

Increasing the representativeness of Parliament in Aotearoa/New Zealand

***What have been the effects, and what can be
learned from the process?***

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Introduction

In 1996 the Mixed Member Proportional system displaced the 'First Past the Post' system in Aotearoa/New Zealand (A/NZ). One result seems to have been a sustained (although fluctuating) increase in the Parliamentary representation of women, to around 30%. Other results and learning points are less clear, but potentially of great interest to us in the UK. For example:

- increased representativeness increases the legitimacy, standing – and volatility – of Parliament
- openness on the part of politicians results in a strong connection between public and politician
- equity is seen to be about the valuing of merit but may need more positive measures to progress further towards parity.

Each of these issues is discussed in more detail in this paper. Key questions for the study included:

- Does the change of system guarantee more women MPs, even with a future change of government – and will the number and percentage of women continue to rise beyond the 30% level that is perhaps the minimum proportion necessary for a legislature deemed to be representative of women?
- Is there any evidence in the New Zealand experience that the culture of Parliament, together with its policy making, has started to change now that there are more women in the House of Representatives as well as being more visible in other top jobs?
- What about all the other, hitherto under-represented groups – how have things changed for them?

This article is based on interviews with 21 MPs from all the political parties represented in the 47th (2002-2005) Parliament (including about half the total of women MPs and about one fifth of all MPs) and a handful of further interviews with other interested parties (including former Parliamentary candidates). Unless other sources are specified, these interviews provide the quotations cited in the text¹.

Changing the electoral system: Parliament before and after

A key test of fuller representativeness: the increased participation of women

It's 112 years since women in Aotearoa/New Zealand (A/NZ) achieved the right to vote (in 1893), and 86 years since they have been eligible to become MPs (in 1919). Under the 'First Past the Post' (FPP) system, which lasted until 1996, 44 women became MPs (and only 16 between 1918-1981) compared with over 1200 men. Since the change of the electoral system to Mixed Member Proportional (MMP), four elections have resulted in 51 women joining the 8 who first became MPs under the old system. More women have thus become MPs in the last 9 years than in the preceding 77 (Electoral Commission, 2002).

But it's not just in crude Parliamentary numbers that women are becoming more visible. Marilyn Waring recalls arriving in Wellington in 1975 as a 23 year old Parliamentarian:

'We women numbered 4 out of 87 in Parliament, a male Cabinet of 19 and 5 male Parliamentary under-secretaries. All heads of government departments were men, and while there were 9 women private secretaries to Ministers, all 43 principal private secretaries were men. Thirty one men and 8 women Members of the Parliamentary Press Gallery fed their views from central government to 37 major metropolitan and provincial daily newspapers, all edited by men. The law courts were presided over by 23 male judges and only 3 out of 26 major city councils by women mayors.'

Waring, 1985:12

Contrast this with a report on the status of women in New Zealand in 2002 from the Ministry of Women's Affairs:

'As a result of the 2002 general election, women hold 34 of the 120 seats in Parliament, or 28 percent. Eight out of 26 Ministers of the Crown are women, compared with 3 out of 24 at the time of the last periodic report. Women hold the four key constitutional positions in New Zealand: Governor General, Prime Minister, Attorney General and Chief Justice. Research indicates that the Mixed Member Proportional (MMP) system has resulted in increased numbers of women being elected to Parliament. In 1993, the last year in which an election was held under the first past the post (FPP) system, women constituted 21 percent of the Members of Parliament. This rose to 29 percent in 1996, when the first election was held under an MMP system, and 31 percent in 1999. Although New Zealand has no specific measures for ensuring women's representation, it ranks fourteenth equal in the world for women's representation in Parliament. '

New Zealand Ministry of Women's Affairs, 2002: 48

A sustained (although fluctuating) increase in the Parliamentary representation of women to around 30% seems likely, thanks to the change to MMP. But it is unlikely to rise significantly beyond a third or so unless positive measures are adopted – something all parties currently oppose.

