

CHAPTER SIX: THE PREFERENCE WHISPERER

Mr Glenn Druery is the most famous of Australia's several electoral analysts who go under the title of "preference whisperer". He is said to be an unpleasant individual. I would not know since I have only met him once. On Tuesday 1 March 2016 we both gave evidence to the Joint Standing Committee on Electoral Matters relating to the then Commonwealth Electoral Amendment Bill 2016, which became the Commonwealth Electoral Amendment Act 2016. We concluded the morning by having lunch with then Senator Ricky Muir and his wife. Certainly, Druery struck me as boastful – but then he does have a lot to be boastful about!

The best example of the demonisation of Druery came in the 16 March 2019 issue of *The Weekend Australian Magazine*, the article by Kate Legge. It had a photo of Druery on its cover, called him "the player" and advertised that readers would meet him through the article. It began on page 15 with this statement and this question: "Glenn Druery claims he is a champion of political diversity. Or is he just gaming the system?" Here is the article in full:

Political croupier Glenn Druery deals preferences for minor parties. Transport Matters; Aussie Battler, Shooters, Fishers and Farmers; Sustainable Australia. . . an alphabet soup of brands, some with barely enough members to register. Whether they shout out for a single cause or exist merely to snare unsuspecting voters who would rather clean out their sock drawer than fill in a ballot paper, Druery gives them their best chance at success. If they stick together, he tells them, distributing preferences strictly to each other, one of them has a chance at a seat in parliament. He compares himself to the corner grocer trying to give the little guy a leg-up, a *Mr Smith Goes to Washington* who stands up to city hall. Others say he's a devil on democracy's doorstep.

By day he's a policy adviser to Victorian Senator Derryn Hinch. He runs his "preference whispering" consultancy on the side, bragging that his fingerprints can be found on almost every upper house crossbencher across federal and state tiers. He's been dealing micro party preferences for 20 years and though electoral laws have been tightened to thwart him, he's riding a volatile tide of disenchantment with the major parties.

"Victoria was my single best election ever", Druery says, taking credit for nine out of 11 new upper house MPs elected to the crossbench in last November's state poll. We're a stone's throw from the scene of his disruption, in the silver service dining room of Melbourne's Hotel Windsor, directly opposite State Parliament. "I don't eat breakfast," Druery tells the waiter, ordering a black coffee. Phew. The thought of toast and eggs being ingested between the torrents of ultimatums spraying forth isn't pretty.

"They've changed the laws six times to stop me," he says of reforms in NSW, South Australia and, most recently, federally following his antics in the 2013 poll. His eyes twinkle defiantly. His best-known creation is possibly Ricky Muir of the Australian Motoring Enthusiast Party, who won a 2013 Senate berth with 0.5 per cent of the primary vote by garnishing enough minor party preferences to unseat veteran Liberal Helen Kroger, who won 12.5 per cent of the primaries. The abolition of group voting tickets in the upper house have made it harder for Druery to game the ballot box for the forthcoming NSW election and the May federal poll but, undaunted, he's been on the ground co-ordinating campaigns. "They move the goal posts. I kick from a different angle," he smiles.

The major parties have always had number crunchers cutting preference deals; Druery says he is simply doing the same for the little guys. Never mind the proliferation of independents is blamed for paralysing governments.

His mastery of this game relies on bush maths and tough-talking tactics to keep his “family” of political novices in check. He wears sledges like a Queen’s honour in his lapel. Liberal henchman Christopher Pyne wryly called him the “Vietcong of Australia”. A former Greens senator compared him to a “cockroach”. Even a police investigation that followed a formal complaint to the Victorian Electoral Commission about his cash-for-preferences business model doesn’t appear to faze him. “I haven’t been contacted. I didn’t break the law”. It’s all grist for the mill for this crafty fixer, who favours political diversity. “I like to stand up to the establishment,” he says. “I love doing the impossible.”

