

## **Introduction**

The Mixed Member Proportional (MMP) Electoral system in New Zealand is a system by which the 'tail wags the dog.'<sup>1</sup> Contrary to the maxims of stable government, MMP allows coalition governments to form where minor parties wield a disproportionate share of power.<sup>2</sup> Moreover the benefits derived from MMP could be retained in a change to a Supplementary Member (SM) Electoral System. SM's superiority to MMP can be shown with reference to the criteria put forward by the 1986 Royal Commission on the Electoral System. This can be analysed by answering two questions, both of which address the fundamental issue of proportionality and lead into discussions on fairness as well as effective political parties. Firstly, which system allows the most effective parliament and government? Secondly, under which system will all Members of Parliament (MPs) operate most effectively for the voter, including minority and special interest groups? The system that best fulfils these aims will ultimately encourage the greatest feelings of legitimacy and voter participation.

## ***SM and MMP***

SM and MMP are both systems in which the voter is allocated a nationwide party vote and an electorate vote. The difference lies in the conversion of votes. Under MMP, the party vote determines the overall proportion of parliament. This can allow an overhang where parliament temporarily has more than 120 seats, if a party wins more electorate seats than their share of the party vote entitles them to. Under SM the number of electorate seats is increased to 90, and the party vote, instead of determining the proportion a party gets of all seats in parliament, only determines the proportion each party gets of the remaining 30 seats. This pool of 30 seats would mean that a party would have to gain approximately 5% of the vote before getting their first seat in Parliament<sup>3</sup>, although the number of list seats could be adjusted, reducing the number of constituency seats slightly, in order to lower this threshold. This would be particularly applicable to New Zealand given 90 electoral seats is far greater than the current 70.

## ***Which system allows the most effective parliament and government?***

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<sup>1</sup> Graeme Hunt, *Why MMP Must Go: The Case for Ditching the Electoral Disaster of the Century*, (Auckland, Waddington Press Ltd, 1998) p. 137

<sup>2</sup> Hunt, *Why MMP Must Go*, p. xiii.

<sup>3</sup> Chapter 2: The Voting System, [http://www.elections.org.nz/files/2\\_the\\_voting\\_system.pdf](http://www.elections.org.nz/files/2_the_voting_system.pdf), (accessed 18<sup>th</sup> May 2009) p. 23 PDF Document.

In 1996 Winston Peters and New Zealand First, along with 13.3% of voters, held the other 86.7% to ransom.<sup>4</sup> Peters played 'kingmaker'<sup>5</sup> in a demonstration of the way governments were to be formed under MMP; "not at the election, but after,"<sup>6</sup> by a choice from the minority between Labour and National.

*"At the time of the negotiation NZF was likened to a woman being courted by two suitors. During the wooing, the lady has the power. Once she accepts either, she loses her independence, for the marriage/coalition will be dominated by the successful suitor."<sup>7</sup>*

This demonstrates the disproportionate power minor parties hold under MMP. It does not, however, address the fact that this disproportional influence remains throughout the term of government, due to confidence and supply, and coalition agreements. Through encouraging this process MMP has perpetuated centrism in New Zealand politics and thus encouraged the sidelining of important issues. This was predicted by the Royal Commission who stated "there might be ...lengthy periods where government...[is] unable to take decisive action when that is appropriate."<sup>8</sup> This is highlighted by the sidelining of discussion regarding the Maori seats; National wish to abolish them, the Maori Party wish to entrench them, thus nothing progressive will be achieved in this "critical but unpopular"<sup>9</sup> area.

The Maori Seats debate demonstrates nothing being done due to the whims of a minor party. In other cases major parties take unnecessary and unpopular action to appease minor parties. This was the case with Sue Bradford's 'Anti-Smacking Bill.' As Graeme Hunt states:

*"Before [this] bill appeared, there was no public policy on smacking and the Prime Minister was on record as saying she opposed criminalizing parents who resorted to the occasional smack...But with the problems surrounding her Mangere MP, Phillip Field,*

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<sup>4</sup> The 1996 Election, <http://www.nzes.org/exec/show/1996>, (accessed 18<sup>th</sup> May 2009)

<sup>5</sup> Brian Easton, *The Whimpering of the State: Policy After MMP*. (Auckland, Auckland University Press, 1999) p.44

<sup>6</sup> Hunt, *Why MMP Must Go*, p. xi.