The advent of MMP, however, accentuated a trend towards rising numbers of women MPs that was already present in A/NZ politics and was associated mainly with the influence of the 1980s women's movement on the Labour Party.

What is the MMP system, and why was it adopted?

The key features of the MMP system are summarised in the box.

A note on New Zealand's electoral system

Under the Mixed Member Proportional (MMP) voting system, there are usually 120 MPs. Each MP is elected as either an electorate MP to represent a general or Maori electorate, or as a list MP. Numbers and boundaries of electorates are reviewed every five years; any change in the number of electorate MPs also changes the number of list MPs.

Each person enrolled as an elector can cast 2 votes, both of which are printed side by side on a single ballot paper.

- The Party vote shows all the registered political parties which have nominated a party list for the general election. Every voter chooses among the same parties on the party vote, regardless of whether they are enrolled for a general or Maori electorate.
- The Electorate vote is for an electorate MP to represent the general or Maori electorate for which the voter is enrolled as an elector.

As with First Past the Post systems the candidate who wins more electorate votes than any other candidate is declared elected as the MP for that electorate.

In general, each party's total number of Party votes decides its share of all 120 seats in parliament. But a party must qualify by *either* crossing a 5% threshold of all the Party votes cast before it is entitled to a share of seats, *or* it must win at least one electorate seat.

Each party that crosses the threshold will receive enough list seats to add to any electorate seats it has won so that its share of the total 120 seats is close to its share of all the Party votes cast. If a party wins more electorate seats than it is entitled to, based on its share of all the Party votes, it does not receive any list seats and keeps the extra seats, and parliament increases by that number of seats until the next election.

Source: The New Zealand Electoral Compendium (2002: 14-15)

To this outsider, the most surprising thing about the change in Aotearoa/New Zealand (A/NZ) from the First Past the Post (FPP) to the Mixed Member Proportional (MMP) electoral system in 1996 is that it happened at all. It is usually extraordinarily difficult to get main parties, who are used to winning big majorities and forming governments under FPP, to surrender a voting system which more or less guarantees them their time of power. How, then, did it happen? The answer lies mostly in the traumatic history of A/NZ's revolutionary social and economic change in the twelve years preceding the introduction of MMP.

The readiness of New Zealanders to change the electoral system in the 1990s is generally attributed to the profound unpopularity of both parties and the subsequent low esteem in which politics and the FPP system were held. First the Labour governments, between 1984-1990, and then the National administrations, between 1990-1996, presided over the neo-liberal radical economic and social experiment which came to be known as 'Rogernomics'. This cocktail of market liberalisation, limited government, wholesale privatisation and deregulation of labour, was applied with a vigour and speed unparalleled elsewhere in the world, and so systematically embedded that it would be almost impossible ever to reverse the free market results of this economic fundamentalism. In pre-election periods, neither the Labour nor the National Party had used their manifesto to alert electors to what was to come (Kelsey, 1997).

Disillusioned with the lack of accountable government, and deprived of a meaningful choice between the traditional political parties, the majority voted to change to MMP. In practice, MMP has led to a succession of coalition governments. The single party majority government almost invariably elected under FPP, while also possible under MMP, is most unlikely. The 2005 election results continue the tradition as Labour – returned as the largest party, with 50/121 seats – has only been able to form a new government with the support of three minor parties.

How representative is Parliament? Perceptions and reality

Why is it important to have better representativeness in Parliament for hitherto under-represented groups – not just women, but also ethnic and cultural groups such as Maori, Pacific Islanders, Asians, and other discrete groups such as the gay community? At the heart of most arguments lies the intensely practical point that fuller representativeness confers legitimacy, promotes ownership, and should result in better decisions and therefore better government.

The consequences of *not* having a Parliament which looks reasonably like a model of the population, are spelt out in a recent account of why the UK Parliament isn't working, where, amongst many disturbing symptoms, a decline in public regard for Parliament and politicians is attributed to:

'People see(ing) politics as mainly about white, middle-class, middle-aged men being badgered by other white, middle-class, middle-aged men in a secret shared language.'

