

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2006 Victorian state election and matters related thereto

Melbourne — 28 August 2007

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Mr M. Mackerras, psephologist and political commentator.

The CHAIR — Professor, you are now on teleconference. Welcome to the Electoral Matters Committee public hearing.

Mr MACKERRAS — Good day to you.

The CHAIR — The committee is hearing evidence today on the inquiry into the 2006 Victorian state election and matters related thereto. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise witnesses that any comments you make outside the hearings may not be offered such privilege. Professor Mackerras, I take it that you have received the pamphlets on giving evidence at public hearings?

Mr MACKERRAS — Yes, I have. I have read them and I understand them.

The CHAIR — Thank you. Professor, for the benefit of the Hansard report, please state your full name and address.

Mr MACKERRAS — My name is Malcolm Hugh Mackerras and my address is 35 Creswell Street, Campbell, ACT 2612.

The CHAIR — Professor, please state if you are attending in a private capacity or representing an organisation. If representing an organisation, what is your position in that organisation?

Mr MACKERRAS — I am attending as a private person, and essentially it is because a letter was sent to me, inviting submissions. I therefore thought I should make a submission, which I have done. By the way, while it is kind of you to refer to me as Professor Mackerras, I am no longer a professor. I am what is called a visiting fellow, so I am now Mr Mackerras.

The CHAIR — Okay, Mr Mackerras.

Mr MACKERRAS — We have met, I know. I have met the members of your committee, with the exception of Robin Scott, and I am sure I shall meet him someday in the future. I know his federal member but I have not met him yet. I have met all the others.

The CHAIR — Mr Mackerras, your evidence will be taken down and become public evidence in due course. I now invite you to make a verbal submission to the committee, and the committee will ask questions following your address.

Mr MACKERRAS — My reason for responding to the letter sent to me by Mr Mark Roberts was that I have been interested for many years in collecting material of what is known as the two-party preferred vote. The two-party preferred vote is a concept invented by me, if I may say so, but did not have any kind of official status until I started pressing electoral commissions to count out the votes in districts where the votes were not fully counted because of the fact of an absolute majority.

Back in the olden days I used to make estimates myself of all of these so that we have historical records of my estimates of the two-party preferred votes going back for a long, long period of time, back to about 1940 in fact, but I thought it would be quite a good idea if, for information purposes, counts were made of these two-party preferred votes. The consequence of this was that the legislatures around Australia have responded in different ways to this request. I have to say that the most satisfactory response has been from the Commonwealth; and among the states, the most satisfactory response has been from South Australia.

With respect to the other states I would say that Queensland has been the least satisfactory for the simple reason that in Queensland they do not count out the two-party preferred votes; they count out the two-candidate preferred votes, but not the two-party preferred votes in the kinds of seats where the contest is not the normal two-party preferred contest. So I would say that Queensland is the least satisfactory. New South Wales and Western Australia are a bit unsatisfactory because they do not do what Victoria does — namely publish a table of these two-party preferred votes. Victoria is actually one of the more satisfactory jurisdictions in regard to this matter. I refer to the fact that if you look at the 2002 report there is a figure 30, and pages 73 to 77 set out these official counts; that is for the 2002 election. For the 2006 election the report to Parliament on that election has a figure 10, and pages 104 to 108 have all the material that interests me.

The sole complaint I have, if that is the right word for it, is that it would be desirable in my view if the counts in these unusual contests could be completed sooner than they have in fact been completed in respect of the 2006 election. By that I mean on 23 March I received from Paul Thornton-Smith what has now become pages 104 to 108 of the 2006 report. I received that on 23 March and that was good to receive, but it would have been better from my point of view if this could have been done, say, three months sooner than it was actually done. But that is my sole complaint.

I would say that while in a sense I am being selfish about this because I realise that there is a cost attached to this, I would just make the point that the number of seats affected by this request is not very significant. In fact there are only eight seats in which the delay had any effect upon my calculation of the two-party preferred vote. The eight seats are: four won by Labor, which were, as I recall, Northcote, Melbourne, Richmond and Brunswick; and on the other side there were four seats, which were Rodney, Shepparton, Mildura and Gippsland East. So there were only eight seats affected. The fact that there were only eight seats affected seemed to me a good argument for the view that they could have done the counts a bit more quickly than they actually did them.

I should mention, as I have said earlier, I actually complain more about the procedures in New South Wales than I do in Victoria — much more — because New South Wales does not actually have the figure 30 and the figure 10 that I referred to. But in the case of New South Wales there are far more seats affected by this process; there were 21 seats at the recent election. It seems to me that with Victoria having only eight such seats it could have been done more quickly. So while I am admitting that I am, if you like, a bit selfish about this, I have in my submission drawn attention to the fact that the parliamentary library produced a research paper and the research paper could have been a better paper. It was a good paper, but it could have been a better paper if this material had been provided a little bit earlier.

The paper to which I am referring is *The 2006 Victorian State Election* by Claire Macdonald, Greg Gardiner and Brian Costar, no. 1, February 2007. Because this information came in later, I have had to amend various pages of that document to substitute the correct figure for Labor, which is 54.4 compared with my estimate quoted of 54.2. I have also noted that there is a table in this document which would have been a much better table if these counts had been completed earlier. I refer to the table on pages 44 and 45, which is a bit unsatisfactory if I may say so. The reason for it being unsatisfactory is simply that what would have been better for that document would have been if figure 10, pages 104 to 108 of the report to the Parliament on the Victorian state election 2006, had been available more quickly. Really that is my only complaint. I do not have any other complaints about the whole system.

