

# LARGEST REMAINDER

(Not quite Quota Notes)

No. 6

September 2009

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## Editorial

Recently our secretary asked the Vic-Tas Branch, which seems to be in charge of the PRSA website, for permission to copy the PRSA's Rules for conducting a PR ballot onto our own website. This request was denied. Surely it is in the best interests of all who wish to promote proportional representation to have the rules widely available. We believe that all Branch websites should carry the PRSA's Rules, thus providing greater access to the principles which we all support.

## Annual General Meeting, Monday 13 July 2009

The following Committee members were elected at the AGM and the office bearers decided by the Committee.

- President: Susan Gregory
- Vice Presidents: Stephen Lesslie, Mark Rodowicz
- Secretary/Treasurer: Patrick Lesslie
- Returning Officer: Marian Lesslie
- Committee members: John Alexander, John Baglin, Peter Palethorpe, John Webber

## Talk given by Malcolm Mackerras

*Guest Speaker at the AGM of the Proportional Representation Society of Australia NSW Branch, 13 July, 2009*

(Mr Mackerras handed out a number of copied sheets which are not included with this rendering of his talk)

## Introduction

I have these [handouts] in order to introduce you to **psephological** jargon (psephology pronounced "seafology")

See the handout "District magnitudes under the Hare-Clark system" - **District magnitude** means the number of people you are electing from a district, e.g. Molonglo has district magnitude of 7, Brindabella 5.

My point is to illustrate something I say during talks of this kind. I'm not sure if this term is in the dictionary: **stasiocracy**. We know that democracy is government by the people, plutocracy is government by the (nouveau) rich, and aristocracy is government by the established rich. Stasiocracy is government by political party machines. The adjective is stasiocratic.

*[Editor's note: the Oxford English dictionary defines stasiology as the science or study of political parties]*

I argue that different kinds of proportional representation (PR) can be ranked on a continuum from the most democratic to the most stasiocratic.

In Australia the most democratic is STV or Hare-Clark as practised in Tasmania and



*President Susan Gregory with Malcolm Mackerras*

the ACT. The most stasiocratic is the system used to elect the Upper House of South Australia. Only slightly less stasiocratic is the Senate system, and then the systems used for the WA, Victorian and NSW upper houses.

The term Hare-Clark is used only in Australia. The rest of world knows it as STV (Single Transferable Vote). It exists in Ireland, Northern Ireland and Malta as well as Tasmania and the ACT in its pure form, and in the upper houses of mainland Australian states and the Senate in a modified form.

The handout "District magnitudes under the Hare-Clark system" lists all lower house Hare-Clark systems. These are all democratic systems. Only 381 parliamentary representatives are elected by a democratic form of PR. On the table, district magnitudes vary from 3 to 7. In my opinion, you cannot have a district magnitude exceeding 7. A district magnitude of 5 is ideal.

### **New Zealand and Mixed Member Proportional (MMP)**

MMP was introduced in New Zealand after a referendum in 1993. In a two-part poll in 1992, voters were asked whether they wanted to change the existing voting system, and then to indicate support for one of four reform options: MMP, STV, Supplementary Member (now called Mixed Member Majoritarian or MMM) or Preferential Vote. If there was majority support for change, the government promised to hold a binding referendum the following year with a choice between FPTP and the most popular reform option. The Royal Commission on the Electoral System's 1986 report recommended MMP.

**At the first referendum, 85% of those that voted opted to change their electoral system; 70% favoured MMP.** The second, binding referendum - a straight run-off between the existing FPTP and MMP - was held at the same time as the 1993 general election. The turnout was much higher and the result much closer than in 1992, but MMP was still backed by a comfortable margin, 54% to 46%.

The advocates for MMP claimed that it presents the "best of both worlds" - i.e. single-member electorates delivering a "local"

member, and proportionality delivering fairness. It was based on what had previously been referred to as the "additional member" or simply as "the German System". Mixed Member Proportional was coined in New Zealand. It is now used in 8 countries.

In my opinion it has three major flaws.

1. It leads to two classes of politician - those that are elected and have electorate responsibilities, and those that are appointed and are beholden to their party hierarchy.
2. It creates two classes of party - those that are discriminated for and those that are discriminated against. The Association of Consumers and Taxpayers was discriminated for at the last election. The New Zealand First Party was discriminated against.
3. It creates two classes of voters - those that get two votes and those that get 2 ticks/1 vote.

