

New Zealand's Early General Election of 2002

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On 27 July 2002 New Zealand went to the polls, prematurely, for the third time under the Multi Member Proportional election system. Labour, under Prime Minister Helen Clark, remained the largest party in the House of Representatives, but still lacked a majority; it governs in coalition with the 2-member Progressive Coalition Party. The Government's parliamentary position is secured by agreements with two small parties, the Greens and United Future.

On 27 July 2002 New Zealanders went to the polls for the third time under the relatively new, Mixed Member Proportional (MMP) electoral system. After a campaign that swung from the predictable to the unexpected, voters gave the incumbent Labour-led Government an increased number of parliamentary seats. Nevertheless, although Labour continued in government after the election, its share of seats was insufficient to give it, together with its chosen coalition partner, the newly-branded Jim Anderton's Progressive Coalition (PC) party, a majority in the House. The decision to go to the polls early had its origins in the record of the minority Labour-Alliance Government. What was the background to the 2002 election, and how did it impact on the election itself?

Governing under minority conditions, 1999–2002

After the 1999 election, Labour, led by Helen Clark, and the left-wing Alliance, led by Jim Anderton, had swiftly moved to form a coalition, hoping through its decisive yet cooperative behaviour to demonstrate how different a government it would be to the previous National one.¹ In 1996 the centrist, populist New Zealand First Party

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¹ See: J. Boston and S. Church, 'Pre-Election Wheeling and Dealing: The New Zealand Experience', and J. Boston, 'Forming the Coalition between Labour and the Alliance', in J. Boston, S. Church, S. Levine, E. McLeay and N.S. Roberts (eds), *Left Turn: The New Zealand General Election of 1999*, Wellington, Victoria University Press, 2000, 217–38 and 239–75; and R. Miller, 'Coalition

(NZF), led by Winston Peters, had simultaneously negotiated with Labour and National for two months.² Against the preferences of the majority of its supporters,³ NZF chose National, the minimum connected winning coalition solution. In 1998, NZF publicly disagreed with National over the sale of the Wellington airport, Prime Minister Jenny Shipley dismissed Peters from his position as minister and deputy prime minister, and NZF, internally riven, left the coalition. Shipley, who had taken over from Jim Bolger in a brutally adept coup (part of the problem for Winston Peters, who distrusted Shipley), then led her party and some former NZF ministers through to the end of the parliamentary term as a minority government.

The pre-election rapprochement between Labour and the Alliance, and the rapid government formation in 1999 — it happened even before the special votes had been counted and the Greens entered parliament, thereby robbing Labour and the Alliance of their parliamentary majority — were intended to signal how well the two parties intended to work together in contrast to the previous three years.⁴ Before the election, the Greens had indicated that they would support a Labour-led government, so the new coalition knew that, in the event that they did not gain a majority of seats between them, they could depend on the Greens for support in votes of confidence and supply. For almost two years it appeared that, after the party defections of the two previous parliamentary terms and the 1998 coalition split, MMP had finally delivered a responsive and stable government and a more settled parliamentary party system. Indeed, public support for the new electoral rules, which had plummeted as support for the government had also dropped, rose again after the 1999 election for the first time since the pre-1996 period. Despite a series of minor scandals, the Government and the Prime Minister retained their popularity.

There were several reasons for the high levels of public support. First, most of the (admittedly modest) policy commitments were fulfilled; the coalition delivered on its promises. One of these involved legislating to inhibit the party defections that had been so unpopular with voters. The Electoral Integrity Amendment legislation was passed in 2001 with support from NZF (but not the Greens or the other opposition parties; and some Labour backbenchers had privately opposed the legislation). This would subsequently rebound on the Government, as explained below. The top income tax rates were raised; health was restructured (yet again); the minimum wage was increased; there was a new employment relations bill; the Government

Government: The Labour-Alliance Pact', in J. Vowles, P. Aimer, J. Karp, S. Banducci, R. Miller and A. Sullivan, *Proportional Representation on Trial: The 1999 New Zealand General Election*, Auckland, Auckland University Press, 2002, 114–29.

² See J. Boston and E. McLeay, 'Forming the First MMP Government: Theory, Practice and Prospects', in J. Boston, S. Levine, E. McLeay and N.S. Roberts (eds), *From Campaign to Coalition: The 1996 MMP Election*, Palmerston North, The Dunmore Press, 1997, 207–47; and R. Miller, 'Coalition Government: The People's Choice?', in J. Vowles, P. Aimer, S. Banducci and J. Karp (eds), *Voters' Victory? New Zealand's First Election Under Proportional Representation Rules*, Auckland, Auckland University Press, 1998, 120–34.

³ Miller, 'Coalition Government: The People's Choice?', 129.

⁴ Boston and Church, 'Pre-Election Wheeling and Dealing: The New Zealand Experience'.

began its controversial program of trying to decrease the socio-economic disparities between non-Maori and Maori (who had supported Labour in the election); superannuants had increases in their pensions; a stand-alone superannuation fund was begun; and Labour acceded to the Alliance's demands for a nationally owned 'Kiwi Bank' and paid parental leave. Some policies had not been as popular: the restructuring of the defence forces, including the axing of the combat air wing, had been criticised by members and supporters of the defence establishment. The re-nationalisation of the Accident Compensation Corporation, together with the reform of employment legislation, had attracted hostile attention from business, but a charm initiative from the Government, especially the Prime Minister and the Minister of Finance, Michael Cullen, had dampened down those criticisms.