Parliament First, 2003: 33

You could not say this about the current A/NZ Parliament, which is a lot more representative of the real New Zealand than ever was the case under FPP:

'The best thing about MMP is that everyone gets represented. The worst thing about MMP is that everyone gets represented.'

The composition of the 47th (2002-2005) Parliament

Women's share of Parliamentary seats has been around 30% for the four post-MMP elections, which represents a considerable leap forward. The 2005 election has resulted in 39/121 seats for women, 32.2% of the total number of seats. MMP has significantly increased the representativeness of Parliament for other groups too, especially the indigenous Maori and ethnic minorities.

The 2002 Parliament started with 86 male (71.7%) and 34 female (28.3%) MPs, making 120 in all. Of these, 50 male and 19 female were electorate MPs, and 36 male and 15 female were list MPs. The rise in women's numbers has been therefore attributable to both the existence of list MPs, and to increased selection for winnable electorate seats by Labour. However, the return in the 2005 election of more list (23) and fewer (16) electorate women MPs reinforces the part that both types of vote play in maintaining, but not, apparently, increasing, the numbers of women Parliamentarians past the 30% level.

How has the shift from FPP to MMP changed the Parliamentary system?

General views on MMP

Support or opposition to MMP split predictably along party lines. All the MPs interviewed from the five smaller parties (all but three of whose 41 seats were list ones) now support MMP. Perhaps more surprisingly, Labour interviewees either supported MMP from the outset or accept it now, even if they would prefer it to deliver a majority government. The overwhelming benefit of MMP, mentioned by most interviewees, is that of increased representativeness, which is seen as entirely beneficial, with its fairness and ability to deliver

balance. The former Speaker, Jonathan Hunt, is one who initially opposed MMP but now recognises that it has led to 'more diversity in Parliament and is a system which requires parties to give a little and not push stuff through'.

All the National (electorate) MPs and party officials interviewed, with the significant exception of the two list MPs from the Maori and Asian communities, continue to oppose MMP. They doubt how much people really understand MMP and have a general antipathy to the list system.

Parties' selection of Parliamentary candidates

A/NZ relies on parties to ensure that society's diversity is reflected in the selection of candidates. The ballot box, of course, provides the ultimate sanction, determining the fate of parties who fail to respond to what people want.

Labour

'It's lobbying, getting into every aspect of the organisation.'

Labour has a highly structured inclusive formal process for constructing its party list, with frequent 'equity pauses' to check on the overall balance, although measures to bring on the younger generation and nurture talent are less formal. Women in the party are confident that they can maintain the present 40% or so gender ratio, and no one supports additional or special measures. Indeed, the ratio could very well improve if more list seats are gained in future elections. This confidence extends to the nurture of the next generation and a view that gender balance is now embedded in the party. One or two Labour MPs, however, warn against internal complacency.

The four smaller parties

Greens: 'I think we're past the stage of having to do affirmative action for women in the Greens.'

United Future: 'I don't feel (gender) makes any difference.'

New Zealand First: 'Coming from the corporate world and my area, I was the only female anyway. Brought up in a male world, it doesn't bother me (being the only woman MP in the party).'

ACT: 'A high position on the list is based on merit.'

This confidence does not, however, necessarily translate into a high women ratio, the women:men ratio in the small parties ranging from 44.4% (Greens and ACT) to 7.6% (NZF)². The Greens stand out amongst the four small parties for their egalitarian approach to choosing their candidates, with a 4:10 requirement for either gender. The remaining three centre-to-right parties are not much exercised ideologically or consciously about achieving a better gender balance.

Interestingly, the far right ACT party does in practice have a good gender balance, perhaps because they do choose on merit.

National

'We have a more representative House, but actually we don't help that representativity. So what does that say about us? It's not a credible look.'

