

**INQUIRY INTO ADMINISTRATION OF THE 2007 NSW
ELECTION AND RELATED MATTERS**

Organisation:

Name: Mr Malcolm Mackerras AO

Position:

Telephone:

Date Received: 4/02/2008

Attachments (not reproduced):

M. Mackerras, "Labor to win, but majority will be cut", *The Australian*, 19 February 2007, p6

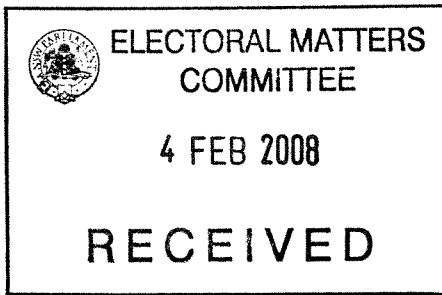
M. Mackerras, "System change helps big parties win upper house seats", *The Australian*, 12 March 2007, p6

I. Salusinszky, "Desperate Debnam seeks protest vote", *The Australian*, 12 March 2007, p6

M. Mackerras, "Take heed, and read between the margins", *The Weekend Australian*, 28-29 July 2007, p29

M. Mackerras, "PM will lose seat in ALP landslide", *The Australian*, 15 October 2007, p8

M. Mackerras, "No great margin for error", *The Weekend Australian*, 12-13 January, 2008, p23



Malcolm Mackerras AO

31 January 2008

Ms Cherie Burton MP
Chair
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Ms Burton

I thank you and your committee for inviting the general public to make submissions to your inquiry into the administration of the 2007 general election in New South Wales.

Perhaps I should begin by saying that I have a long-standing interest in the presentation of election statistics, not only in New South Wales but also throughout Australia. To the extent that I have complained in the past, and still complain, it relates solely to the presentation of these statistics. In all other respects I have nothing but commendation for the efforts and professionalism of the Electoral Commission of your state.

While I am sure you are aware of this I mention that my interest is due to the fact that I write newspaper articles about all our elections, federal, state and territory. Typically I write predictions before polling day and analyses afterwards. I write these post-election analyses just as soon as I can get the final statistics upon which they are based.

It is in that context I have often asked myself this question: why does New South Wales not do these statistics as well as the Commonwealth, Victoria, South Australia and the Northern Territory? (I am the first to admit NSW does its statistics better than Queensland and Western Australia. Tasmania and the ACT

have the Hare-Clark system. Consequently these jurisdictions are not comparable with the others).

To illustrate my interest I enclose copies of five articles I had published on the two general elections of 2007. That my predictions were so much better for the Commonwealth than for NSW is not the point. The essential point is that the way in which the Commonwealth presents its statistics makes it so much easier to do good analysis within a reasonable period of time following the election.

This is not the first time I have complained about the presentation of statistics for NSW state elections. However, when I received the document *Report on the 2007 State Election* dated 26 November 2007 my initial reaction was to think that most of my previous complaints had been picked up and corrected.

I do admit that *Report on the 2007 State Election* is a magnificent and comprehensive document. It is by far the best collection of statistics New South Wales has ever presented. However, I decided to check my pendulum against the statistics – and found I could not do so because I do not know which statistics are correct.

(The enclosed article “Take heed, and read between the margins” has a pendulum which photocopies badly. Consequently I enclose also my original artwork which photocopies better. They simply copied it according to their system. The two pendulums are actually the same.)

Let me illustrate the point by referring to the results in a few of the most marginal seats at the 2007 election.

In Port Stephens page 300 tells us that the final two-candidate preferred votes were 19,369 for Craig Baumann (Liberal) and 19,301 for Jim Arneman (Labor). However, on page 100 the respective figures are shown as 19,357 and 19,340. So did Baumann win by 68 votes or only by 17? I do not know.

In Miranda page 259 tells us that the final votes were 20,097 for Barry Collier (Labor) and 19,494 for Graham Annesley (Liberal).

However, on page 100 the respective figures are shown as 20,063 and 19,506.

In Menai page 257 tells us that the final votes were 21,045 for Alison Megarrity (Labor) and 18,912 for Steve Simpson (Liberal). However, on page 100 the respective figures are 21,008 and 18,899.

In Gosford page 212 tells us that the final votes were 20,535 for Marie Andrews (Labor) and 16,900 for Chris Holstein (liberal). However, on page 99 the respective figures are 20,483 and 16,860.