Former federal Labor MP Alan Griffin, who negotiated with Druery in the lead-up to last year’s Victorian election, was impressed by his deft grasp of preference mechanics but told colleagues he felt like Clarice Starling squaring off against Hannibal Lecter in the gruesome thriller *The Silence of the Lambs*. “I knew he was behind the glass, that he couldn’t hurt me, but I couldn’t quite shake the sense that I’d been eyed off for dinner.”

New Victorian MP Rod Barton drove taxis for 25 years before he rode into the Legislative Council last November with 0.6 per cent of primary votes. He stood as a candidate for the Transport Matters Party, sometimes called the “angry taxi drivers party” because it grew from outrage over the abrupt devaluation of taxi licenses after the Andrews Government opened the door to Uber.

The party’s director, Andre Baruch, who once owned two taxi licenses, heard about Druery from the Shooters, Fishers and Farmers Party, which had used his services, and contacted him. “He gave us advice on how to set up a new party, what was required,” he says of their first casual meeting. “He makes it easier for the new kids on the block”.

By April 2018 the party was registered after collecting more than the minimum requirement of 500 confirmed members. Transport Matters then paid Druery a consultancy fee to help line up preference deals for the November election. “He told us who we should speak to and what sort of things we should be saying. He always encouraged us to be pragmatic rather than letting philosophical or political differences influence us,” Burton says.

The ABC’s vote calculator for the eastern metropolitan region shows that the cascading preferences that went to Transport Matters after Labor and Liberal had each won two seats, leaving one spot up for grabs. When the first micro party was eliminated its 214 votes went to Transport Matters; the Australian Liberty Alliance delivered its 1,940 votes and the Aussie Battler party 2,237 votes until Rod Barton got over the line with the smallest percentage of votes recorded in the state’s history.

The first time we spoke by phone, Glenn Druery was kicking tyres in an airport lounge on a Friday night waiting for someone who didn't show. He'd had a glass or two of wine and our quick chat to schedule an interview became a marathon that ticked through his Sydney childhood in the western suburbs, his reputation as a medal-winning endurance cyclist, his theory that voters are borderline dumb and disengaged, and his influence over federal politics ("I can go to the Prime Minister's office any time I want").

He gallops along, abruptly changing direction to tell me a story, losing his thread. His barbed zingers often spring straight from Paul Keating's playbook, minus the former PM's depth of purpose. "For 20 years, preferences went everywhere like a mad cat's pee", Druery says of a business model that's based on micro parties sticking tightly together and gifting preferences to each other during elimination rounds until one of them bags a big enough quota for an upper house spot. Ricky Muir's paltry 17,122 primary votes grew into a whopping 483,076 by the end of the count. "I organised lots of effective second preferences to Ricky. I knew the trail of numbers". He uses the metaphor of a raindrop. "It starts at the top, it might hit the building over there but the leak comes in here, and I know the track it will take."

But the chaos in Muir's parliamentary office, vividly described by Peter Breen in a new book, *Candidates Disease*, undermines the proposition that "Mr Smith" is necessarily good for democracy. Too few staff, too much legislation, the lack of a policy framework or party structure, vicious internecine conflicts; the downsides proliferate. Breen and Druery joined Muir's staff to help him through the maze. Kroger, who is on amiable terms with Druery, says that despite being fleeced of her Senate spot she'd offered counsel and advice to Muir to curry favour for the Coalition, which needed his vote. She also grilled Druery on his tactics and argued for electoral reform to stymie him.

Muir, who lost his seat in the 2016 double dissolution election, has been described as an accidental politician but Druery insists "it was planned to the decimal point". His motivation in this case came from a flashpoint of anger that had zilch to do with democracy. In 2013 Druery was advising Family First in return for a monthly retainer. When the payments ceased, the deal was off. "The minute you betray my trust, I will destroy the cockroaches that live in your village for a thousand years", he tells me, recounting their falling out. "And I have form. You trust me, you are in the family, I will believe in you, I will feed you and your children before me, that's how I operate. But betray my trust. . .my god, I'm getting angry now thinking about it".