<sup>7</sup> Easton, *The Whimpering of the State* Pages 44-45

<sup>8</sup> Chapter 2: The Voting System, [http://www.elections.org.nz/files/2\\_the\\_voting\\_system.pdf](http://www.elections.org.nz/files/2_the_voting_system.pdf), (accessed 18<sup>th</sup> May 2009) p. 47 PDF Document.

<sup>9</sup> Muriel Newman, 'Is it Time to Change Our Voting System?', <http://www.nzcp.com/weekly103.htm>, (accessed 18<sup>th</sup> May 2009)

*she had no choice but to reach an accommodation with the Greens over a bill that was neither loved nor wanted.”<sup>10</sup>*

The public outcry towards this Bill shows MMP’s “measure of policymaking success is not the inherent quality of the proposition but that both parties can agree on [it.]”<sup>11</sup>

SM addresses these issues through reducing the effective number of parties (a measure of the capability of parties to influence government.)<sup>12</sup> This removes the disproportional influence currently held by the minor parties, something which is not taken into consideration when the proportionality of MMP is praised in mathematical terms. Thus while MMP has succeeded in removing the extremism of First Past the Post (FPP), SM would allow the challenging discussions and necessary decisions that the centrism of MMP discourages. SM would still take into account the views of minor parties, who would still gain some representation<sup>13</sup>, while at the same time removing MMP’s ‘quirk,’ the overhang, which increases the number required to govern. Through allowing the government to “act decisively when...appropriate,”<sup>14</sup> while still maintaining parliament’s ability to “provid[e] a forum for the promotion of alternative Governments and policies...” SM would allow more effective parliament and government.<sup>15</sup>

The reduction of the number of parties in parliament that will occur under SM, could be argued to lead to less effective politics in NZ through ‘disengaging’ voices. However, no matter what type of electoral system there is, the number of parties outside of parliament is reasonably consistent.<sup>16</sup> This is partly because the membership threshold a group needs before it can become a political party is low, and the percentage of votes a party needs to win in order to regain their registration money from the Electoral Commission is also low. This would not change with a move to SM. Therefore SM allows for engagement with the electoral system, but not at the expense of effective and efficient parliaments. In fact the Royal Commission on the Electoral System

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<sup>10</sup> Muriel Newman, ‘Is it Time to Change Our Voting System?’, <http://www.nzcp.com/weekly103.htm>, (accessed 18<sup>th</sup> May 2009)

<sup>11</sup> Hunt, *Why MMP Must Go*, pg. xi

<sup>12</sup> Jordan Boyd, *POLS 111 Tutorial* – Monday 4<sup>th</sup> May 2009.

<sup>13</sup> In 1996 NZ First would have gained four seats under a SM system, allowing them influence but not disproportionate influence. Figures modified from those calculated based on SM in New Zealand with a Parliament of 99 from: Hunt, *Why MMP Must Go*, pg. 137

<sup>14</sup> Royal Commission criteria for judging voting systems, <http://www.elections.org.nz/study/researchers/rc-voting-system-judging-criteria.html> (accessed 18th May 2009)

<sup>15</sup> Royal Commission criteria for judging voting systems, <http://www.elections.org.nz/study/researchers/rc-voting-system-judging-criteria.html> (accessed 18th May 2009)

<sup>16</sup> Jordan Boyd, *POLS 111 Tutorial*, Monday 4<sup>th</sup> May 2009.

correctly predicted the “proliferation of minor parties in the House”<sup>17</sup> under MMP could “threaten the stability and effectiveness of Government.”<sup>18</sup> While the threshold of five percent of the party vote or one constituency seat is an attempt to mitigate this, these rules create unfairness between parties. At the 2008 election they meant NZ First with 4.1% of the vote<sup>19</sup>, could have no representation in parliament, whereas ACT with 3.7% of the vote<sup>20</sup> and one constituency seat, gained five MPs. SM would remove this inconsistency, thus making the electoral system fairer for all parties, while at the same time increasing the effectiveness of parliament and government.