So I went through pages 99 and 100 carefully and found that only 24 seats do not show the kind of inconsistency cited in the cases above. In 22 of the 24 seats the reason is that the two should not be consistent.

For example in Balmain page 153 shows a two-party preferred vote distribution between Labor and The Greens. That should not be consistent with the two-party preferred distribution between Labor and Liberal as shown on page 99. So in Balmain I see no reason to complain because both figures are assumed to be correct. The same applies in Barwon, Charlestown, Dubbo, Goulburn, Hawkesbury, Lake Macquarie, Maitland, Manly, Marrickville, Newcastle, Northern Tablelands, Orange, Pittwater, Port Macquarie, Sydney, Tamworth and Willoughby. I do not complain about those cases. My complaint lies in respect of those cases (a majority of all the seats) where the figures should be consistent but are not consistent.

In statistics produced by the Commonwealth, Victoria and South Australia this would never happen. Those jurisdictions check for inconsistencies like that. New South Wales should do so too.

All the above constitutes my second complaint. My first complaint, however, lies in the time taken for these statistics to become available.

I ask members of the Committee to notice the dates of the two articles published under my name following each of the 2007 general elections. In the case of New South Wales the article is

more than four months after polling day. In the case of the Commonwealth it is less than two months.

In the case of the Commonwealth there was an unexpected delay due to a "non-classic" count in the Division of Melbourne. (The count had been expected to be between Labor and Liberal but it turned out to be between Labor and The Greens.) Had it not been for that delay it would have been possible to publish a pendulum one month after polling day. That was the case in 2004.

So far as NSW is concerned I have complained about this before. Consequently I wrote to Nicholle Nobel my letter of 2 April 2007, enclosed. I received a letter from Colin Barry himself dated 16 April, also enclosed. The letter shocked me because I had always thought there was a requirement for these counts to be done - but his letter stated that it was purely optional.

Consequently I caused Imre Salusinszky to write an article about this and it appeared in *The Weekend Australian*. It produced a response from Colin Barry and his letter appeared in *The Australian* on Wednesday 2 May. That produced a letter from me published in *The Australian* the following day. I now quote in full my letter published on page 11 of *The Australian* for Thursday 3 May under the heading "Awaiting final count".

Concerning my request for the full two-party preferred vote in the recent NSW election, NSW Electoral Commissioner Colin Barry (Letters, 2/5), has written: "Malcolm Mackerras was not told his request for this work would be abandoned as a cost-saving measure. He was told it was not a priority, as he acknowledged in his letter of request."

In his letter to me dated April 16, Mr Barry wrote: "Consideration is currently being given to whether the Commission will undertake a two-party preferred count for the recent state election. As you would appreciate there is a cost attached to such an exercise."

It would be strange if I did not conclude from those words that this count might be abandoned as a cost-saving measure.

So I am glad now to be informed that it was always the commission's intention to do the count when other key post-election tasks have been completed.

I now make the following requests in respect of the 2011 general election.

First, there should be these counts to ascertain the two-party preferred vote in each of the 93 electoral districts.

Second, these counts should be completed within a reasonable period of time – say six weeks after polling day.

Third, the *Report on the 2011 State Election* should again contain a table “Two party preferred vote”, equivalent to pages 99 and 100 of the current report.

Fourth, there should be a thorough check of “classic” contests to ensure that the statistics of that table are identical to those shown on each of the pages for individual seats which follow.

I can assure the committee that at the next general elections for the House of Representatives and for the lower houses of Victoria and South Australia that will be done. I can see no reason why it should not also be done in New South Wales.

Finally the committee may not know the meaning of “classic” and “non-classic” counts used above. Here I use the language of the Australian Electoral Commission.

The “classic” counts are where the two-candidate counts are between Labor and the Coalition. For example, in New South Wales in 2007 the following counts were “classic”: Albury, Auburn, Ballina, Bankstown, Bathurst, Baulkham Hills, Bega, Blacktown, Blue Mountains, Burrinjuck, Cabramatta, Camden, Campbelltown etc etc etc. In none of the seats named in the preceding sentence did the counts tally as between page 99 and the relevant table for the seat. They should always tally.