So he rejigged the ticket. "I went and saw people. It was really simple. Can you preference Ricky Muir before these people? Not as vengeance. I was angry. . .I don't have a lot of tools or a big building I can sell when I retire. I'm only as good as my last election. How can I keep doing this for 20 years? Why is there no one else in the country that does this? You've got to play all the games in the world but never betray my trust."

In the very next breath he concedes getting people elected is the easy part. "Manipulating and weaving yourself through this fog of parliament is extremely difficult. The majority of them will achieve very little. . .I digress." He stops as if he's come to a bollard in the road.

He's studied quantity surveying, is a qualified builder and self-described bush mathematician. The Monday morning after Muir's election he was woken by an ABC producer who quizzed him about the maths of preference trading and calculating permutations. Nobody but Druery's partner Melissa, a secondary school maths teacher, picked up the glaring error in his explanation. "Melissa is the algorithm king. She rolls her eyes and calls me a bloody preference wanker."

They live on an ocean yacht parked in a Sydney marina. He refuses to disclose his fees or identify clients, but reportedly charges an upfront \$5,000 for strategic advice with provision for a success fee of \$50,000. "I didn't always charge for this. I kept winning. People kept coming to me. I was driving around in a shitty old Audi, spending more and more time on this, so I started to charge."

"When they don't put money on the table they don't listen," he explains. "Those that listen win, those that don't. . . Who remembers the Daylight Saving Extension Party? They wouldn't listen."

Victorian MP Fiona Patten believes there is a potential conflict between Druery's business and his taxpayer-funded role on Senator Hinch's staff.

One of Patten's own advisers – without her knowledge, she says – paid Druery a consultancy fee of \$20,000 in 2014 when she stood for the Sex Party in Victoria and won an upper house spot, but Patten points out Druery was not then on the parliamentary payroll. She rebranded as the Reason Party in 2017 and refused to engage his services in the last state election. "He basically told me, 'You pay me money, you're in the circle, you don't and you're out,'" she says. "I've known Derryn a lot longer than I've known Glenn, so I rang him and told him my concerns." Her formal complaint to the electoral commission argued Druery was running a gaming preference business out of Senator Hinch's office.

Early the next morning Druery rang Patten's adviser, Craig Ellis, highly agitated. Ellis recalls being told that Patten "has signed her political death warrant. She is doomed. I don't want any more to do with you". In the event, Patten won without Druery – largely because of her parliamentary activism around significant reforms such as Dying with Dignity legislation and safe injecting rooms – but the tally took a nail-biting three weeks before her victory was declared.

Hinch thinks Patten has gall turning on a model that benefited her. He says he was aware of Druery's consultancy business when he came on board. "He does it in his own time or on weekends." Druery maintains he hasn't broken the law. "Patten caught VIP syndrome. She had to create a bogeyman and that was me. Shock horror! I'm being paid to work on an election." He credits the controversy she whipped up as a stunt from his own manual. "She was my student. She learnt well. Do whatever it takes to win."

Bust-ups with members of his political "family" occur regularly. Retiring Liberal Democrat Senator David Leyonhjelm copped a blast in 2013. "He told me, 'You're

politically dead' ", Leyonhjelm recalls. They've married and divorced several times. Druery ran unsuccessfully on Leyonhjelm's party ticket for the NSW Senate in 2010, after the party's name had been changed from the Liberty and Democracy Party to the Liberal Democratic Party, a crafty conflation of two familiar brands, collecting votes possibly intended for the Liberals or the Democrats. Druery has joked that Leyonhjelm represents people who can't read.

"He's very, very good at what he does," says Leyonhjelm. "His political philosophy is one millimetre deep. He's not a policy person. He likes to be a player. He loves to be in the thick of things. . .he can be a bit vindictive from time to time. His personal relationship with people influences the way he does his job."

Hinch sought Druery's help in 2015 when he was toying with registering the Justice Party name. "Glenn told me, 'You won't get elected with that. There's so and so for justice and the Animal Justice Party. You're a brand. It's like selling yourself as cornflakes when you're Kellogg's.'" The name duly became Derryn Hinch's Justice Party.

