

Submission to Select Committee on the House of Assembly Restoration Bill

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I write to provide a fairly short submission by way of information on some issues associated with the proposed restoration of the House of Assembly from 25 to 35 members. For more analysis on the matter I refer members to my article "Tasmanian Lower House: 25 or 35 Seats?" (<http://kevinbonham.blogspot.com/2013/03/tasmanian-lower-house-25-or-35-seats.html>) which was first posted in 2013 but has been updated following subsequent elections. The matter of the size of the House is one that attracts a lot of interest in my area of commentary; it is not one on which I have a particularly strong opinion, but it is one about which some conclusions can be drawn.

I expect to be available to discuss this issue further if required. I have not commented on frequently raised issues concerning the perceived inadequacy of backbencher numbers, and perceived increase in reliance on advisors, as I have nothing interesting to add on those issues and expect they will be canvassed adequately by others.

Informal Voting:

I place this perhaps surprising issue first because I believe it is very important that a democratic system register as much as it can of each voter's stated intention, rather than discarding votes needlessly as informal through overly strict formality rules. Strict formality rules disadvantage voters who have poor number, clerical or English language skills or who are simply a bit careless or in a hurry. (Some voters have embraced voting from the bottom up to put disliked candidates last and it is easy to make mistakes in the polling booth while doing this.)

Currently a voter must number at least 1-5 without omission or repetition. The Bill would amend this to 1-7. This would be very likely to increase the rate of unintended informal voting. Historical evidence shows that there was a sudden jump in informal voting under the old 35-seat system in 1982, and that at the last five elections under that system the informal vote averaged 5.38% and was only below 5% in one year. Since the reduction of the House to 25 members, with the resultant change from being required to vote 1-7 without error to being required to vote 1-5 without error, the informal voting rate has averaged 4.55%, and has not been above 5% in any year.

This difference is likely to have been caused by a reduction in the number of unintentional informal votes containing omitted and repeated numbers. In 1992 (the first year for which TEC statistics are available to my knowledge) there were 3755 such informal votes (1.26% of total) and in 1996 this jumped to 5602 (1.80% of total). In 1998 it fell to 2582 (0.84% of total) and in 2014 it was still only 2682 (0.77% of total).

On this basis, a change in the formality rules to require seven boxes to be numbered is likely to increase the informal vote rate by between 0.5% and 1.0% of the total vote. This is a significant increase and should be avoided. If the Bill is to proceed at any time, it should be accompanied by ACT-style savings provisions such that, whatever the ballot instructions, any vote marked with a unique 1 is "saved" as a formal vote up to the point of the first error. (I would also support this change being made within the present system.)

Proportionality:

There is frequently debate about which of the 25 and 35 seat systems provides the most proportional representation of all views. The 35-seat system provides more proportional representation while the 25-seat system tends to be more favourable to the major parties. Unlike some analysts of proportional representation, I do not have a particular zeal for the 35-seat system because of that. I have observed that in Tasmanian parliaments where no party holds a majority, proportional representation can lead to disproportional *power*.

When the 25-seat system was introduced it was partly seen as an attack on the Greens, and it had the effect of them winning only 1 seat out of 25 when on the same numbers they would have won 4 seats out of 35. In general, the Greens are vulnerable to be disadvantaged in the 25-seat system when their vote drops to around 10-12%. When their vote is well above 10% there is little difference in the proportionality of Green outcomes between the two systems. In the year of the Greens' highest vote, 2010 (21.6%), they would have won 20% of the seats in either system.

The 25-seat system may make it more difficult for fourth-party and independent candidates to win (none have won under it) but this is still not clear based on the empirical and simulation data.

Chance of Majority Government:

In 1998, the votes cast produced a Labor majority under the 25-seat system but would not have done so under the 35-seat system. There has been no other such case since, but had the 1996 election been held under the 25-seat system, the Greens would have shared the balance of power with Bruce Goodluck, and the Liberal Party could have governed with Goodluck's support. It stands to reason based on the above comments about proportionality that the 25-seat system increases the chance of majority government when the Green vote is low. However, non-majority parliaments will still occur from time to time under either system.

Chance of One-Seat Majority:

While the 25-seat system appears to lead to a greater chance of majority government, it may also increase the chance that where majorities occur, they are majorities of one, which are more difficult for governments to manage – and potentially less stable - than majorities of more than one. The reason for this is simply that 25 is smaller than 35, so a similar proportion of seats will sometimes be a one-seat majority in the former but a more than one seat majority in the latter. The 2018 election is a case in point as under the 35-seat system, the Government would probably have recorded a majority of two. Under the 25-seat system it very narrowly missed out.

Running Out of Candidates:

A substantial problem with the 25-seat system is that governments especially may run out of recount candidates. A majority government typically wins three seats in at least three electorates. This means it has only two spare candidates available in the event of mid-term casual vacancies. It has not yet happened that a government completely runs out of candidates and has to consider the little-known and never-used single-seat by-election provision to fill a casual vacancy. However, the current parliament shows the danger: in Lyons, one year into the term, the Government will already

have no margin for further casual vacancies (unless it wishes to relinquish the Legislative Council seat of Prosser).