The system is unfair. Looking at the handout "Official count result - Overall status" it can be seen that the party with the greatest number of votes gets the greatest number of seats. I obviously have no problem with that. Similarly, the party that gets the second highest number of votes gets the second highest number of seats. And so does the third. However, the party (New Zealand First) that gets the fourth biggest vote gets no seats. Over 95,000 votes are dumped.

MMP is not a PR system if the party with the fourth highest vote gets no seats and the parties with the fifth and sixth highest votes get 5 seats each! I would describe MMP in New Zealand as a "semi-proportional contrivance."

I measure disproportionality with a least squares index. Look at Table 2. Indexes of Disproportionality. I argue that a proportional result corresponds to an LSq of less than 4; semi proportional between 4 and 10, and a non proportional result would be greater than 10. Under FPTP in New Zealand the LSq reached 17.69 and the Largest deviation index 16.19. In 1996 under MMP the LSq dropped to 4.37; the New Zealand system is a semi-proportional system.

[Question from John Webber: Why did

you choose 4 as the limit for proportionality?  
Answer: The choice was arbitrary, but it works]

In the ACT, the 3 biggest parties got 85% of the vote and 100% of the seats. In my opinion it doesn't matter if a system is semi-proportional so long as it's fair. The ACT system is fair; the MMP system in NZ is not fair. By fair I mean that no party is consistently disadvantaged.

The only one of the reasons mentioned by the Royal Commission on the Electoral System for supporting MMP with which I might agree is that it provides an affirmative action mechanism whereby parties can allocate positions to women and minority groups who might otherwise not get elected. That is, however, a highly stasiocratic view of representation.

MMP is system of Party Machine appointees. It creates two classes of politicians. It allows defeated (electorate) politicians to win almost immediate re-election by being placed high on the party list – “voted out on Saturday and back in on Monday.”

MMP is often referred to as a two-vote system. This not completely true, and depends on the electorate/party in question. In Te Tai Tonga electorate, one of the Maori electorates, the NZ Labour Party is at a disadvantage, whilst the Maori Party is advantaged. A Maori Party voter genuinely has two votes, but a Labour voter has only one vote (i.e. regardless of whether the Labour Party candidate is elected to the seat it will make no change to the number of seats won by the Labour Party). For 60 of the 70 New Zealand electorates MMP is not a 2 vote system, but a two ticks, one vote system. Therefore it creates two parallel systems, two votes in some electorates for some voters and one vote, two ticks in others. If MMP had been in place in Australia in the last Federal election John Howard would have won Bennelong, because Labor would not have bothered to seriously contest the seat. MMP is not a one vote, one value system.

Though the NZ ballot papers are all headed “You have 2 votes”, in the pakeha electorates the ballot paper encourages double ticking – two ticks, one vote. In the Maori

electorates you do have two votes. Among the seven Maori electorates Labour has 2 seats, the Maori Party has 5. The Maori Party has been unfairly gaining seats from Labour.

It would be sensible to have the whole of New Zealand as one Maori electorate electing 7 members by STV. *[For a simulated analysis of this result under STV see Largest Remainder, June 2009 - Editor]*

The reason that the system works in a peculiar way is that the principle of MMP is not to distribute according to proportion of the vote but to top-up according to proportion of the party vote; e.g. the National Party gets 41 electorate seats but is entitled to 58 according to its party vote, so it gets 17 extra from the party list. At the last election the Labour Party lost the previously safe Auckland Central for the first time to the National Party. The Nationals therefore won 41 electorates instead of 40. However, they didn't gain an extra seat in Parliament because their top-up to 58 was only 17 instead of 18.

The National Party of New Zealand likes the stasiocratic nature of MMP, but it doesn't like the fact that seats are not distributed more proportionately, as the National Party would win more seats if they were.

It is hard to imagine why the Royal Commission recommended this rat bag system. All of their arguments were false except the ones relating to more democratic representation of minorities and to reduced disproportionality. Against these weighs the principle that people should elect all of their representatives.

What can be done about it? Last year I saw John Key and said “You know what a rotten system this is and that it would be in your interests to replace it.” I suggested two referenda – at the 2011 and 2014 elections. The first should be a choice between STV and MMM and the second a run-off between the winner and MMP.

Mixed Member Majoritarian is a system where parties keep the electorates they win and then divide the list seats in the same proportion to the votes cast on the list ballot paper; it is a semi-proportional representation system.

The 1992 referendum described a very

stasiocratic STV as chosen by the Royal Commission. This time it should be described as for the ACT, with 7 Maoris members from New Zealand as a whole, 18 electorates on the North Island and 6 on the South all electing 5 members each, giving a total of 127 members.

I think STV would be likely to lose. MMP has damaged the reputation of PR.