National, the other main party, has traditionally been a 'bloke dominated party' and women have found it particularly difficult to be selected for winnable electorate seats, or, to a lesser extent, for list seats. There is a tendency to polarise selection on merit and the use of informal quotas as if the one precluded the other. This philosophy is shared by the women in the party, who are uncomfortable with special measures.

Some National women contrast their own party's organisation and women's networks unfavourably with Labour's. Selecting electorate candidates is left to the local parties, who tend to choose the 'safest' candidate, with opposition to women often coming from women delegates themselves. However, recent new rules seem to have helped to increase women's chances in candidate selection, and the 2005 election has resulted in a doubling of women National MPs to 12, increasing the percentage of women National MPs to 25% overall. This seems due not only to National's greatly increased popularity, but also to an increased willingness to put women higher on the list.

More women will only come through the four centre-to-right parties to break through the 30-35% range if there is more central involvement in the selection process; greater involvement by women in the party structures at all levels, and above all, a clear link between representativeness and the voters' ability to reward or punish via the ballot box. These conditions are met in ACT, but less so at present in the other three parties (National, New Zealand First and United Future), although National has moved significantly in the last couple of years. So it looks as if the numbers of women MPs will grow only slowly.

How has increasing the representativeness of Parliament affected policy making?

Effects on how policies are made...

How have things changed in Parliament with more women members? Well, apart from there now being more loos for women than men, the masculine ethos of the Chamber persists. Many procedural aspects also remain unchanged. Parliament still sits, for example, for only three days a week (2-10pm on Tuesdays to Thursdays) to enable MPs to have more contact with their electorate in this large and sparsely populated country.

Behaviour in the Chamber, particularly at Question Time, is as bad as, or possibly slightly worse than, the pre-MMP days. Most of the MPs I talked to inevitably defined debates and Question Time in terms of 'performance space' or 'theatre', with some arguing that 'bad behaviour' is a necessary safety valve, and that aggressive verbal attack is a legitimate weapon to use in probing the weaknesses in an opponent's argument.

There are indications that individual MPs, and some of the small parties, are beginning to eschew such performances, but the two main parties, including a few women MPs, still pitch in with gusto.

'The women are as bad as the men!'

'It's not a gender thing'

'It's performance – there's a secret little acting ambition in all of us'

'I'd rather have one hour of noise inside than riots on the street'

Nevertheless, Question Time remains important in providing the forum for holding the government accountable, and recently the opposition parties have begun to coordinate their oral and supplementary questions, resulting in more effective opposition.

Away from the Chamber, many MPs think the general political environment has improved with the presence of more women members. The most successful consequence of the shift to MMP and minority coalition government is the transformation of the Select Committees, whose potential power has been realised with the alteration of the power dynamics between governing and opposition parties consequential on a multi-party Chamber.

Under MMP, Select Committees are extremely powerful bodies. They examine all the Bills before the House, with the public given the chance to have an input into all legislative proposals via submissions to the Committee. There are thirteen (standing) subject Select Committees, which meet for three hours a week. Their membership (usually of eight people) reflects the balance of parties, and does not include any Ministers. They have the power to initiate research, undertake inquiries, travel and visit, and generally carry out their duty of government scrutiny. Indeed, given their substantial amendments to draft legislation, they at times seem to be carrying out some of the functions of a second Chamber.

This shift of power from the executive to Parliament is a real fillip to the democratisation of the legislative process, and is probably the most striking feature of the changes under MMP:

‘You have to show you’ve listened, and if you don’t show you’ve listened, the Select Committee will say, you won’t get your Bill.’

These Committees use their power to work in a consensual and constructive way. Women figure prominently in the running of the Committees, although they are not evenly spread between them, and regard them as the part of Parliamentary life they most enjoy. Here, the ‘engine room’ of Parliament, where the real work gets done, is also where the authentic changes in both content and style are to be found, and it is likely that this is due to the presence of more women as well as to the changes brought about by MMP. Given that the parliamentary careers of many women begin after they have already had a first career and started a family, their diverse backgrounds can help enrich proceedings and shape a more constructive approach to a wide range of issues.

