

NEW ZEALAND ELECTION STUDY TOUR REPORT

BY MICHAEL BAILEY
ELECTORATE OFFICER TO SENATOR STEVE HUTCHINS,
SENATOR FOR NEW SOUTH WALES

Introduction

The overall aim of this report is to provide a first-hand insight into how the New Zealand system of Government works and the effect that system has. By providing this kind of insight, it is intended that the reader consider and keep in mind whatever features of the New Zealand system that might be relevant to the ongoing debate of how to better and improve our own system of Government.

New Zealand shares a very similar political culture and history with Australia. But in recent years, New Zealand has chosen to adopt some very unique and divergent new features to its system of Government. Visiting the country during a national election campaign provided a great opportunity to witness this system in action.

New Zealand, unlike most other British Commonwealth countries, chose in the 1990s to discard the Westminster system and adopt the Mixed Member Proportional, or MMP system. Being the third election under MMP, the 2002 general election was widely viewed as another test of the still relatively new system. The election yielded some interesting results and demonstrated for the outside observer a number of key strengths and weaknesses.

The New Zealand parliamentary system also has a number of seats set aside as Maori-only seats. New Zealand, like Australia, is home to an historically disadvantaged and disenfranchised indigenous population. New Zealand has chosen to give these people a greater voice and say through the creation of Maori seats. As we continue our own process of reconciling with Australia's Aboriginal population, it's well worth us watching how well these seats continue to work.

New Zealand's electoral regulations also provide some interesting alternatives for Australia. Regulations relating to election spending, campaigning and Election Day itself operate differently to Australia's. Many of these regulations should possibly be considered as means of developing and furthering our own democracy.

Many features of the New Zealand political system are quite experimental and innovative. Their operation and effects should be closely watched, learned from and possibly considered as means to progress our own democracy.

The Mixed-Member Proportional system

In 1993, New Zealanders voted by way of a referendum to reform their electoral system. After a number of reviews and much public debate about which direction New Zealanders wanted to take their democracy in, the so-called Mixed Member Proportional system had been adopted.

How Does MMP Work?

New Zealand is governed by one house of parliament of 120 seats, which is elected using the MMP system. Under this system, each eligible voter has two votes: an electorate vote (a choice of which candidate will represent the voter in their local electorate) and a Party vote (a vote for which Party will govern the nation).

Candidates in electorates are elected according to a first-past-the-post system, so there is no preferential voting. Voters may only select one Party for their Party vote. The Party vote is then calculated using a proportional system.

The Party vote determines how many seats each party will have in the parliament. For example, if the Labour Party won exactly 50% of the Party vote, it would be entitled to 60 seats. If the Party won 40 electorate seats, then individuals on the Party's 'list' would fill the remaining twenty seats the Party is entitled to. The 'list' is a kind of ticket put forward by each party listing candidates, in numerical order, who will fill non-electorate seats in parliament.

So regardless of how many electorate seats a Party wins, its total representation in parliament is ultimately determined by the Party vote.

Voters cast their vote on one ballot paper, which has votes for both electorate and party vote in separate columns. Voters are required to put a tick next to whichever candidate and party they wish to vote for.

To prevent very minor parties having a say that exceeds the level of their popular support, a Party must either win an electorate seat OR 5% of the Party vote to be represented in parliament. Once either of these targets are achieved, the Party's party vote is then used to calculate how many seats the party is entitled to in parliament. For example, although Jim Anderton's Progressive Coalition only won 1.75% of the Party vote, Jim Anderton won an electorate seat. This gives the Party the right to be represented in parliament. Their 1.75% of the Party vote gives them the right to two seats, and so one person was elected from the Party's list to join Jim Anderton in parliament.

Why Did New Zealanders Vote to Change Their System?

In assessing how well MMP works for New Zealand, it's important to understand the reasons why New Zealanders chose to adopt the system and the institutional settings and public mood that underwrote that decision.

Prior to MMP, New Zealand was governed by a single House of Parliament elected under the First Past the Post (FPP) system. This system operated similarly to Australia's House of Representatives elections, with the noted absence of a preferential system of voting. Similarly to House of Representatives elections, although either of the major parties would win more than 50% of the seats in the House, they would very rarely win more than 50% of the votes of New Zealanders.