Whereas MMP is a contrivance to stop one party winning a majority, MMM would make it possible or likely that one party would win a majority. The National Party would have won a majority under MMM last time.

Do people give a damn about democratic principles? Probably not. In the 1992 referendum 15% of voters wanted to keep FPTP.

Interesting cases:

1. Lesotho has MMP and a coalition government – the two parties agree: one contests the constituencies, the other contests the party vote;
2. South Africa has PR which is literally proportional representation. At the national level they elect 400 members, there is no threshold; the 400<sup>th</sup> member gained 0.16% of the vote. The LSq is very low.

The German system differs slightly from New Zealand MMP:

1. There are no by-elections in Germany as they recognize that by-elections distort proportionality. The next person on the party list is appointed;
2. Party list numbers in Germany exceed constituency numbers;
3. In Germany, parties winning electorate seats still need to exceed a 5% threshold if they are to win additional seats.

MMP in Germany is a compromise system. They wanted FPTP but needed a way to keep out parties like the Nazis.

[Question from John Webber: Who suggests which systems should be looked at? Answer: Generally politicians. The people are sometimes asked]

MMP was chosen for New Zealand so that one party could not dominate. MMM was chosen for Japan explicitly to create a two-party system. In most cases those who chose

the systems know what they are doing. Unfortunately ordinary people don't care, except when old system gets so bad that people get sick of it. Arguments that appeal to principle don't generally work. The best line is something like "Vote for MMP/STV/whatever; you don't need to understand it, just look at those telling you *not* to vote for it."

If MMP is retained, the Maori Party will end up with all 7 Maori seats. If MMM comes in, the National Party might someday win majority and will then abolish the Maori seats.

MMP in New Zealand can't be tweaked. It is difficult to reform. If MMP wins a referendum, that will be end of the argument.

As long as the National Party doesn't bungle, MMM will be the system in 10 years. STV may get up by surprise, MMP may also be retained. I think MMM will be the long term system in New Zealand.

## Letter to Senator Bob Brown

The following letter was sent to Senator Brown and his Green colleagues in the Federal Parliament. To date no substantive reply has been received.

Dear Senator Brown,

I write in relation to your proposed Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008. This amendment will not achieve the aims you are seeking.

### Problem:

The amendment will:

1. Increase the number of candidates standing for the Senate because each group will be required to run as many candidates as is necessary to avoid their votes being declared informal. This increased size will, in itself, increase the informal vote.
2. Increase the number of votes becoming exhausted. The NSW Legislative Council uses the system proposed by Senator Brown and over 9% of votes at the 2007 NSW Legislative Council elections exhausted. Further, voters will not avail themselves of the opportunity to give

second preferences because:

- a) Party how-to-vote tickets will not indicate that they should. Only losers have their preferences counted and parties will avoid giving the impression that they will be losers. The mantra will be "Just Vote 1" Observation of NSW Legislative Council elections confirms this.
  - b) A voter voting for a party at group B will not find a second party at group L or W. Voters go to the booth thinking about which party they want to vote for NOT where they will give their second preferences.
  - c) The large number of candidates (point 1 above) gives voters the impression "don't worry your vote will count right through to the end"
3. Increase the possibility of splitting the vote. A group such as the Climate Change Coalition (CCC) could have a major impact on the result. In 2007 the 78,763 votes CCC gained only cost the Greens \$165,000 in lost public funding. Next time it might cost a Senate seat. The major parties are more immune to this vote splitting than minor parties.

### **Solution:**

Make voting below the line easier!

#### **1. Reduce the rigid and undemocratic rules for a formal vote.**

Ideally the ACT House of Assembly rules where any 1 is a formal vote should be considered. The ACT experience is that very few voters stop after giving a number 1 but continue on to vote for all the candidates in their chosen group. A large number then continue on to other candidates and groups. Yes, a large proportion of votes does become exhausted at this stage BUT not as many as would occur if Senator Brown's amendment was adopted. Adopt the ACT rule of *advising* voters to vote for as many candidates as there are places to be filled.

#### **2. Substantially increase the amount required for an electoral deposit.**

Voting is an important responsibility for the Australian people and the result should

not undermined by frivolous candidates and parties. A substantial deposit of at least \$10,000 should also be placed on candidates and not on groups. This will reduce the number of candidates and give the impression to voters that it will be easier to vote below the line. If considered undemocratic reduce the threshold for getting the deposit back to say 1% of the vote. This won't make any difference as these micro parties do not get anywhere near this vote but if they are running to split the vote then they should pay for the privilege. If a party only runs four candidates a voter is more likely to continue on to another group and lessen the chance of the vote exhausting. Senator Milne, in 2004, was helped by voters voting below the line and making independent decisions. If the Senate ballot paper contains 50 to 100 names then voters will not vote below the line either because of the time it takes or because they are afraid of making a mistake and voting informally. I recommend only one preference for a formal vote but if politically necessary to persuade the major parties a maximum of four would be sufficient. No party can have the hubris to believe they would get five out of six Senators elected.