I suppose, however, I should record the fact that because I did make a submission I have received material from Mr Anthony van der Craats, whom I have never met. I have been just reading his submission this morning. All I am able to say about it is that none of the complaints he makes are complaints that I have any reason to make. While I am sure some of his suggestions might be good suggestions, for all I know, the one suggestion he has made that I have thought about relates to casual vacancies. I disagree with his view on the subject of the filling of casual vacancies in the Victorian Parliament. As far as I am concerned, the current procedures for filling casual vacancies

for the Victorian Parliament are perfectly reasonable. Really I think that is all I need to say at the moment.

The CHAIR — Thank you, Mr Mackerras. We will go to questions now.

Mr SCOTT — I just seek a point of clarification. I take it that in essence what you are requesting of the committee in terms of the future conduct of state elections is that where there are seats which are not the simple, straight, two-party, coalition-versus-Labor counts, that a coalition versus Labor count is provided at an earlier juncture in order to enable a more speedy and accurate calculation of the two-party preferred vote.

Mr MACKERRAS — Yes, that is all I am asking. Basically all I am asking for is that the figure 10, pages 104 to 108, of the 2006 report to Parliament be provided, say, three months earlier next election than was the case for this election. That is all I am asking. I am sure you know what I am referring to.

Ms CAMPBELL — Yes, we do know what you are referring to. In terms of a submission to us, yours is crystal clear. I think you would probably find unanimous support for your wish to be responded to positively, because we are as interested in those kinds of results as you are.

Mr MACKERRAS — Yes.

Ms CAMPBELL — Hypothetically speaking, should there be by-elections — casual vacancies — then it is really important, I think, from party perspectives to know and understand booth by booth what the results were. It assists in campaigning, but that is a purely political perspective. That is your one and only recommendation, is it? What we have been asking each of the witnesses is: what would be your two or three key recommendations? I take it from you that you have just got the one.

Mr MACKERRAS — That is correct, yes, that is all I have. Just this one recommendation, together with a note to the effect that Victoria is actually a more satisfactory jurisdiction from this point of view than New South Wales or Queensland, or Western Australia for that matter. I am actually quite happy, but I just would like to see this material collected three months sooner following the next state election than was the case for the 2006 election.

Ms CAMPBELL — If I were a betting person I would bet that you would get 100 per cent of your recommendations responded to positively.

Mr MACKERRAS — I am interested you say that. By the way, is that Christine Campbell?

The CHAIR — Christine Campbell, yes.

Mr MACKERRAS — We have met, I know, but since we are on the phone I cannot immediately identify who it is that is speaking to me. I think my requests are very, very reasonable and I would expect a positive response. I am sure most of you would agree, and I feel sure that the parliamentary library would agree with me, that it would have been helpful to them if this request had been made.

The CHAIR — Mr Mackerras, just with respect to the reporting of the election, what was your assessment of the reporting of the election by the VEC?

Mr MACKERRAS — I did not have any complaints at all, but then I am the first to admit that after being in Melbourne for the election itself I came back to Canberra on the Monday following the election, so that the subsequent controversies, if that is the right word for it, were

seen by me from a distance. I suppose I would have to confess to being a bit surprised at the way the DLP appeared to win a seat in Northern Metropolitan Region and then did not win the seat.

I was a bit surprised also that the Greens eventually did win a seat in Western Metropolitan, having appeared not to win a seat in the first place, but I cannot say I have any complaint about the results. I suppose all I would simply say is that I am sure the people actually affected, some of whom I am sure you are going to interview, would have a more useful opinion than I have. I mean, my opinion is of no use really, other than to say that from a distance, like many other people watching politics throughout this country, I suppose we were a bit surprised at the way the counts and the recounts had the effect, particularly in Western Metropolitan Region, that was the case. I cannot recall any precedent for this; I cannot recall any case in an election under the single transferable vote system of there being a result and then the result being changed at a later stage. But that is not to say that I am complaining about it. I am not complaining about the result. As far as I am concerned the result that finally occurred is the result and that satisfies and — —

Ms CAMPBELL — Would you like to make a comment on what message that signals to interstate political junkies?

Mr MACKERRAS — I think it made a fool of Victoria, to be honest with you. I do think it made a fool of Victoria and yet, oddly enough, I think that a bigger fool of Victoria was made by the election of a DLP member in Western Victoria Region than by these changes in the counts. I think that is what got the publicity. I mean, the fact that the results in Western Metropolitan Region were not the original results, and the same in Northern Metropolitan Region, I do not think that made a fool of Victoria nearly as much as the final result with the DLP winning a seat in Western Victoria because that created a huge amount of mirth interstate. That is not to say that Victorians should not elect a DLP member, I am simply saying that to the extent that there was mirth at Victoria's expense, I think it was the result in the Western Region that created it more than the results in Western Metropolitan or Northern Metropolitan.

Ms CAMPBELL — Our next witness is from the DLP so I am sure they would find your comments of interest.

The CHAIR — Thank you very much, Mr Mackerras, for your interest.

Mr MACKERRAS — I look forward to meeting you again some day. But I take it some of your members are not here at the moment?

The CHAIR — Yes, we have three apologies. Before you go, can I just say that you will receive a copy of the transcript of today in about a fortnight. Typing errors may be corrected but not matters of substance.

Mr MACKERRAS — Thank you very much indeed.

The CHAIR — Thank you.

Witness withdrew.