***Under which system will all MPs operate most effectively for the voter, including minority and special interest groups?***

The plight of the list MP is a lost one. While constituency MPs have the specific role of “welfare officer and local promoter, [as well as] providing community leadership and articulating concerns of a geographic electorate,”<sup>21</sup> the list MP lacks direction. Essentially their role is to thematically represent minorities.<sup>22</sup> While this is an important role, reducing the number of list MPs will not serve to reduce minority and special interest representation, or ‘disengage’ minorities from the system, as is so often argued. MMP has increased the number of minorities physically represented in parliament, in the case of Maori, to the point of overrepresentation.<sup>23</sup> However FPP also effectively represented minority groups. It was FPP governments who passed the Homosexual Law Reform Act 1986 and the Treaty of Waitangi Act 1975, beginning the reparation process between Maori and the Crown in New Zealand.<sup>24</sup> These changes occurred because even under FPP, parties had to compete for the votes of minority groups. Therefore, under SM progress for minorities will still occur. It is fair in that it is easier for minor parties to get into Parliament than under FPP, but also fair in that it also reduces the disproportionate influence that minority groups hold under MMP. Thus, reducing the

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<sup>17</sup> Chapter 2: The Voting System, [http://www.elections.org.nz/files/2\\_the\\_voting\\_system.pdf](http://www.elections.org.nz/files/2_the_voting_system.pdf), (accessed 18<sup>th</sup> May 2009) p. 35 PDF Document.

<sup>18</sup> Chapter 2: The Voting System, [http://www.elections.org.nz/files/2\\_the\\_voting\\_system.pdf](http://www.elections.org.nz/files/2_the_voting_system.pdf), (accessed 18<sup>th</sup> May 2009) p. 35 PDF Document.

<sup>19</sup> Nigel Roberts, *POLS 111 Lecture*, Tuesday 5<sup>th</sup> May 2009

<sup>20</sup> Nigel Roberts, *POLS 111 Lecture*, Tuesday 5<sup>th</sup> May 2009

<sup>21</sup> Steve Barnes, *POLS 111 Lecture*, 1<sup>st</sup> May 2009

<sup>22</sup> Steve Barnes, *POLS 111 Lecture*, 1<sup>st</sup> May 2009

<sup>23</sup> Maori make up 22% of the parliamentary population, and only 14% of the national population- Yvonne Tahana, ‘Abolish Maori seats, Roundtable study urges,’ [http://www.nzherald.co.nz/maori/news/article.cfm?c\\_id=252&objectid=10513372](http://www.nzherald.co.nz/maori/news/article.cfm?c_id=252&objectid=10513372) (accessed 18<sup>th</sup> May 2009)

<sup>24</sup> Grant Morris, *Law Alive: The New Zealand Legal System in Context*, (Australia: Oxford University Press - Australia and New Zealand, 2009) p.62

number of list MPs will not be of any detriment to minority or special interest groups. In fact it retains the positive developments in party effectiveness MMP encouraged, as parties need to be increasingly aware of minority issues, and enhance their lists to reflect this in the competition for votes.

In addition SM places greater emphasis on constituency MPs, recognising their greater cultural significance and importance as they are the people the public approach for help, thus maintaining the high degree of approachability of New Zealand's politicians. SM can enhance this by increasing the number of constituencies, making them smaller and more manageable for MPs who already have large parliamentary workloads. SM therefore "encourage[s] close[r] links and accountability between individual MPs and their constituents."<sup>25</sup>

## **Conclusion**

Much of the difference between SM and MMP comes down to the issue of fairness. What is fairer to minority interests? What is fairer to the political parties? What is fairer to the voter? Is it fairer for voters to have their votes used in a way that allows the creation of more effective government, or to have them used in a way that creates a mathematically proportional system of unfair and disproportionate influence? Supplementary Member, while being classed as a semi-proportional system, allows more appropriate proportional representation in regards to influence in parliament. It is justifiable to restrict mathematical proportionality, for the same reason it is justifiable to have thresholds before representation occurs – it allows for increased efficiency, and therefore effectiveness. This would clearly benefit New Zealand, through decentralising New Zealand politics, allowing parties, parliament and government to be more effective, and encouraging better representation through revising the number of constituency and list MPs. The 2011 Referendum will likely provide New Zealanders with an opportunity to choose between MMP and SM, a system which allows the benefits created by MMP to be retained while also allowing the additional benefits outlined. SM would allow the dog to again wag the tail, thus providing the greatest good for the greatest number of New Zealanders.

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<sup>25</sup> Royal Commission criteria for judging voting systems, <http://www.elections.org.nz/study/researchers/rc-voting-system-judging-criteria.html> (accessed 18th May 2009)