For these reforms to be completely effective **all forms of above-the-line voting should be abolished.** This forces voters to make an informed decision and not rely on the backroom decisions of the parties. A further advantage to this is that the size of the ballot paper is further reduced with the removal of the party boxes and the distracting big black line across the paper.

However, if a piecemeal reform is all that can be achieved then it can be carried out whilst still retaining the above-the-line voting in its current form with registered group voting tickets. If above-the-line voting is retained then the votes below the line must take precedence even if they exhaust.

These changes will increase the exhausted vote but not as much as Senator Brown's original proposal and should decrease the informal vote as more voters who currently try to vote below the line will have their vote counted.

Yours sincerely,  
PRSA (NSW) Branch

## Update

Since writing the above letter to Senator Brown the Branch has discovered that his proposal is even worse than first thought.

His proposal requires the compulsory marking of at least four (4) preferences in the group voting boxes. For double dissolution elections, where all of the Senate is up for election, the requirement is to mark at least seven (7) of the boxes.

This rigid requirement will:

### 1. Markedly increase the informal vote

The only real benefit that the group voting tickets confer, apart from allowing political parties to make unconscionable political deals, is to make voting easier and to lower the informal rate. Voters are now used to marking one preference in boxes above the line and this has been reinforced by its use in State Legislative Council elections and Local Government elections.

### 2. Reinforce the need for voters to use party how-to-vote cards

The requirement will also give the political parties an excuse to again try to override the wishes of their own supporters. Given time voters would learn that they do not need this direction but if the voting requirement is complicated then they will be more cautious and take the advice offered by the political parties.

As an aside, it is unclear why Senator Brown has made a distinction between half Senate elections, requiring at least four preferences and full Senate elections requiring seven preferences.

Whilst most individual parties and groups will certainly run more candidates in a double dissolution Senate election it is not apparent why there would be expected to be more groups and with the reduced quotas applying in a double dissolution it could be expected that a voter's continuing preference might find a home earlier rather than later in the count.

This appears to be an unnecessary complication perhaps demonstrating that the whole proposal has not been properly researched.

## Calare – now you see it ...

In our last newsletter we described how the 2007 federal redistribution had effectively abolished the seat of Calare. Well, it has been abolished again, and again the Commissioners have decided to keep the old name.

To refresh your memory, at the 2004 election Calare "cover[ed] an area of approximately 21 621 sq km from the Blue Mountains in the east to Eugowra in the west, Bathurst Regional Council in the north to Blayney, Cowra and Oberon Shires in the South. The main towns include Bathurst, Blayney, Canowindra, Cowra, Eugowra, Lithgow, Molong, Oberon, Orange, Portland, Wallerawang and Yeoval."

At the 2007 election Calare "cover[ed] an area of approximately 237 325 sq km from Wattle Flat in the east to the Paroo River, White Cliffs, Wilcannia and Sayers Lake in the west, the New South Wales Queensland border in the north to the Shires of Blayney, Cowra, Weddin, Forbes, Lachlan and parts of Carrathool and Central Darling Shires in the south. The main towns include Blayney, Bourke, Brewarrina, Canowindra, Cobar, Condobolin, Cowra, Forbes, Grenfell, Hillston, Ivanhoe, Lake Cargelligo, Molong, Narromine, Nyngan, Orange, Parkes, Trangie, Warren, White Cliffs, Wilcannia and Yeoval"