...and effects on what policies are made

‘You have to have women’s voices in there, Maori, Asian, recent immigrants, because you are making law for the society, and you need all those experiences in there to make good law. You come at policy out of your own background.’

‘The politics of inclusion, diversity, human rights, the whole package, advances much more readily [in a feminised caucus].’

The representativeness conferred by MMP has begun to change policy making by giving a voice to some groups for the first time, increasing the influence of others, and internalising women’s interests in the policy-making process of the current Labour Government.

Legislation relevant to women and gay people

A fairer gender balance in a more representative Parliament has resulted in what many people view as a critical mass of progressive thinking on women’s issues which also advances the general politics of inclusiveness.

Tim Barnett, an openly gay MP, credits Labour women supporters for recent advances in legislation on the gay agenda. Following on from legislation giving de facto same sex or opposite sex partners property and other rights, a Government Bill was introduced in 2003 which finally became the Civil Union Act 2004. This established the institution of civil union for same sex and opposite sex couples. Its companion Bill, intended to remove all discriminatory provisions relating to couples from existing legislation, finally emerged as the Relationships (Statutory References) Act 2005. This legislation was intended to be the most progressive in the world and has been described as marriage in all but name.

Among women MPs there is some resistance to the stereotype of men dealing with 'hard' issues and women concentrating on softening social policy around the edges. That said, there is a slightly different perspective on welfare systems, on families, on needs, care givers, people, and on war. There's less likelihood that a woman will be gung ho about guns and weapons than a man.

The Prostitution Reform Act 2003, which decriminalised soliciting, produced sharply differing women's views, pitting an unlikely combination of National supporters of traditional values and radical feminists against this progressive liberalising measure. This private members Bill, which passed by just one on a conscience vote, illustrates the difficulty of thinking there is a single 'women's' take on controversial policy areas, any more than there is one Christian, gay or Asian viewpoint.

Yet the last government was seen by some as underachieving in such traditional matters of concern to women as low pay. Women are still paid 80% of what men earn on average. Part of the problem is the difficulty of implementing such practical policies as new equal pay and value legislation, when the structural means have disappeared with the ending of most national pay awards and the substitution of site contracts.

Legislation relevant to other groups

Maori

Each party is now aware of the importance of the Maori constituency. Since 1867, when Maori men were given the vote, there have been special Maori electorate seats. The number of Maori seats was fixed at 4 until the Electoral Act 1993 stipulated that the numbers could rise or fall, depending on whether Maori choose to go on the general or Maori electoral roll. Increasing numbers have chosen the Maori roll, which resulted in the number of special Maori electorate seats rising from 4 to 7 in the 2002-2005 Parliament. Of the 19 Maori MPs in that Parliament, the remaining 12 Maori MPs represented the general electorates or were list MPs.

As tangata whenua (people of the land), the indigenous Maori occupy a unique cultural space, which is recognised by ongoing debate about whether A/NZ is, or should be, mono-, bi- or multi-cultural. This unique status and the noticeable increase in Maori influence has led to friction in policy making between those (Labour and Greens) who support and indeed would extend Maori rights through the requirements of the Treaty of Waitangi and associated structures, and parties like National and ACT, who want 'one law for all'.

A recent example is the contentious Foreshore and Seabed Act 2004, in which the Government attempted to square the circle of protecting public access to the foreshore for all New Zealanders while continuing to recognise customary Maori rights. The newly created Maori party was one consequence, achieving four seats in the 2005 election. This tension between a priori rights conferred by indigenous special status, and the political articulation of the rights of the majority and of other ethnic groups, can only grow, particularly as demographic projections suggest that by 2050, Pakeha (whites) will comprise less than half the total population. National's policy of 'one law for all' (including removing the special Maori seats) may be a factor in its increased popularity.