The second main reason for Labour's extended honeymoon period with voters until late 2001 was the virtual absence of public squabbling from within the administration, either between the coalition partners or within the parties. This was in contrast to the previous years under MMP and, indeed, under FPP, including Labour's own previous performance during the bitter years between 1987 and 1990. Third, mostly through luck but partly through capable management, after many years of depressing financial figures, the economy prospered. Unemployment was down, inflation did not rise, and external earnings were high, mainly due to the productivity of the agricultural sector but also because, along with other exporters, primary producers benefited from a very low New Zealand dollar relative to the major world currencies.

The clear intent of the Labour/Alliance Government was to demonstrate that the centre left could take the place of the centre right as the 'natural' parties of government by behaving as a stable and settled administration with limited and achievable goals. The performance of the Prime Minister was a key element in Labour's success in the opinion polls. She was in command of policy principles and detail, she was accessible to members of the mass media, and she had an assertive leadership style (dealing rapidly and firmly with any minister who stepped out of line). From 1999 onwards, her popularity kept on increasing. The weakness of the opposition National Party heightened the appearance of a highly successful government.

Peaceful governing did not last. Although a rift appeared amongst the governing and supporting parties on free trade issues, with the Greens against an agreement with Singapore and the Alliance divided on it, the 11 September 2001 attacks on New York and Washington DC revealed a wider chasm, opening up differences within the Alliance Party over New Zealand's military support of the US-led bombing of Afghanistan. However, this was the catalyst for a range of disagreements, for the differences were not only about foreign policy. Some MPs and party members felt that the Alliance members of the Government were altogether too supportive of Labour, too non-assertive in pushing their own policies, and were excluded from decision-making. Despite its constructive relationship with Labour, the Alliance's opinion poll ratings sunk to very low levels as support for

Labour soared. Further, there were personality clashes. The gap between the party president, Matt McCarten, and the leader and Deputy Prime Minister, Jim Anderton, widened. On 3 April 2002, Anderton and his Deputy left the Alliance saying that they would remain Alliance MPs until the election but then form a new party. The parliamentary contingent split into the Anderton and the Alliance factions, Anderton and five other MPs were expelled from the Alliance, and another MP, Laila Harre, became the Alliance Leader, but only outside Parliament.

At this stage, the internal schism became interwoven with arguments about the compatibility between the behaviour of the Alliance MPs and the principles underlying the recently passed legislation on party defections, the legislation that had been so desired by the Alliance after experiencing defections during the previous term, including the departure of the Greens to contest the 1999 election on its own.⁵ Because the formal conditions under which MPs could be required to resign their seats were not satisfied and the expelled MPs continued sitting in the House and in cabinet (as did the continuing Alliance members), the Government was faced with sarcasm and criticism from Opposition and media alike for not complying with its own principles of behaviour. Meanwhile, the Speaker of the House, Jonathan Hunt, ruled that he would continue to treat the divided party as one party within Parliament.⁶ Of course, if the party defection legislation had not been passed, the Alliance would merely have split into two parties — bad enough but not nearly as embarrassing as pretending to be one party for the purposes of retaining parliamentary seats, party funding and ministerial posts. In the event it was not until after the election was called that the Anderton faction became officially identified as the Progressive Coalition Party, later renamed ‘Jim Anderton’s Progressive Coalition’.

The attacks on its coalition partner failed to dent Labour’s popularity. But the Government complained that it found getting its legislation through the House difficult because of the time being spent in Parliament on the resignation issue. However, even before the Alliance split there had been a backlog of legislation. The reliance on the Green Party had to some extent also handicapped the Government’s

⁵ Stephen Church, ‘Partisan Defection in the New Zealand Parliament’, paper presented to the Australasian Political Science Association Conference, Sydney, 26–29 September 1999.

⁶ To activate the anti-defection law, the Speaker must receive a letter from the MP concerned, signalling that he or she has resigned from the parliamentary membership of a party, and wishes to be recognised as a member of another party or an independent. The MP would then be deemed to have resigned their seat in Parliament. If, however, a defecting MP does not notify the Speaker of a change in allegiance, then the leader of the party under whose banner he or she was elected may write to the Speaker indicating that the MP concerned has acted in such a way that distorts the party proportionality of Parliament as determined at the last election. However, the leader must have the support of two-thirds of the party caucus to initiate this measure. In the case of the Alliance, Anderton and those who supported him remained as Alliance MPs in spite of their expulsion from the party because the remainder of the caucus did not think that they could legally seek their resignation from Parliament (since Anderton was still leader and commanded two-thirds of the caucus). Thus the Speaker followed *Standing Orders* guidelines and continued to accept Anderton as leader of the Alliance.

legislative progress. Consultation over a range of issues, including the budget (where the Greens won some minor victories) naturally slowed down the process. More significant than this, however, were the negotiations over the parliamentary process itself. The Greens would not agree to allow the Government to take urgency,⁷ and this evidently produced a level of frustration amongst ministers about their legislative programs. When Parliament was dissolved and the election campaign began, there was much unfinished legislative and policy development business. Indeed, there were 35 pieces of legislation before select committees (almost all legislation is referred to a select committee)⁸ and 94 bills on the Order Paper. In addition, there were inquiries also being conducted by the committees at the time of the parliamentary dissolution.