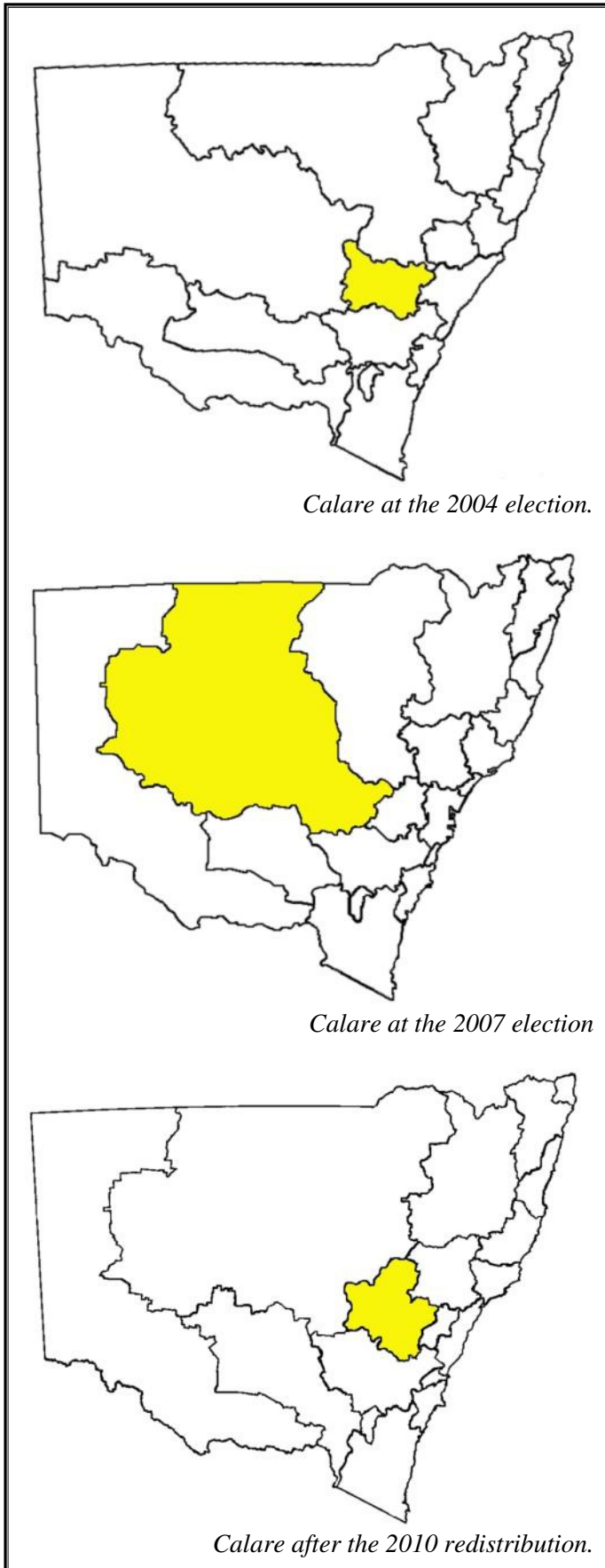
Under the 2010 redistribution proposal Calare "covers an area of approximately 29,382 sq km from the Blue Mountains in the east to Eugowra in the west, Bathurst Regional Council in the north to Blayney and Oberon Shires in the South. The main towns include Bathurst, Blayney, Canowindra, Eugowra, Lithgow, Molong, Oberon, Orange, Portland, and Wallerawang."

Readers will easily realise that the 2004 electorate and current proposal are remarkably similar.

The late Peter Andren would have been very happy with the current proposal in 2007 as it was basically the proposal for Calare at this point in the redistribution process last time. The seat was then mauled by the Commissioners and there was no appeal against their final decision.

As the seat of Calare has been abolished twice, it really should have a new name. Why not Evatt?

Dr H. V. Evatt was a member of the NSW Parliament, a High Court Judge, Federal Minister for External Affairs and Attorney General, President of the United



*Calare at the 2004 election.*

*Calare at the 2007 election*

*Calare after the 2010 redistribution.*

Nations General Assembly, Leader of the Opposition and Chief Justice of the NSW Supreme Court. Such a significant figure surely deserves to be thus commemorated.

The Liberal Party should also acknowledge that this is a new seat and give the voters of the Central West more choice by standing a candidate.

*Why is this article in a newsletter whose purpose is to promote the single transferable vote (STV)?*

In multi-member electorates electing a reasonable number of members, the shape and positioning of electoral boundaries is largely academic. Any change to a state's entitlement to Members of Parliament can be easily accommodated by adding or subtracting a member to or from the number to be elected from any seat. The voters then choose at the next election who will represent them for the subsequent term. STV, as supported by this society, gives voters the choice.

With single-member electorates it is the Redistribution Commissioners who have the choice of which Member of Parliament will go. MPs "live or die" by their decisions.

Just ask Laurie Ferguson, the member for Reid which is abolished under the current proposal.

## Future meetings

The following dates have been set for Committee meetings – 14 September and 9 November (all Mondays at 7:30 pm).

Anyone is welcome to attend. For details, please contact Susan Gregory at [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org) or on 9181 5185 for the relevant information.

Comments and/or contributions are welcome:

[president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org), or

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