But even where group voting preference tickets exist there are variables Druery cannot control: the position on the ballot, a candidate's profile, campaigning skills and party name. Druery reckons the Sex Party was a cracker bit of marketing. He scrutineered for the Liberals in his late teens and lost count of the penises drawn on ballot papers. The experience offered him valuable insights into voter psychology. "A lot of people don't give a rat's arse. They'd rather be at their son's baseball watching *Days of Our Lives*, gardening."

Druery grew up with a father who questioned authority but he didn't inherit an ideological framework. "I didn't know shit from clay. I thought preferences was the difference between tea or coffee." If he started out as a conservative he's mellowed on social issues, often marshalling his preference wand against Pauline Hanson's One Nation. "I won't work for ultra-Christian conservatives or racists. If you're a socialist I'll work with you. If you're a Green I'll work with you. If you're a shooter I'll work with you, unless you're an American-style shooter. I don't like cruelty to animals. I've worked with Animal Justice." He's also advised the Smokers' Rights Party, noting its chain-smoking champion died for the cause.

Two things happened on the way to last year's Victorian election that illustrate how personal Druery's politics get. He'd been caring for his father Noel, a non-smoker who'd been diagnosed with terminal lung cancer. "I watched this beautiful, strong man become a skeleton. Two days before he died he asked Mum to leave the bedroom and he grabbed my hand. He said, 'I'm in pain. I'm no good any more. I want you to kill me. I don't want you to go for murder but I want you to find a way'", Druery says. He responded with a phrase his father had often used to define family conflicts. "I told him, 'Eight hours rest and a bowl of Weeties and let's talk about it tomorrow'. And he said, 'Yeah, good thinking.'" His father died shortly afterwards without intervention – but the plea for help preyed on Druery's mind.

He says he'd struck preference deals with the then Victorian Liberal Party president Michael Kroger, who abruptly called off their telephone handshake during final negotiations. "He drove me into the arms of Labor completely," Druery recalls. "I was a little angry. . .some of the Liberals had gone in hard against the Dying with Dignity Bill. .

.and that was part of my thinking in smacking those goddam conservatives as hard as I could. How dare they get on their righteous fucking pulpits and tell us how to live?"

The ballot paper from the 1999 NSW election sits framed behind glass in a dim parliamentary corridor in Sydney's Macquarie Street. A metre wide, it was triple decked with a record 264 candidates from 81 groups. The ABC election analyst Antony Green chuckles recalling the mayhem it caused. "If there'd been one more minor party entered before the close of registration it couldn't have been printed on a single sheet of paper," he says. "It was too big for envelopes, they had to construct a wider window to fit them through ballot boxes, bigger planes were required to fly papers to Broken Hill, bigger forklifts were enlisted to move them around the warehouse."

At the time Green warned that this aberration was a "giant Lotto syndicate" of ticket preferences designed to deliver political fringe-dwellers a chance at a job offering \$1 million over eight years plus perks, allowances and influence. He fingered Druery's handiwork behind many of these minor parties, including the Gay and Lesbian Party (formed by heterosexual activists campaigning for four-wheel drive access to national parks), Marijuana Smokers Rights, The Three Day Weekend Party, the Marine Environment Conservation Party, the Women's Party, Save the Forests, Community First, Our Common Future, Australians for a Better Community, and his favourite, People Against Paedophiles ("Who on Earth would be *for* them?"). Druery argues he simply played by rules that then allowed for a single ticket vote above the line, membership of multiple parties and a minimum of 200 signatures to register.

Druery was set on his path by Green's forensic review of preference outcomes in the 1995 NSW election, in which a fly-by-night party called A Better Future for our Children cantilevered its way into parliament. Applying the "bush maths" he'd learnt while studying quantity surveying he pored over Green's tables detailing the numbers. "These people won. *How* did they win? Within pages I'd worked it out. Nobody knew what preference harvesting was then. Nobody had done it."

He can't put a precise figure on how many minor candidates he's helped elect over 20 years. "I have paying and non-paying clients" he says, the latter a reference to people who come to his minor party alliance meetings but don't sign on for his services. But he's quick to brag that three of his candidates have won on the smallest cache of primary votes in Australian history.

