduction and first reading, which determine whether consideration of the bill will continue. Following this, the bill is assigned to a select committee which solicits submissions from the public, before drafting a report to propose any changes.

Recommendations are subsequently returned to the House where the bill undergoes a second reading and MPs debate each clause in detail. Any amendments are voted on, before the third

reading stage determines the passage of the bill in its final form. Concluding the process, the Governor-General works on behalf of the sovereign to sign the bill into law.

Under normal circumstances, no two stages of the legislative process can be completed in the same sitting. Procedures change for bills that are considered under urgency, where a sitting may be extended to conduct consecutive stages in the same day. The use of urgency requires a simple majority, and both major parties have been accused of utilizing motions as a means to rapidly force through election promises. In some instances, urgency removes select committee consideration altogether, meaning that bills may be introduced and passed in the same sitting.

While most sitting time is devoted to bills introduced by ministers, every second Wednesday is reserved for Members' Bills that are instituted by backbench MPs. Although Members' Bills rarely pass through the stages required to become law, legislation linked to same-sex marriage, prostitution, and euthanasia has been passed through this route.

### **Select & Specialist Committees**

Established at the commencement of each Parliament, the number of committees is defined by Standing Orders; 7 specialist and 13 select committees are active in the 53<sup>rd</sup> Parliament. Specialist groups, such as the Business, Privileges, and Standing Orders committees, perform a role in administering, overseeing, and scrutinizing the procedures of the House. Select committees undertake studies and inquiries into bills, petitions, and general issues within their defined terms of reference. Examples include the Commerce, Health, and Māori Affairs committees.

With each committee comprising 6 to 12 members, parties are represented proportionally to their position in the House of Representatives. Most committees are led by a member of the governing party or coalition, with the exception of the Regulations Review Committee, which is led by an opposition member to act as a check on executive power.

The House may establish ad hoc committees that are dissolved following the conclusion of their prescribed activity. A recent example is the Epidemic Response Committee which, established during the 52<sup>nd</sup> Parliament, reported on the government's management of the COVID-19 pandemic.

### **Parliamentary Representation**

Since 1993, the House has generally consisted of 120 members. This number includes 72 constituent MPs and 48 elected proportionally from party lists. Overhang seats have emerged from four elections; the 122 MPs elected in 2008 was the largest Parliament in history. Although Parliamentary majorities were the norm prior to 1993, minority and coalition governments are commonplace under MMP. Since the change in system, the 2020 election has been the sole case to return a majority government for a single party.

Women gained suffrage in 1893, and rights to stand for Parliament followed in 1919. The election of Elizabeth McCombs in a 1933 by-election signaled the first victory for a female candidate, and 174 female MPs have been elected since. Increased Parliamentary representation has delivered three female Prime Ministers, with Dame Jenny Shipley (1997-1999) and Helen Clarke (1999-2008) joined by Jacinda Ardern, who has led government since 2017.

As of 2021, New Zealand has one of the most diverse Parliaments in the world. With 48% of seats held by women, only five nations currently have a larger proportion of female legislators. Moreover, 23% of seats are held by those of Māori descent with an additional 11% of Parliament identifying as

LGBTQ. This diversity has been transposed into the cabinet, where almost half of ministers are female and a quarter are Māori. While Parliament is inclusive across lines of gender, ethnicity, and sexuality, there are no MPs with disabilities in the current Parliament.

### **Government & Citizens Initiated Referendums**

In New Zealand, the government are permitted to call a referendum at any time, through the successful passage of a bill through Parliament. Through the wording of this legislation, Parliament must determine whether the results are to be indicative or binding. Since the first referendum into the duration of Parliamentary terms in 1967, the government has initiated thirteen one-off referendums on issues including the New Zealand flag, legalization of cannabis, and euthanasia. During the 19<sup>th</sup> and 20<sup>th</sup> centuries, the government undertook regular votes on alcohol licensing.

Since 1993, citizens have been given the right to propose a referendum by submitting a petition to Parliament. To qualify for a 'Citizens Initiated Referendum', a petition must contain the signatures of at least 10% of registered voters. In total, five referendums have been held in this way, focused on issues as varied as the number of firefighters, reduction of Parliament to 100 MPs, and criminal justice reform. While government initiated votes may be binding, action on the results of a citizens initiated referendum is not legally required.

### **Further Online Reading**

Electoral Commission Website: <https://elections.nz/>

Government Website: <https://www.beehive.govt.nz/>

Parliament Website: <https://www.parliament.nz/en/>

History of New Zealand Politics and Government: <https://nzhistory.govt.nz/politics-and-government>

Parliamentary Library Research Papers: <https://www.parliament.nz/en/pb/library-research-papers/research-papers/>

Parliamentary Practice in New Zealand: <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/parliamentary-practice-in-new-zealand/>