The “non-classic” counts are for the kinds of seats named on my third page. In 2007 they were Balmain, Barwon, Charlestown, Dubbo, Goulburn, Hawkesbury, Lake Macquarie, Maitland, Manly, Marrickville, Newcastle, Northern Tablelands, Orange, Pittwater, Port Macquarie, Sydney, Tamworth and Willoughby.

Yours sincerely

A handwritten signature in cursive script that reads "Malcolm Mackerras". The signature is fluid and written in black ink.

Malcolm Mackerras

Malcolm Mackerras AO

2 April 2007

Ms Nicholle Nobel
Director Corporate Communications
New South Wales Electoral Commission
GPO Box 832
Sydney NSW 2001

Dear Nicholle

Please do not think me importunate but I am writing regarding the information which your commission will eventually give out of the two-party preferred votes for each of the 93 NSW electoral districts.

I am, of course, aware that only two people (Antony Green and Malcolm Mackerras) accessed this information in respect of the March 2003 general election. I accept also that these counts are the lowest priority for your organization. Nevertheless several politicians, journalists and pollsters have already asked me when I shall release my pendulum and the aggregate two-party preferred vote for the state as a whole.

I feel sure that you understand that my pendulum is strictly based on the two-party preferred vote. Consequently I was able, for example, to release the bottom part of my Victorian pendulum fairly quickly. However, it was only last week that I had the full information sent to me by the VEC and a copy is enclosed. The reason is that the extra counts for Brunswick, Gippsland East, Melbourne, Mildura, Northcote, Richmond, Rodney and Shepparton took place four months after polling day. The artwork for the full Victorian pendulum is currently being done so I enclose only the bottom part in my hand-writing together with the VEC table e-mailed to me.

In this matter practices in the various jurisdictions vary greatly. The Commonwealth and South Australia release these two-party preferred votes quickly. Consequently I could get my federal pendulum published in *The Australian* newspaper in the month following the most recent general election. In South Australia the two-party preferred vote is regarded as a legitimate consideration in the conduct of redistributions. Therefore it has a legitimacy not recognized in other states.

At the other extreme lies Queensland. They do give two-candidate preferred votes (for information purposes) but not two-party preferred votes. Thus in some ten seats it is necessary for me to make an estimate of what the two-party preferred vote might be. So when I say Labor secured 54.9 per cent of the two-party preferred vote in Queensland last year that is merely my estimate of a figure not known officially. However, when I say that Labor received 54.4 per cent in Victoria that is stating an official figure. (Actually it is 54.38 per cent but I always round to one decimal place).

To the politicians and journalists who have asked me when my NSW pendulum will come out I have replied: "In Victoria they took four months to do these extra counts. If it takes that long in NSW then I suppose I will bring it out some time in July".

Naturally I hope that these counts will be done more quickly than was the case in Victoria. Last time in NSW I had to make a trip to Sydney to copy out the results and then do my own calculations. I am hoping that, in that regard at least, NSW will follow the lead of Victoria. However, if that be not the case then I would like to know when the figures are available so that I can make the trip to Sydney when they are available.

The electoral district of Vaucluse is a good example of the point I am making. In the days before my influence was felt there was simply a first preference count and Peter Debnam would have been declared elected. I would then have been required to make an estimate of the two-party preferred vote. In Queensland even today I would have been required to do the same because the only

count for information purposes would be between Liberal and Green.

Clearly there will be a third count between Liberal and Labor under current NSW practice but I do not know how long the wait for it will be nor do I know the form whereby I get access to it.

I await your response.

Kind regards

Yours sincerely

Malcolm Mackerras

2007/1004-129

Malcolm Mackerras AO
35 Creswell Street
CAMPBELL ACT 2612

16 April 2007

Dear Mr Mackerras

Two-party preferred votes

I thank you for your letter of 2 April 2007 regarding the two-party preferred votes for the 2007 NSW state election.

As you have correctly identified, the publication of this information is a low priority for the NSWEC at the moment.

Consideration is currently being given to whether the Commission will undertake to conduct a two-party preferred count for the recent state election. As you would appreciate there is a cost attached to such an exercise.

I understand that you would like to know the arrangements regarding this issue as soon as possible and I will write again as soon as progress is made on this issue.

Yours sincerely



Colin Barry
Electoral Commissioner

NEW SOUTH WALES ELECTORAL PENDULUM