He and Green shadow box. They are both cyclists and election savants, though Green takes the high road of political science and strongly advocated for the reforms now in place to better protect the integrity of the electoral system. "Druery is good at the game of politics, at deal-making, and the closer you get to power there is an aphrodisiac that comes from influence," Green observes.

Druery, for his part, relishes being in the Canberra bubble. "I'm part of the inner circle there, I see what goes on, I have meetings with both sides." Fond of quoting Sun Tzu, the famed Chinese military strategist, he seems stuck in the trenches, preoccupied by the battle and the sweetness of victory, rarely lifting his gaze to contemplate the health of democracy or public service for the common good.

When I ask what he's achieved, he rattles off crossbench interventions that stymied Coalition plans for a \$7 Medicare co-payment, sabotaged Christopher Pyne's education reforms, spared the Australian Renewable Energy Agency, and prevented child sex offenders from overseas travel. "I'll lie on my death bed knowing I've done the right thing. So many things have been stopped that were bad for middle Australians. Some people think what I do is wonderful," he smiles.

Voters want disruption and that's what I've given them. I've put the butcher, the baker, the candlestick maker, the sex worker into parliament. . . I won't say *my* cross bench, that wouldn't be appropriate, but the cross benchers that are there, that I had a hand in putting them there, all of them except for Nick Xenophon, in one way or another they had my fingerprints."

I take a lead from Sun Tzu, who declared wisely: "Pretend inferiority and encourage his arrogance". As for Druery's advice to Australian voters on the way to the ballot box ("Get there early, buy a sausage, buy a cake from the Ladies' Auxiliary") I would add one other worthy nugget: Take control of your preferences. If you don't, he most certainly will.

That was a good article, as readers can see. Hence my inclusion of it whole in this chapter. Yet I wish to raise a few objections and note that I disagree with the gist of it. My underlying view is this: when politicians from big parties construct defective electoral systems for their own convenience, I think that "player" is to be commended who would game the system for the benefit of small parties. There might well have been several cases of "player" in this context but Druery was the one who turned out to be pre-eminent. He became hated by the machines of the big parties because he played them at their own game – and in some cases he beat them. Why should he not game their defective systems?

This much needs to be said for Green: he was the first to notice the consequences of Druery's activities. But Legge goes way too far when she writes: "Green takes the high road of political science and strongly advocated for the reforms now in place to better protect the integrity of the electoral system." My take is to agree with that in respect of the system whereby the Legislative Council of New South Wales is elected. I too supported the new system. However, I strongly dispute Legge's assertion that the new Senate voting method protects the integrity of the electoral system. It does nothing of the kind. To call it a "reform" is to abuse the English language. The new Senate system is nothing more than a thoroughly dishonest re-contriving of the contrivances of the immediate past system, implemented in the most cynical way it would be possible to imagine. Green should be ashamed to own it. I am proud of the fact that no one could ever accuse me of owning it. What, therefore, is the difference? There are two.

First, there is nothing in the Constitution of New South Wales to require that members of the Legislative Council shall be directly chosen by the people. By contrast, there is such a requirement in section 7 of the Australian Constitution in relation to senators. For that reason, above-the-line voting for the NSW Legislative Council is acceptable to me. By contrast, above-the-line voting for the Senate

should be condemned because it manipulates voters. Added to that is the sheer dishonesty of the Senate ballot paper under Malcolm Turnbull's so-called "reform" of the Senate voting system. It is an insult to every voter.

Second, there is the question of district magnitude. When 21 members of the NSW Legislative Council are elected from the state voting as one electorate the quota is only 4.6 per cent of the formal vote. In that circumstance it can be said that the big-party politicians have been generous to small parties. There would be, therefore, no need for Druery's services which have been so helpful to minor parties in other jurisdictions. In that NSW circumstance it was quite proper for the politicians to implement a decent system to put him out of business – as they did, with my approval, and significant help from Green. The politicians were genuinely reforming the system to help voters. In the case of "Senate reform" by contrast (where the quota for election is 14.3 per cent) the politicians were helping their machines by dishonestly manipulating voters. They were helping themselves but pretending to help voters.