More dramatically, on 23 May 2002 the Greens staged a walkout from Parliament on legislation that limited the prohibition on applications for the commercial release of genetically modified organisms to October 2003. The Greens said that they would bring down a government that lifted the moratorium. There was much talk about just how influential a minor party should be over a government; and the adamant stance of the Greens on this principle harmed its relationship with Labour. Indeed, the Prime Minister attacked the Greens' stance and ruled out a future coalition with the Greens. The GE issue was to dominate the election campaign. The combination of the Alliance's internal dispute and, also, the Greens' views on GE had fractured the centre-left and left Labour without a strong feasible coalition partner or support party.

Two other unresolved issues threatened the Government's credibility. There had been a longstanding dispute over secondary teachers' salaries and industrial action in schools. Further, the Prime Minister herself was under attack. In April it had come to light that Helen Clark had signed a painting she had not herself created when supporting a campaign to raise money for charity. She apologised for her error of judgment. Despite the adverse publicity that this action stimulated, the public, if the opinion polls are anything to go by, regarded the whole event as rather trivial. Unfortunately for Clark, just as the issue seemed to be dying down, on 10 May a member of the public (who proved not to be associated with an opposition party) made an official complaint to the Police. When the date of the election was announced, the Police still had not reported the findings of its inquiry. This meant

⁷ The Greens are philosophically opposed to the taking of urgency. The legislative process in the New Zealand House of Representatives is organised in the multi-party Business Committee chaired by the Speaker where all decisions are taken either on the basis of unanimity or, alternatively, near-unanimity. See *Standing Orders of the House of Representatives*, Wellington, 1999, 74–7. Not all governments have taken requests for urgency through the Committee. In practical terms, however, minority governments have to be sure of their parliamentary support for their legislative tactics to be successful. Thus the Greens were in a powerful position procedurally.

⁸ See E. McLeay, 'Parliamentary Committees in New Zealand: A house continuously reforming itself?' *Australasian Parliamentary Review* 16(2), 2001, 121–39.

that Clark and the Government went to the polls with the threat of an adverse ruling hanging over them.⁹

The Prime Minister calls an early general election

For some months commentators had been predicting that the general election would be held in winter rather than late spring. Early general elections are uncommon in New Zealand, for the short, triennial parliamentary term constrains the extent of prime ministerial discretion to go to the polls prematurely.¹⁰ When, on 11 June 2002, the Prime Minister named 27 July as election day, it was only the third time an early election had been held in the post-war period. In 1951, the National Prime Minister, Sid Holland, called an election a year ahead of schedule, justifying it in terms of seeking a mandate for quashing a bitterly fought waterfront dispute. He improved his party's vote and National stayed in government until 1957. In 1984, another National Prime Minister, Robert Muldoon, brought the election forward some months, arguing that National was in danger of losing its majority because of dissident backbenchers (despite the protestations of the MPs concerned that they would not bring down the Government). Muldoon's real reason was probably the country's rapidly deteriorating economic position. This time National lost its snap election. So history could give no reliable guide on whether voters would punish the governing party for requiring them to vote early.

Why did the Prime Minister, Helen Clark, take the risk of an early election? The public justifications were that while the split in the Alliance had not affected the function of government,

time wasting by the Opposition will continue to obstruct the pattern of important legislation until an election is called. Little would be achieved by having Parliament sit for another two months. Indeed, to prolong Parliament's sitting at this point can only further demean its public standing and enhance its unfortunate image as an institution which achieves little.¹¹

At the same time, the PM also made a thinly-veiled reference to the Greens, as she 'did not believe that it is acceptable to New Zealanders to see small parties exercise a balance of power irresponsibly'. The difficulties of governing, with the Greens being prickly and the opposition parties attacking the Alliance's schism, certainly contributed to the decision, yet there were other supporting reasons for seeking a new mandate prematurely, and these were undoubtedly at least as important as the

⁹ During the campaign the Police announced that there was *prima facie* evidence of forgery but that there was not a sufficient case to warrant prosecution.

¹⁰ In New Zealand, as is also the case in the federal Australian Government and in Britain, the Prime Minister recommends to the Governor-General (or Monarch) that Parliament should be dissolved and an election called. It is a convention that this request is agreed to, unless the PM has lost the confidence of the House.