Nonetheless, Governments would be returned with an absolute majority, able to pass and implement legislation unhindered by either minor parties or a second House of Parliament.

Throughout the 1980s and early 1990s both Labour and National Governments implemented ambitious programs of hardline economic reform. At about the same time, support for minor parties grew immensely. When National won the 1990 election with less than 50% of the total vote, and then proceeded to continue to implement Labour's unpopular economic reform program, there was a great deal of public anger about the lack of choice New Zealanders had in real terms in electing Governments.

There was also anger that both major parties could precede with their relative programs unhindered, despite the fact that more and more people were voting for minor parties.

A large-scale public debate was held, followed by two referenda resulting in New Zealanders finally choosing to adopt the MMP system. The overall impetus for adopting the system were that the system would directly reflect the number of votes each party got and ensure that minor parties and the people who voted for them were guaranteed a reasonable level of parliamentary representation.

How Has MMP Worked?

Experiencing an MMP election first hand afforded me tremendous insight into how the system works at every level and how it makes New Zealand election campaigns and political representation different and unique.

The MMP system has produced a tremendously different landscape and resulted in a hugely different kind of political discourse in New Zealand politics. There is, overall, a much greater focus on minor parties, less influence and power invested in major parties, a wider variety of opinion and coverage and interest in that variety of opinion.

Most importantly, MMP has resulted in the end of the absolute dominance that both major parties held in New Zealand politics.

For example, in the 2002 election, the Labour Party, lead by Prime Minister Helen Clark, went into the election with a commanding lead over all rivals. Nonetheless, the election resulted in Labour not gaining an absolute majority in its own right.

A number of factors relating directly to the dynamics associated with the MMP system produced this outcome.

Firstly, in the election there was a much greater focus in media reporting upon minor parties. This is partly as a result of New Zealand's media laws that provide that parties get equal coverage in election news. But more importantly, much of the political discourse surrounding the election focuses on minor parties and the role they might play in a future Coalition with either of the major parties. This in turn leads to a greater level of examination, scrutiny and coverage of the activities of the various minor party leaders, including coverage of minor party leader involvement in televised debates.

Stemming from this coverage, minor parties enjoy a greater level of support than they do in Australia. In the 2002 election, around 40% of New Zealanders voted for a minor party. This high level of support, which appears to have become an entrenched part of the New Zealand political landscape, is then transferred to high levels of parliamentary representation via the proportional nature of the MMP system.

The ultimate result of all this is that New Zealanders have been granted their wish in not having either of the major parties completely dominating parliament with an unhindered mandate. Instead, major parties have to become reliant on some form of support across the broader political spectrum. This has in effect ridded the New Zealand political landscape of the sort of Governmental excesses that were perceived to have taken place in the 1980s and early 1990s.

Has MMP Given New Zealanders Better Government?

The ultimate price of the weakening of the major parties mandate has been a greater level of political instability.

This was demonstrated clearly throughout the 2002 election, so much so that one of the Labour Party's key campaign messages was to 'vote stable Government.' Much of the political discourse, debate and election coverage focussed purely on potential coalitions and the perceived instability that might result from the election.

Indeed, the reason New Zealanders went to an early poll in 2002 was as a result of the inherent instability of the MMP system when Labour's Coalition partner, the Alliance disintegrated.

Another problem with the MMP system is the inevitable focus that's given to deal-making and the wheeling and dealing associated with major parties forming coalitions with minor parties. This draws attention away from the real issues that should be confronted during an election campaign. Throughout the entire campaign, and especially as polling day neared, there was an increasing focus on what potential Coalitions might be formed between the various parties.

In addition, there is a strong argument that MMP elections give minor parties a disproportionate level of influence. For example, much of the election campaign focussed on the potential for the Green Party to hold the Labour Party to ransom over the relatively minor issue concerning Genetically Engineered food (most polls showed this issue only registered with around 1% of New Zealanders). Although events turned out differently, the Labour Party, who enjoyed a final vote share of around 41% was facing a situation of becoming beholden to a minor party who had the support of just 6% of New Zealanders.