For both of the above reasons I have always had a positive view of Druery's business. However, when politicians (motivated solely by a desire to put him out of business) bring forth a "reform" my first instinct is to ask whether the new system really is more democratic than the old. So far, the state politicians have been able to demonstrate that to me. By contrast the federal politicians have failed, dismally. For more of my thoughts on this subject, readers should turn to my chapter *New South Wales and South Australia have their reform*.

The other point that should be made in Druery's favour is to note his role in electoral reform. It was the desire to put him out of business that motivated those reforms. Green, therefore, does not deserve the kind of praise as a reformer given to him by Legge. Druery does. It has been Druery who drove those reforms.

What, therefore, are we to say about these non-politician electoral reformers? Historians, I believe, will record Green to have been a pragmatist and a propagandist who pandered to the greed of the powerful. They will say of me that "he fancied himself to be a man of influence when really his influence was quite limited". They will note that Bogey Musidlak became known as the "Father of Hare-Clark in the ACT". They will also say that Druery was, genuinely, very influential because of the way he used his power. Green, meanwhile, received an honour – the letters AO after his name. The citation for those letters referred, among other things, to his distinguished service to the community "as a key interpreter of Australian democracy". My take is to say that, on questions of proportional representation, he has been a bad key interpreter. His commentary has been far too stasiocratic for my taste.

However, the most important thing historians will say is that the greatest non-politician electoral reformer was Catherine Helen Spence (1825-1910). None of these men held a candle to her. For more of my thoughts on this subject, readers should turn to my chapter *Clark and Spence*. They are the two reformers in my field to whom the honour has been given of a federal electoral division named after him/her. Clark was a politician, Spence was not.

In my chapter *Describing the Plates* I have photos shown of all the relevant people. On page 171 (the left-hand side) I have the photo of Steve Bracks AC, the man who owns the beautiful Victorian Legislative Council system. I call him "First Statesman." Facing him on page 172 (the right-hand side) is Antony Green AO who I describe as "First Stasiocratic Propagandist". Then on page 173 I have the photo of the late Dame Enid Lyons GBE, described as "Second Statesman". Facing her on page 174 I have the photo of George Williams AO, described as "Second Stasiocratic Propagandist". Then on

page 175 I have the late Neil Robson AM, described as “Third Statesman”. Facing him on page 176 I have Kevin Bonham PhD, called “Third Stasiocratic Propagandist”. To be candid about it I admit the photos on the left-hand side are of my “goodies”, all former politicians. Facing them to their right are my “baddies”, all “respected independent analysts” who, by their commentary having been so stasiocratic they are all, in my opinion, pragmatists and propagandists who pander to the greed of the powerful. I say so because they all argue that party groups should be stacked by the system to guarantee election in the order wanted by the party machine. By demanding that rigging those powerful party machines demonstrate their greed. That greed should not be pandered to.

It is to be noted that all the above have/had prestigious letters after their names, AC, AO, GBE, AO, AM and PhD, respectively. My next two fail that test of prestige. On page 177 I have the late Bogey Musidlak who should be classified as the greatest non-politician electoral reformer since Catherine Helen Spence. Facing him, and to his right on page 178, is Glenn Druery. I have no doubt that Bracks, Lyons and Robson would all be glad to know that I place Musidlak in a position of honour with them. They would also be happy to know that there will be a Canberra suburb with a street named after him, consequent upon my nomination. (For more detail see the chapter *Clark and Spence*.)

By contrast Green, Williams and Bonham would feel insulted that I should rank Druery with them. To them he is the enemy, not an equal participant in the business of electoral reform. They are proud to *own the Senate voting system*, the sole purpose of the recent “reform” having been to put Druery out of business. Therein lies my criticism of them. Proper reform should be based on the idea of installing a good system, not putting someone out of business. They own a bad system.