

Submission to Inquiry into the Conduct of the 2025 House of Assembly General Election and Legislative Council Elections

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Introduction

This is a relatively brief submission as I find I have not that much to say concerning the 2025 election and state elections in Tasmania generally that had not already been covered in my 2024 submission and hearing appearance. I would be happy to appear as a witness again to take questions if desired. I have not commented at length on the donation disclosure system as while I found its appearance late in the campaign of interest I have had no time to study that part of the election closely. I have also at this stage not had time to address the Legislative Council elections.

The election generally

Some comments about the properties of the election may again be of use.

The second election under the returned 35-member system saw an election that had a seat share result that was even more remarkably proportional than the 2024 election was:

	votes	seats	seat%
LIB	39.9	14	40
ALP	25.9	10	28.6
IND	15.3	5	14.3
GRN	14.4	5	14.3
SFF	2.9	1	2.9
NAT	1.6	0	0

This is again although Hare-Clark is not a purely proportional system and is not necessarily designed to produce this sort of result. If the same votes had been cast at a 25-seat election there would also have been a rather proportional result though slightly better for the Liberals at the expense of independents - I get the most likely seat breakdown as 11 Liberal 7 Labor 3 Independent 4 Green, or 44%-28%-12%-16%.¹ Here it should be noted that “independents” are not a homogeneous force in the way that parties are; if they are collectively under-represented it is not automatically meaningful.

Again 34 of the 35 seats were won by parties that were leading on primary vote quotas or remainders, though this time two of these 34 winners was trailing on primaries at party level. The cross-party trailing winner was George Razay (IND, Bass), from the lowest winning primary vote for an independent or grouped ticket ever (breaking the record set by Craig Garland at the previous election).

Razay's win off 3.5% was not as a result of exceptionally strong preference flows but was rather because of the four parties and two independents contesting the final Bass seat, it just happened that nobody had much of a vote share, a situation comparable to the election of

¹ Estimates for 25 vs 35 seats for all elections back to 1989 may be found at <https://kevinbonham.blogspot.com/2013/03/tasmanian-lower-house-25-or-35-seats.html>

Ralph Babet to the Senate in the 2022 federal election. Although Razay started the cutup notionally in fourth place, the Liberals and Greens were not really ahead of him because of preference leakage. Razay started a modest 407 votes behind Michal Frydrych (Shooters Fishers and Farmers) and outlasted him by 448 (0.7%). Close to half his gain on Frydrych came from fellow independent Rebekah Pentland. In fact, late in the count the greatest threat to Razay's win was the possibility that Labor could keep two candidates in front of him despite having a lower quota total. Razay's eventual winning margin was 1.0%.

Of the two trailing wins at intra-party level, Jess Greene's win over Geoff Lyons (ALP, Bass) was from just 83 votes behind, and trailing wins overturning margins of under 200 votes have been reasonably common. Madeleine Ogilvie's win over fellow incumbent Simon Behrakis (Liberal, Clark) was more unusual, with Ogilvie winning by 180 votes from 670 behind, the fourth-largest within-party margin to be overturned since 1980. This feat can be attributed partly to being a female candidate competing with two male candidates for within-ticket preferences that came mostly from female candidates, and also to Ogilvie's moderate profile causing her to do well on out-of-ticket preferences.

Although the result with more or less no change at seat level led to claims that hung parliaments are here for good, the election was actually quite close to being a Liberal majority. Outside of Braddon, the Liberals missed out on seats in each other electorate closely enough that a further swing of 3% to them could have won them the election outright, if that swing came at the expense of the right opponent in each seat. This confirms that a primary vote in the low 40s is capable of winning majority government in Tasmania at present.

A more detailed review of statistical properties of the election can be found at <https://kevinbonham.blogspot.com/2025/08/tasmania-2025-just-as-hung-but-more.html>

Post-election reaction

This election has seen a higher than normal amount of post-contest gnashing and wailing about the Hare-Clark electoral system, from figures connected to business lobby groups and both major parties. The quality of arguments from the objectors has been extremely low.