Asian

At 6.4% of the population, Asians are the third largest ethnic group, but it is the representativeness of MMP which has given them a political voice (two list MPs, one Labour, one National). Pansy Wong is identified by the media as the major Asian political voice in A/NZ and can thus back up her dream of 'New Zealand, one nation, many people' with a degree of national interest if not support, and she has sent the message that ethnic minority MPs can be electorate as well as list MPs by standing (unsuccessfully) for an Auckland electorate in the 2002 election.

She stresses that most issues with which she is specially concerned, such as crime, schools, waiting lists and access to the health system, are of concern to all ethnicities, and are not peculiar to one group. Pansy attributes the lack of Asian MPs partly to the Asian community refraining from engagement with the political process (preferring, as new immigrants, to first establish themselves economically), and partly to the parties' own lack of knowledge of ethnic minority communities.

Learning points

The view from the UK

The A/NZ mixed part proportional, part electorate, electoral system is now very different from the FPP Westminster system it was modelled on until 1996. There are still many similarities of course. And the devolutionary developments in the UK, the Scottish Parliament and the Welsh Assembly, as well as the European Parliament elections, all offer various proportionally based and different systems from FPP. But what lessons might we legitimately draw from the Kiwi experience? The following seem to offer helpful prompts for reflection and discussion.

Increased representativeness increases the legitimacy, standing – and volatility – of Parliament

It has become clear that better representativeness of hitherto politically under represented groups has enormously increased the legitimacy and standing of Parliament and resulted in sounder policy making. MMP has been consistent in favouring the formation of minority, multi-party government. The result has been enhancement of the powers of Parliament and reversal of the trend of increased Executive power, so noticeable in the UK.

Under MMP, the engine room of Parliament is the Select Committee system, whose latent power has been actualised, and where a consensual approach operates. Women MPs enjoy this aspect of their work more than any other.

Increased representativeness can, however, mean that in addition to government volatility, the divisions of opinion within the country are played out in Parliament to a greater extent. In A/NZ, this is sharply evident in racial politics – an aspect of life which remains high on the social and political agenda in the UK. Most backbench MPs picked the future of race relations as the biggest problem facing A/NZ, but from contrasting viewpoints. Some supported the targeting of special measures for Maori and other groups as a way of tackling poor social and economic status, while others argued that social engineering and inbuilt Maori preference before the law will have grave consequences. Cabinet MPs tended to take the wider view in identifying sustained economic growth, and the consequent financing of the rebuilding of the country's infrastructure, as the chief priority.

Openness results in strong connection between public and politician

A/NZ politicians of all seniorities, including Cabinet Ministers, are easily accessible and tend to express themselves with candour. This openness may owe as much to the small size of the population as to any intrinsic merit of MMP – but it certainly results in a strong connection between public and politician which feels missing in

Westminster politics. What potential practical learning from success in this area can be fed into the process of re-vitalising the connection between public and politicians in the UK? For example, does proof of the importance of accessibility, if a function of small scale, offer strong support to the argument for greater genuine devolution of power, particularly in England?

Equity is seen to be about the valuing of merit – but is more needed for parity?

The political parties in A/NZ take very different approaches to the selection of candidates and to the construction of their party lists. Labour, for example, builds in 'equity pauses' to check on the overall balance of its party list; while the National Party polarises selection on merit and the use of informal quotas. However, all parties oppose special quotas, fearing that they could compromise quality. Equity, they argue, should not be achieved at the expense of merit, and the responsiveness of parties will be reflected in their popular vote. But perhaps women Parliamentarians will need more positive measures to lift their numbers much above the 28-33% range they have achieved in the last four elections.

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Notes

1 I am grateful to the Members of Parliament and to the other expert or interested people who consented to be interviewed. Most people I asked made time to see me, and this itself says a lot about the openness and accessibility of New Zealand politics (although unfortunately I was unable to secure an interview with a Pacific Islander MP).

2 Following the 2005 election, the proportions now stand at 67% and 50% respectively for these parties.

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