¹¹ Rt Hon. Helen Clark, 'PM Announces Election Date', News release, 11 June 2002.

officially stated ones. Labour was consistently polling more than 50 per cent in the opinion polls; and had publicly expressed its hope that the party, with the help of its coalition partner, would not only be re-elected but could also win a majority (or near-majority) of the nationwide vote — essential under MMP if it wished to win a majority of seats in Parliament. Besides, the main opposition party, National, under its new leader, Bill English, was rating poorly in the opinion polls. Clearly it had not regained the ground it had lost in the 1999 election, despite the leadership spill in early October 2001 when English took over from Jenny Shipley. The high-profile strategy of the National President, Michele Boag, was also keeping the party in the news in an unflattering way. Internal party dissent was stimulated by Boag's aim to 'stop the rot' by turning out 'dead wood' MPs who were seen as not performing well and replacing them with 'new blood'. There had been also the threat of scandal when in May 2002 the National Party was accused of 'laundering' large donations from private sources during the previous election campaign, an issue that was ineptly managed by the party and reminded voters of its big business connections. (The accusations were not upheld, either by the Electoral Commission or the Serious Fraud Office.)

Another factor in the Government's calculations was that the economy was doing rather well, although it was expected to deteriorate during the latter part of 2002. The May 2002 budget declared respectable surpluses and unemployment was down. In short, the risk of antagonising voters by taking them to the polling booths before the end of the parliamentary term seemed to be somewhat less than waiting for the economy to turn sour. What the Government did not anticipate, however, was the sour nature of the campaign itself, and the way in which specific events would harm its prospects of governing as a majority coalition government.

The rules of engagement and the political aspirants

The 2002 election was the third to be held under the Mixed Member Proportional (MMP) rules adopted by referendum at the time of the 1993 general election.¹² The electoral system, closely modelled on Germany's, gives electors two votes on a single ballot paper, with citizens voting for their preferred party (the party vote) and, also, their preferred constituency candidate (the electorate vote). The party vote determines the overall distribution of the parliamentary seats amongst the parties. After the constituencies have been awarded to the winning candidates by means of the traditional first-past-the-post voting rule, candidates are then taken from the party lists in the order in which they are ranked by the parties to produce a legislature in which parties are represented in proportion to the party votes cast. In order to be eligible for the allocation of list seats, parties must be registered with the

¹² See especially: J. Boston, S. Levine, E. McLeay and N.S. Roberts, *New Zealand Under MMP: A New Politics?* Auckland, Auckland University Press/Bridget Williams Books, 1996; and K. Jackson and A. McRobie, *New Zealand Adopts Proportional Representation*, Aldershot, Hants., Ashgate, 1998. There is good information on the electoral system at <http://www.elections.org.nz/>

Electoral Commission (fulfilling certain conditions) and, also, gain either five per cent of the party vote or, alternatively, win one electorate seat. For example, NZF in 1999, and Jim Anderton's PC in 2002, each gained further MPs by winning a seat, despite their failure to reach the five per cent threshold. In comparison, although United won one electorate seat in both 1996 and 1999, it received insufficient party votes to warrant any extra seats.

Voting under FPP was relatively simple; voting under MMP, with its two votes and thresholds to learn about, is more complex. Furthermore, whereas tactical voting was certainly significant under FPP — particularly when it came to considering the utility of minor party voting — under MMP there were new issues to be considered, including whether or not to vote for two different parties for the party and electorate votes (at the previous two elections, more than one-third of voters had split their tickets). As with the previous MMP elections, the Electoral Commission, with the Electoral Office, conducted an educational campaign for voters.¹³

At the 2002 election, there were 51 list seats available plus 69 electorate seats, seven of the latter elected by those Maori who chose to register on the Maori, rather than the General, electoral roll. Fourteen parties registered with the Electoral Commission and were therefore eligible to receive electors' party votes. In 1999, there had been 22 registered parties, the lower number in 2002 reflecting the deregistration of parties that no longer fulfil the official requirements, or that had insufficient time to organise themselves for the early election. Accordingly, the numbers of candidates hoping to be elected also dropped. Of the list candidates, there were 524 compared with 760 in 1999; and there were 575 electorate candidates representing 30 parties, (plus just 18 independents) in comparison with 1999's total of 679.¹⁴

Coping with campaigning

The central theme of the campaign was not 'who would govern?' but 'who would Labour govern with?'. Clark made it clear that her preference was to campaign for a majority (along with Jim Anderton's PC), and the position of the Greens over the GM moratorium merely reinforced that claim. Much of the Prime Minister's rhetoric framed the activities of minor parties in a negative light, with oblique references to the past divisions within the Alliance and more overt comments on the current intransigence demonstrated by the Greens. Clark had publicly opposed the introduction of MMP, and although she had not sought to dismantle or doctor the

¹³ For results of its 2002 research on public understanding of MMP, see Colmar Brunton's Social Research Agency, 'MMP Monitor—Post-election Results 2002 Summary Report', at www.elections.org.nz/elections/news/index.html. See also, the Electoral Commission's third edition of the *New Zealand Electoral Compendium* (forthcoming, 2002) containing full 2002 election results, information about the electoral law, MPs, and the formation of the government. See www.elections.org.nz for further information.

¹⁴ See <http://www.elections.org.nz/voting/elec-can.html>

system while in government, her campaign for a majority traded on public antipathy towards the system and the role it created for small parties. She sought an FPP result from an MMP election.