In fact, on election night MMP almost produced what would have been the completely ridiculous outcome of the Leader of the National Party, Bill English, becoming Prime Minister of New Zealand. National received its lowest ever vote of just 21%, but on the night came so close to having the potential of forming a grand Centre Right coalition that some commentators were calling the election for English.

It would, of course, be preposterous that a Leader whose party received just 21% should become Prime Minister while his opposite number, who received 41% of the vote, would become Opposition Leader. Election night demonstrated that this outcome would not be impossible under MMP.

Another of the major shortcomings of MMP is its complexity. Very few New Zealanders seemed to understand the intricacies of MMP when it was first introduced. It appears that since that time, huge numbers of New Zealanders still don't understand the system that is used to elect their representatives.

One advantage of the system, however, is the national focus of the campaign. More and more in Australian elections, campaigning and Governmental focus is given to marginal seats. Few Australian political commentators or representatives could deny that by and large, people living in marginal seats in Australia get a better deal from their Government. Under the MMP system in New Zealand, because parties need to campaign for the national Party Vote above all else, the focus from the parties in governing and in campaigning is on a national basis. I found in speaking to various people working for the Labour Party that there was little focus on what would be considered marginal seats in Australia. Indeed, in visiting and observing various campaigns in both Auckland and Wellington, it appeared to me that no seat was given greater status than another, and the approach of the campaign from all parties was on a national basis.

One disadvantage of this outcome, however, is the sliding level of importance that parties attach to local campaigning and the declining need for constituent members to active in their local communities. In fact, many constituency candidates are on the Party list and thus guaranteed a seat whether or not they win their local electorates.

Overall, however, MMP has delivered the outcome that New Zealanders wished for when they voted for it in 1993 – it has removed the absolute strangle-hold that major parties held on the legislature and ensured that there is a larger level of representation for the increasingly diverse New Zealand electorate.

What Could Australia Adopt or Learn from the MMP System?

The problems that New Zealanders had with their electoral system in the 1980s and early 1990s are, broadly speaking, not shared by Australians. Australia's bi-cameral system, with a proportionally elected Upper House, has denied major party Governments the absolute power enjoyed by past Governments in New Zealand under the FPP system. The Senate in Australia has served to give not only representation to minor parties, but also act as check against the major party dominated House of Representatives.

The only real positive outcome for Australia would be the focus away from marginal seats that voters in New Zealand enjoy. But Australia would also be saddled with all the other problems New Zealand has encountered with MMP including public confusion about the system, a focus on parliamentary wheeling and dealing, a disproportionate amount of influence afforded to minor parties that could result in the forming of Governments lead by conglomerations of parties with low levels of support, and finally, the potential for tremendous Governmental instability.

It's my view in observing the New Zealand election that MMP has encumbered the New Zealand political system with a series of problems that do not currently affect the Australian system of Government. Australia's system certainly has its own problems, but does not experience the kind of popular opposition that the New Zealand FPP system faced in the early 1990s.

For that reason, it's my view that Australia has little to adopt or learn from the New Zealand MMP system.

Maori Electorate Seats

Probably the next most striking feature of the New Zealand electoral system is the existence of six Maori parliamentary. New Zealand's parliament is the only legislature in the world that specifically includes indigenous people in the parliamentary process.

Maori only seats have existed in New Zealand's parliamentary system since 1867, where they were fixed permanently at four seats until 1993. With the introduction of MMP in 1993, the system surrounding Maori electorate seats was changed. For the first time, Maori electorate seats would not be fixed at four, but would reflect the growth of the Maori electorate roll.

Under this system there are now seven Maori seats in the New Zealand parliament.

Indigenous persons who opt to be on the Maori electoral roll elect Maori seats. Indigenous people can choose to be on the General roll instead of the Maori roll if they so desire.

How well have Maori seats worked?

Up until 1993, Maori seats gave Maori very little real influence. The small level of representation (4 seats out 99) and an electoral system that returned safe absolute

majorities for white Governments rarely provided an opportunity for Maori representatives to hold much sway.

However, with the number of Maori seats being pegged to the size of the Maori roll combined with the growth of that roll means that Maori have been granted a much larger slice of the parliamentary pie. In addition, the MMP system has meant that Governments are no longer reliant on large, stable or absolute majorities. This has meant that Governments, and in particular Labour Governments, have been forced to pay significant attention to serving the interests of Maori to guarantee a decent electoral return from the seven Maori seats.