The main alternatives being canvassed in this reaction have been 35 single member seats and having seven five-member electorates instead of five seven-member electorates. I totally oppose both these changes and have explained why at length on my site:

<https://kevinbonham.blogspot.com/2025/09/hare-clark-why-do-we-have-it-are-there.html>

It is of concern to me that parties continue to embarrass themselves by allowing resolutions about the electoral system to be passed at internal party events without first seeking expert review of whether the claims being made by proponents of the motion are factual.

Informal Voting and exhaust

While the informal voting rate at this election was again disappointing, it was nonetheless a mild relief that there was some improvement on the 2024 election, with informal votes down from 6.31% to 5.84%. This is, however, still too high. I have not yet seen TEC analysis of the nature of the informal vote at this election but I suspect that a relatively low number of

tickets with more than one but fewer than seven candidates made some difference, together with some level of voter familiarity with the new system.

None of the seat results were close enough for it to be remotely likely that a more generous interpretation of formality would have seen different winners. However the potential for this to be the case exists if someday a result is again as close as a few dozen votes.

During the previous Electoral Matters session I again stated my support for savings provisions to count more votes instead of looking for reasons to not count votes that do convey useful information about voter intention. I refer the committee to previous comments especially in my verbal evidence for the 2024 inquiry. There I agreed that the best solution would be a savings provision to allow for counting votes where the voter had numbered at least 7 boxes with a unique 1 but had omitted or duplicated numbers in the sequence. These votes would then exhaust at the point of first error.

Concerning exhaust, the statewide exhaust rate was again modest at 5.0%. It reached 8.0% in Bass because of the unusual structure of the contest which ended up with votes thrown between a medium-profile independent and two ALP candidates after significant distributions from other parties. It's important again to note that this does not even mean that 5.0% of voters' votes entirely left the count without doing anything useful – exhaust includes votes coming from surpluses that have already helped elect somebody.

The system can very easily withstand any slight increase in exhaust that would result from allowing savings provisions (if there even was such an increase). As noted last time, there appears to be resistance to savings provisions in Tasmania based on a belief that it would increase exhaust rates and lead to more candidates being elected short of quota. That is, however, a lesser evil than not counting people's votes at all.

Recommendation: That savings provisions for the House of Assembly be introduced in the following form

- Any vote where the voter has numbered at least 7 boxes with a unique 1 be considered formal and exhaust at the point of the first error.

Too Many Independents

In my view there were way too many independent candidates running at this election. Some of them may have run as party candidates if more parties were interested in running, but some figures on the high failure rate of these candidates may be useful. Obviously high and some medium profile independents did very well at this election. Five independents were elected, and another two polled over 1000 votes. However 21 of the 44 independents polled 200 votes or less with another ten polling between 201 and 500 votes.

There is no point in having so many independent candidates and it is a threat to the TEC's ability to easily print the ballot papers. It creates voter confusion and slows down the count (albeit the degree of it slowing the count should reduce when Tasmania moves to ballot entry). It is not necessary for a functional democracy to allow many uncompetitive candidates to easily run obscure campaigns that receive negligible support. If anything it is bad for it.

Currently a candidate needs a \$400 deposit and ten signatures of nominators to run. The deposit amount is not much of a deterrent to pointless campaigns and the required number of nominators is ridiculously low. Anyone who struggles to find fifty nominators to sign a form is not going to be a competitive candidate. There are plenty of other ways people can participate in elections without cluttering the ballot paper.

Furthermore Tasmania has exceptionally generous deposit return conditions – a candidate gets their deposit back if they reach one-fifth of a quota (2.5%), not even as a primary vote but at any stage of the distribution. (This was 3.33% previously with the drop being a result of the lower quota.)

Recommendations:

1. The deposit required per candidate be increased to \$600.
2. The number of signatures required to nominate be increased to 50.
3. Return of deposit occur when a candidate reaches a quarter of quota instead of a fifth.