In the initial phase of the campaign, it seemed as if this strategy was paying off for Labour. Although its polling began to slip just below the majority support it had consistently scored for several months prior to the campaign, if Anderton managed to bring one or two MPs in with him then winning more than half the seats was still feasible. Another factor was the disproportionality generated by wasted votes (that is, votes for parties that do not pass the threshold or win an electorate seat). On the basis of about 5 per cent wasted votes, Labour could win 46–47 per cent and still get its coveted majority with the help of a couple of PC seats.

Labour was assisted in this goal by the poor performance of National, both in the lead-up to the campaign as well during the contest itself. A senior National MP described the party's problem as 'an acute relevancy deficit' — the weak position of the party relative to Labour before the campaign started gave voters good reason to believe that National would not win. Yet the fact that National actually lost support while electioneering also pointed to fundamental problems in the party's own tactics. Its campaign seemed to suffer from an identity crisis: its advertisements were ill-conceived, voters were often directed to vote National for the electorate rather than the more important party vote, English failed to make inroads against Clark in their televised encounters, and party policy did not seem to have evolved from the previous National-led government. On this latter point, it might have been that voters found it difficult to vote for a party whose program remained substantively unaltered from that rejected by more than two-thirds of the electorate in 1999. Another feature of the early stages of the campaigns was that it appeared that concerns about the impact of GM, and the wider issue of whether a major party could be trusted to govern alone, led to a fillip in support for the Greens. Thus, the campaign came to be dominated by the face-off between Labour and the Greens, and initially their oppositional stances seemed to be working in both parties' favour.

However, the nature of this stand-off was dramatically altered by events in the final two weeks of the campaign. A book was released claiming that genetically-modified corn seed had mistakenly been imported and planted in New Zealand, and that the Government had arranged a cover-up upon learning of it.¹⁵ The Government denied the allegations and subsequently provided evidence to suggest that the initially positive tests for GM corn had been compromised. However, 'Corngate', as it was unimaginatively dubbed by the media, caused the differences between Labour and the Greens to erupt into open warfare. The publisher of the book was a list candidate for the Green Party, and although the Green co-leaders, Jeannette Fitzsimons and Rod Donald, denied prior knowledge of the book's existence, they were quick to accept its conclusions and pointed an accusing finger at the Clark Government. In turn, Labour accused the Greens of 'dirty tricks'. At this point it

¹⁵ Nicky Hager, *Seeds of Distrust*, Nelson, Craig Potton Publishing, 2002.

appeared that the tensions between the two parties would be too difficult to reconcile in any sort of cooperative relationship following the election. The episode also created other problems for Clark, when TV3 newsreader John Campbell interviewed her the day before the story broke. Campbell had received an advance copy of the book, and, faced with an interrogative line of questioning regarding specific events about which she knew little, the Prime Minister reacted angrily. The interview was broadcast the following evening in tandem with the news of the GM corn-scare, and although many thought that Clark had been unfairly ambushed, for others it echoed other episodes such as 'Paintergate' (another inventive media moniker) where the PM was perceived to have succumbed to hubris.

Although these events ate into support for Labour and the Greens, and made it even more likely that Clark would not win her majority, a much more pervasive effect of campaigning under MMP had already discounted this eventuality. The first two elections campaigns in 1996 and 1999 showed that the minor parties often made a stronger showing than their polling between elections suggested. The simplest explanation for this phenomenon is that an election campaign places parties on a more or less equal footing, in that even the major parties (including the party in government) have to fight for the attention of the voting public. A campaign also gives voters the exposure to minor parties, and their policies, in a manner not seen in day-to-day political coverage throughout the parliamentary term.

However, the previous elections had also shown that the surge in support for minor parties begins to flag as polling day draws nearer, presumably as voters abandon their flirtation with the exotic in favour of the relative certainty of one of two parties that are likely to provide the core of the next government, National or Labour. Both major parties were expecting the same to happen in 2002, but two minor parties in particular were successful in attracting votes in the latter stages of the campaign. After nearly missing out on representation altogether in 1999, and following a fairly quiet term, NZF constructed its campaign around three issues (immigration, the Treaty of Waitangi, law and order), and the adoption of Bob the Builder's catchphrase 'Can we fix it? Yes we can!' In addition, NZF leader Winston Peters seemed to wake from his parliamentary slumber to turn in perhaps the most assured performance by a leader in the campaign, a mixture of bluff, gravitas and charm.

But undoubtedly the biggest winner was Peter Dunne and his tiny United Future (UF) Party. As the sole United MP for two terms, in 2002 Dunne was asked to appear on the TVNZ Leaders' Debate for the first time, largely due to the fact that the split in the Alliance had forced the network to invite all leaders of parties represented in Parliament.¹⁶ Performances in the debate were charted by 'the worm', a controversial device that plots the reactions of a sample audience, and out of the eight leaders on show, the worm anointed Dunne the winner. The impact of the 'victory' spread beyond those who actually watched the debate, through the televised worm analysis later that evening and subsequent reporting by the news

¹⁶ In 2000, United joined with Future New Zealand, a predominantly Christian Party.

media over the following days. At a point in the campaign when Labour and the Greens were fighting, and the parties on the right seemed to be hammering away at the same simplistic messages regarding law and order and Treaty policy, Dunne appeared to offer moderate, balanced, but vague 'common sense' solutions and did not engage in arguments with the other party leaders. This performance in the penultimate week of the campaign was followed by a series of poll results in the final week which suddenly lifted UF into contention, jumping from an average of about 1 to 4–6 per cent. Thus the party became less of a risky option for voters who otherwise would not have wanted to waste their party votes. Although Dunne had consistently proffered the same message in his 18 years as an MP (ten of those with Labour), what seemed to make the difference was the combination of the nationwide exposure he received, and the availability of a middling constituency not ready to give their vote to National, yet not willing to let Labour govern alone (or with the Greens).