Apart from being an important symbolic gesture, dedicated seats and the existence of a separate roll have enabled Maori to have much greater ownership and expression of the issues that uniquely effect them as a culture and a people. It has granted them a significant level of self-determination. Dedicated seats have also assisted Maori in bringing issues relating to their culture and socio-economic disadvantage to the community.

Laws relating to dedicated Maori broadcasting have also assisted this process. I was amazed and in admiration upon seeing on New Zealand television and hearing on New Zealand radio Maori candidates debating Maori issues, even at times in their own tongue. My overall impression of the way Maori seats worked in New Zealand was that they created a unique and inclusively fenced-off political environment for Maori.

This has made dedicated seats beneficial in maintaining Maori identity and culture, keeping Maori issues important for the whole community, and of course, serving as a vital symbol of New Zealand's inclusive approach to race relations.

Indigenous Seats for Australia?

During my time in New Zealand, I was struck by the overtly different approach that New Zealanders have and continue to have towards their indigenous population. Although New Zealand does have its own shameful history, the experience for Maori has been much better generally in recent times than it has for Australia's indigenous population.

It should be noted, however, that New Zealanders approach the Maori-*pukeha* relationship from a very different angle than Australians have traditionally approached our relationship with the Aboriginal people. New Zealand was never declared *terra nullius*. Instead, in the nineteenth century Great Britain actually signed a treaty with the Maori. This has led to race relations being conducted on a much more equal footing than has been the experience in Australia.

The other important thing to note is that arguably because of this different approach, the Maori population is quite large in proportion to the rest of the population. It's estimated that Maori make up about 14% of the population, compared to around 2% for Australia's indigenous population.

This must be kept in mind when considering whether or not Australia might have dedicated indigenous parliamentary seats. If potential dedicated Aboriginal seats were to reflect the level of the Aboriginal population, then there would probably only be one such seat. It's questionable what sort of influence this one representative could potentially have.

It's also important to consider the fact that the New Zealand MMP system has allowed Maori parliamentary representation to be more effective. Under the FPP system, Maori representatives had little real impact. This would be even more so the case in Australia where the number of Aboriginal seats would be relatively low.

That being said, although indigenous seats would have little real impact in Australia compared to the effect that Maori seats have had in New Zealand, they would still serve as important symbols of self-determination and thence reconciliation. This might mean that indigenous seats in the Australian parliament would assist in the overall process of reconciliation, they would not by any means solve all the ongoing problems Australian Aboriginals face as a group, including cultural survival and socio-economic disadvantage.

Electoral Regulations and Rules

I observed during my time in New Zealand a series of electoral rules and regulations that operated quite differently to the rules that govern Australian elections. In particular, rules relating to election spending, conduct on Election Day, election reporting and coverage and campaigning regulations all serve to create a vastly different political environment. Australia could learn from some of these rules, but in doing so, we must consider what sort of electoral system we'd like to engender.

Campaign Spending

One of the most interesting regulations affecting New Zealand elections are campaign spending controls. These work on two levels:

- A spending limit of NZ\$20,000 for each electorate seat campaign;
- Advertising spending limits for each Party – limits are decided for each Party individually by the Electoral Commission before each election.

There has of course been much focus in the Australian media on the growing of elections, in particular costs associated with advertising. This has in turn required parties to focus greater attention on fundraising. This fundraising focus has created something of a backlash from the community and the media in recent times as questions are asked about the ethical concerns related to donations coming from quite often large corporations.

In New Zealand, there are no such concerns related to fundraising and outrageous election spending levels, due mainly to the spending caps that have over time created a radically different political and campaigning culture. This has been beneficial not only in terms of degrading confidence in the ethics of elected representatives, but also in terms of not having voters flooded with advertising material that is quite often regarded as garbage.

This is particularly true of spending limits on advertising. It's questionable just what sort of role different forms of advertising, particularly for television and radio, play in better informing voters so as to allow them to make considered democratic choices. My experience in New Zealand was that the lower levels of radio and television advertising had no effect at all on the levels of political discourse and the extent to which people were informed about election issue.