The new Parliament: the parties, social representativeness, and party rivalries

The election turnout was the lowest for six elections with only 77 per cent of enrolled electors choosing to vote. Perhaps the early election meant that parties were not as well organised as formerly, affecting their capacity to mobilise voters. Perhaps, also, there was a feeling that the end result — a Labour-dominated government — was inevitable. Another characteristic of the election was that 39.3 per cent of those who voted split their votes, choosing different parties for their electorate and party votes. This was higher than in the previous two MMP elections.¹⁷

Table 1 outlines the results of the 2002 election, as well as those of the previous two elections under MMP. Although Labour improved on the result that put it into government with the Alliance in 1999, this has to be put in the context of the collapse of the Alliance vote and the much higher poll ratings for Labour in the months prior to the election. The percentage of party votes secured by the Greens also increased but, again, it should be viewed in the context of polling which put it at 9–11 per cent in the early stages of the campaign. Jim Anderton managed to hold onto his own electorate seat, thereby allowing him to bring in another MP, but the absence of further support, and the complete failure of the remnants of the Alliance to win any representation illustrates the electoral damage that can be caused by internal disunity. It also means that Parliament no longer contains a party that sits squarely on the left in terms of requiring greater intervention by the government in

¹⁷ See <http://www.electionresults.govt.nz/> For an analysis of split voting under MMP see J.A. Karp, J. Vowles, S.A. Banducci and T. Donovan, 'Strategic Voting, Party Activity, and Candidate Effects: Testing Explanations for Split Voting in New Zealand's New Mixed System', *Electoral Studies* 21(1), 2002, 1–22. Using aggregate and individual-level voting data, the authors argue that there is a high level of strategic voting involved in New Zealand and that it should not therefore be assumed that voters split their vote because they are confused.

the economy, although the Greens could be viewed as fulfilling this role to some degree.

The 2002 election also saw National suffer its worst defeat in a proud 66-year history. The final result was actually worse than the 25–30 per cent that most polls predicted, and even then, this was an outcome that some insiders considered an ‘Armageddon scenario’. Compared to the previous election, ACT’s party vote was nothing if not consistent, although considering that it had improved in the 1999 election against an overall swing against the right, it expected to do better in 2002. A strong campaign bore fruit for NZF, which more than doubled its result as many voters seemed prepared to forgive (or forget) its travails in coalition with National from 1996 to 1998. UF experienced a slightly larger increase in votes, but in light of its previous dismal record, and the fact that it seemingly came from nowhere late in the campaign, the party’s success was the most resounding of the election.

Table 1: New Zealand Election Results 1996 to 2002

Party	1996		1999		2002	
	Party votes (%)	Number of seats	Party votes (%)	Number of seats	Party votes (%)	Number of seats
ACT	6.1	8	7.0	9	7.1	9
Alliance ^a	10.1	13	7.7	10	1.3	0
Green ^b	--	--	5.2	7	7.0	9
Labour	28.2	37	38.7	49	41.3	52
PC	--	--	--	--	1.7	2
National	33.8	44	30.5	39	20.9	27
NZ First	13.4	17	4.3	5	10.4	13
United Future ^c	0.9	1	0.5	1	6.7	8

^a Jim Anderton, Leader of the Alliance and Deputy Prime Minister, was expelled from the Alliance and formed the Progressive Coalition Party (PC).

^b The Green Party of New Zealand was part of the Alliance. In 1997 the Greens decided to contest the 1999 election on their own.

^c The United Party became United Future in November 2000.

Note that, aside from the Alliance, the parties that contested party votes in 2002 and did not gain parliamentary representation were: Christian Heritage (1.35 per cent); Outdoor Recreation NZ (1.28 per cent); Aotearoa Legalise Cannabis Party (0.64 per cent); Mana Maori Movement (0.25 per cent); One NZ; 0.09 per cent; and the New Millennium Party (00.1 per cent).

When New Zealand changed its electoral system, one of the hopes expressed for the new rules was that Parliament would be more representative of society’s groups as well as of party and opinion. The three elections under MMP certainly delivered parliaments that represented a range of political parties, as shown in Table 1. MMP

has also delivered parliaments that are more representative of the people.¹⁸ Maori, in particular, are now fairly represented. Before 1996, the main vehicles for Maori representation were the four Maori electorates. Sometimes another Maori MP, or perhaps even a couple, managed to be elected through the General seats (for example, Winston Peters). Under MMP in 1996 and 1999, the percentage of Maori MPs nearly matched the approximately 15 per cent of Maori in the overall population. The Maori seats were retained under the MMP system, but were linked in number to those who chose to register on the Maori roll. By the time of the 2002 election, there were seven Maori seats. As anticipated, Maori were also selected by the political parties for winnable party list places, while a lesser number were elected for General electorate seats. In the 2002 general election, the proportion of Maori in Parliament matched that in the population at large, although there was some disparity amongst the parties insofar as Maori representation was concerned (see Table 2). The new Parliament elected in 2002, therefore, has a strong Maori contingent who can be expected to take particular interest in Maori issues and problems.

New Zealand is an increasingly diverse society, especially since the rise in immigrant numbers from Asia since the early 1990s. Historically, it has also had a substantial number of people from the nations of the Pacific. Elected in 2002 were three Pacific Island MPs, one Chinese MP, and an MP who was born in the Pakistan part of the Punjab.

Many women were disappointed with the 2002 election results. As predicted, in 1996 MMP had delivered an increased number of women MPs, as parties placed women in winnable places on their party lists (despite the absence of quotas except for the Greens). For the first time for many years, however, in 2002 the number of women MPs fell. There were 34 (28 per cent) compared with 37 in the previous parliament, a reduction mainly due to the parties of the centre-right (NZF and, to a lesser extent, National) and the centre (UF) who placed a predominance of men in the top places of their party lists (see Table 3). As the voluminous world research on women and legislatures has shown, given an appropriate political culture, proportional representation can help women's representation, since women are more likely to gain nomination for multi-member than single-member constituencies. But parties remain the gate-keepers to political power, so their selection processes and philosophies are also significant. Furthermore, in a mixed electoral system, more than half the seats are single-member districts, and these are particularly vulnerable to male incumbency and claims to selection. Thus, despite their successes, women still have some way to go in New Zealand to achieve representative parity with men.

¹⁸ For an interesting discussion of Maori representation under MMP, see M. Durie, *Te Kawanatanga, The Politics of Maori Self-Determination*, Auckland, Oxford University Press, 1998. On women and Maori, see also S. Banducci and J. Karp, 'Representation under a Proportional System', in Vowles *et al.*, *Voters' Victory?* 135–52; H. Catt, 'Women, Maori and Minorities: Microrepresentation and MMP', in Boston *et al.* (eds), *From Campaign to Coalition*, 199–205; and E. McLeay, 'The New Parliament', in Boston *et al.* (eds), *Left Turn*, 203–16.

Table 2: Maori MPs, 1990 to 2002

	1990		1993		1996			1999			2002		
	M.	G.	M.	G.	M	G	PL	M	G	PL	M	G	PL
ACT	--	--	--	--	0	0	1	0	0	1	0	0	1
Alliance	--	--	0	1	0	0	2	0	0	2	--	--	--
Green	--	--	--	--	--	--	--	0	0	0	0	0	1
Labour	4	0	3	1	0	1	4	6	2	2	7	2	1
PC	--	--	--	--	--	--	--	--	--	--	0	0	0
National	0	2	0	0	0	0	1	0	0	1	0	0	1
New Labour	0	0	--	--	--	--	--	--	--	--	--	--	--
NZ First	--	--	1	1	5	1	1	0	1	1	0	1	5
United	--	--	--	--	0	0	0	0	0	0	0	0	0
<i>No. Seats in Category</i>	4	93	4	95	5	60	55	6	61	53	7	62	51
<i>Total No. Parl. Seats</i>	97		99		120			120			120		
<i>Total No. Maori</i>	6		7		16			16			19		

M. = Maori seats; G. = General seats; PL. = Party List seats

-- = did not contest the election or, in the case of the Alliance in 2002, did not win any seats at all.

Note: the Greens were part of the Alliance until 1999; New Labour was part of the Alliance from 1993; United became United Future in 2000; and PC = Progressive Coalition.

As explained above, women were not the only group to be reduced in number: the National Party parliamentary contingent was the smallest for years. Before the new Parliament met for the first time on 26 August, there were reports that the other opposition parties, including the Greens, had decided that National should relinquish two of its front-bench positions to reflect the increased gains of the others. This issue was still unresolved several days before Parliament was due to meet. Rather than having an unseemly game of musical chairs, the former Speaker, Jonathan Hunt, resolved that MPs, including party leaders and ministers, would be seated in alphabetical order until the Speaker was elected. Thus, there were some interesting seating combinations on the first day of the new session, although most of the leaders (including the Prime Minister) managed to switch places with cooperative backbenchers. The Speaker (the re-elected Hunt) then ruled that National would indeed be reduced to seven from its previous nine front-bench places but, in return, as it remained the single largest opposition party, National would retain the position of Leader of the Opposition, which brings with it prestige, influence and resources.

Table 3: Women Elected to the New Zealand Parliament, 1984 to 2002: by Party

	1984	1987	1990	1993	1996	1999	2002
ACT	--	--	--	--	3	3	4
Alliance	--	--	--	1	7	4	--
Green	--	--	--	--	--	3	4
Labour	10	11	8	14	13	18	18
National	2	3	8	6	8	9	6
New Labour							
NZ First					4	0	1
PC	--	--	--	--	--	--	0
United	--	--	--	--	0	0	1
Total no. of women	12	14	16	21	35	37	34
Total no. of MPs	95	97	97	99	120	120	120
% of women in Parl.	12.6	14.4	16.5	21.2	29.2	30.1	28.3

-- = did not contest the election or, in the case of the Alliance in 2002, did not win any seats at all. See also the notes for Table II.