However, it should be noted when considering advertising spending limits for Australia that the High Court of Australia rejected laws introduced by the Keating Government banning political television advertising on the grounds that they breached the implied constitutional right to free political communication. It may well be that this ruling from the High Court might frustrate any attempts to introduce spending limits for television advertising.

In terms of spending controls for local campaigns, it's my view that the New Zealand NZ\$20,000 limit goes too far. Through what I witnessed during the campaign, NZ\$20,000 was not a sufficient amount to allow local candidates to communicate effectively with their local electorates independent of the national political discourse. Spending limits might be a good idea for local campaigns, but not to the extent that they undermine the system representative government by effectively destroying the dynamic of local campaigning and electioneering.

Election Day Regulations

Election Day is a significantly different experience for New Zealanders than Australians.

Firstly, disseminating any political material of any kind is prohibited. This includes handing out how-to-vote cards outside of polling booths. Although this provides significantly less annoyance on some levels to voters, and arguably leads to voters not being influenced by cleverly designed advertising material, there is no doubt in an Australian preferential election banning how-to-votes would lead to a significantly higher informal vote. New Zealand's simple ballot system, with a requirement to only tick one box, would make how-to-votes not very useful.

Secondly, ballot papers are remarkably simpler and easier to understand than in Australia. This is in large part a result of New Zealand's non-preferential system, where voters are only required to tick one box. Significantly, ballot papers not only print party names, but also Party logos. It's my view that this makes voting much easier for many people, as they are able to clearly recognise which Party they want to vote for. Putting Party logos on ballot papers is something that could perhaps be considered for Australian elections.

Finally, Party scrutineers play a very different on Election Day. Party scrutineers are allowed into the ballot room throughout the entire. Most scrutineers will not only observe proceedings to safeguard against irregularities, but will also keep a register of who has and who hasn't voted. Polling clerks are required to assist scrutineers in gathering this information. It's my view that this practice, as it is allowed and encouraged in New Zealand, is a breach of people's privacy and served, generally speaking, to cause voters to be suspicious and resentful of the voting process.

Publishing and Broadcasting Requirements

Broadly speaking, it is New Zealand law that publishers and broadcasters have to give parties equal coverage in elections.

This is very effective in eliminating bias from media reporting. One drawback, however, is the disproportionate voice that is given to minor parties during election time. The fact that parties during the election like New Zealand First and United Future for New Zealand managed to garner a vote much larger than what they were polling before the election is no doubt due to this.

These regulations allowed minor parties to effectively be given a greater say than they deserved throughout the election. On a more positive note, it ensured that neither of the major parties was given better or more coverage than the other.

Conclusions

My visit to New Zealand was very informative. I, like probably most Australians, was unaware as to how radically different the New Zealand system of Government, and hence political culture is. To that extent, it is well worth more Australians, particularly those who have an interest in politics and governmental issues, to learn about and consider many of the facets of the New Zealand political system.

Obviously, the most domineering feature of New Zealand's political system is the Multi-Member Proportional parliament. Although this system seems to be preferable amongst most New Zealanders compared to the old First Past the Post system, it's my view that MMP or something like it is not needed in Australia. MMP carries many disadvantages with it. Many of the problems associated with the old New Zealand system of Government are avoided by Australia's bi-cameral and partially proportionally elected parliament.

New Zealand is also very unique in that it has a long history of indigenous representation in its parliament. In recent times, the size and overall effectiveness of this representation has grown, especially with the introduction of MMP. I was amazed how well dedicated Maori seats work and I believe that as we continue the process of reconciling with our own indigenous population, Australia should certainly consider something similar to dedicated seats for our own Aboriginal population.

Finally, New Zealand elections are conducted very differently to Australian elections through a variety of different regulations and rules. It's my view that most of these would not referable to Australia's preferential voting system and our implied constitutional right to free political communication. However, there are certainly some features of New Zealand elections that Australia might consider adopting.

The visit to New Zealand was immensely beneficial and enjoyable for me, as I'm sure it was to the other Australians who joined me in visiting New Zealand. I think it's well worth continuing the exchange of ideas with our neighbours well into the future as the New Zealand governmental system continues to develop.