In representative terms, after the 2002 election New Zealand truly had an MMP Parliament. Furthermore, proportionality had become a primary principle for the allocation of power and resources within the legislature. The composition of the influential committees had been proportionally determined since 1996. This principle was also largely followed with the distribution of select committee chairs amongst the parties after the election, in contrast to the previous two parliaments when the governing parties had retained all but two chairs for themselves.

Negotiating a government

It was evident on election night, as in 1999, that the parties of the centre-left (that is Labour, the PC and the Greens) had a majority of seats in Parliament. Thus, there was no question of a change of government. Similarly, as in 1999, pre-election commitments made it almost inevitable that Labour would form a coalition rather than seek to govern alone. Clark had already made it clear that she would be inviting Anderton to re-join the cabinet, but what was less apparent was whether another party would be joining them in coalition or supporting them in the legislature. Given the numerical complexion of the 120-seat Parliament following the election, Labour (52 seats) and the PC (2) could look to the Greens (9) or UF (8). The acrimony between Labour and the Greens over GM during the campaign, as well as Dunne's declaration that his party would be prepared, under certain conditions, to support a Labour-led government, might have made a deal with United seem more likely. However, in the weeks following the election the Greens,

United, and the PC all held bilateral negotiations with Labour. There was, of course, yet another option, NZF, but Clark had made it clear prior to the election that she would find it difficult to work with that party because of its stance on immigration.

Given the Greens' position on lifting the GM moratorium, and given Labour's unwillingness to change its stance, a coalition involving the Greens was politically untenable.¹⁹ In fact, an enduring support agreement was also going to be difficult to arrange, if the Greens followed through on their pledge to withdraw support on confidence and supply for a government which lifted the moratorium, due to expire in October 2003. A coalition with UF was equally problematic, albeit for different reasons. With the exception of Dunne, none of the party's MPs had previous parliamentary experience, and it was partly for this reason, and partly due to the difficulties faced by junior coalition partners in the past, that UF rejected the idea of a coalition, preferring instead to adopt the role of a support party (as the Greens had done in the previous parliamentary term).

The first agreement to be concluded formalised the coalition between Labour and the PC, and was similar in form and content to the Labour-Alliance agreement of the previous term,²⁰ although this time it enunciated several broad policy positions. On 8 August, less than two weeks after the election, Labour-PC and UF signed an agreement whereby the latter guaranteed parliamentary support on confidence and supply, but reserved the right to dissent on other legislative matters. In return, UF was granted several policy concessions and would be consulted on all other issues. However, it was recognised that the centrist positioning of United, together with its group of Christian-identifying MPs, would lead it to disagree with a significant proportion of the Government's program. Thus, despite their unwillingness to support a Labour-led government due to its GM stance, the Greens were still crucial to the success of the coalition in enacting its policy platform. A cooperation agreement between Labour and the Greens was then confirmed on 26 August, specifying three different categories of engagement on policy issues: full participation, consultation, and, at the lowest level, simply sharing information. The upshot of all of this is that New Zealand is now governed by a Labour-PC minority coalition, with support on confidence and supply matters from UF, and support on other legislation from the Greens.

Conclusion

The verdict of the voters at the 2002 general election was for a further period of coalition minority government — the predominant situation of recent years, and, indeed, the position that the Government had been in when it decided to go to the people before the scheduled end of the parliamentary term later in 2002. The voters

¹⁹ In any case, the Greens had failed to secure the level of support that they had previously indicated would be desirable if they were to enter office (that is 10 per cent).

²⁰ Boston, 'Forming the Coalition between Labour and the Alliance'.

opted to keep Labour in government — in sufficient numbers to give that party a substantial majority of seats under the single-member constituency, simple majority rules. Under MMP, however, the effect of the voters' choice was to ensure that New Zealand did not return to the pre-MMP situation of having a party in power that could dominate the public policy process through its command of a majority of parliamentary seats. The voters achieved this through choosing minor parties in substantial numbers, thus creating a form of limited government in a unicameral political system. The new government would be able to implement its policies, but only after consultation and negotiation. In this way, too, the growing assertiveness of Parliament was also assured.

Thus the voters demonstrated their fast-developing grasp of proportional representation rules in this third election under MMP. But not all the parties demonstrated a similar level of knowledge of how the new rules affected their campaigning strategies. In particular, National ran a poor campaign, a bad dream from which it will have to awaken before it can reassert its position as the clearly dominant opposition party and, moreover, as the natural party of government. In the meantime, Labour is positioning itself in that place, solidly in the centre although with a long-term program of gradual social democratic reform. At the same time it seeks to reassure business interests that it can run a responsible economy; and leaves largely intact the basic state structure put in place through the reforms of the 1980s and 1990s, changing it only when it suits particular goals. ▲