



**The Federal Redistribution 2008**  
**Tasmania**

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**Public Objection Number 27**

Australian Labor Party

**7 Page(s)**

> RE: TASMANIAN REDISTRIBUTION



"Nick Martin"  
<Nick.Martin@cbr.alp.org.au>  
12/09/2008 03:27 PM

To <tas.redistribution@aec.gov.au>  
"John Dowling" <John.Dowling@tas.alp.org.au>,  
cc "National Secretary"  
<National.Secretary@cbr.alp.org.au>  
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Subject RE: TASMANIAN REDISTRIBUTION

Dear Redistribution Committee

Please find attached objections from the ALP.

with regards

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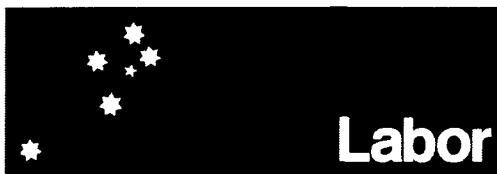


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> RE: TASMANIAN REDISTRIBUTION



Redistribution Committee for Tasmania  
Australian Electoral Commission  
GPO Box 520  
Hobart TAS 7001  
[tas.redistribution@aec.gov.au](mailto:tas.redistribution@aec.gov.au)

11 September 2008

Dear Committee Members,

The Australian Labor Party (ALP) notes the Report of the Redistribution Committee into the 2008 Proposed Redistribution of Tasmania into Electoral Divisions.

The ALP recognises the challenges of the Redistribution Committee in balancing the statutory requirements for the making of a proposed redistribution.

While it may be arguable that in some areas the Redistribution Committee could have made alternative decisions in respect to the boundaries of some Divisions, the ALP does not object to the boundaries of the proposed Divisions for Tasmania.

However the ALP wishes to lodge an objection against the decision of the Redistribution Committee to not rename the Division of Denison, Inglis Clark.

The basis of this objection is set out as an attachment to this correspondence.

Yours sincerely,

John Dowling  
STATE SECRETARY

Tim Gartrell  
NATIONAL SECRETARY

## ALP Objection: Inglis Clark

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For the purposes of this objection, the following abbreviations are used

"ALP"	Australian Labor Party (Tasmania Division)
"Guidelines"	Guidelines for the naming of electoral Divisions as decided by the 1995 Inquiry of the Joint Standing Committee on Electoral Matters
"Redistribution Committee Report"	2008 Proposed Redistribution of Tasmanian into Electoral Divisions

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The ALP would like to formally object to the AEC's decision to overlook the case for renaming the Division of Denison to the Division of Inglis Clark.

In the Redistribution Committee Report of the 2008 Proposed Redistribution of Tasmanian into Electoral Divisions, three relevant parts of the guidelines are outlined and offered as the rationale for dismissing the case for changing the Division's name. For the purposes of structuring this report, they shall be referred to as:

- **Naming after persons:** *In the main, Divisions should be named after deceased Australians who have rendered outstanding service to their country,*
- **Federation Divisional names:** *Every effort should be made to retain the named of original federation Divisions, and*
- **Very strong reasons:** *Names of divisions should not be changed or transferred to new areas without very strong reasons.*<sup>1</sup>

In addition to this, the Report also cites the boundaries and socio-economic nature as an additional reason for the dismissal of the proposed name change to Inglis Clark.<sup>2</sup>

This is to be dismissed. There is no mention in the Guidelines, or anywhere else within the Redistribution Committee's public documentation, stating that changes to the names of Divisions are only to be considered when making major changes to a Division's boundaries. As stated in the Guidelines,

*The guidelines are used in situations where divisions are to be created or where Divisions are to be abolished during a redistribution process and are offered to interested persons in the advertising of redistributions.*<sup>3</sup>

We believe that the Guidelines should be interpreted as Divisions being subject to potential name change proposals at the occasion of each Redistribution. This is consistent with our understanding of Redistribution practices as published by the AEC through the Redistribution process. On this count, we find that the Redistribution Committee has erred in interpreting the Guidelines.

On each of the three counts listed above; 'Naming after persons', 'Federation Division names' and 'Very strong reasons,' the Australian Labor Party feels that it has met or exceeded the case for change.

### Naming after persons

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<sup>1</sup> Appendix A, Redistribution Committee Report

<sup>2</sup> Redistribution Committee Report, p11, para 51

<sup>3</sup> Appendix A, Redistribution Committee Report

On the first relevant guideline as outlined in the Redistribution Committee's Report, it is clear that the case for change has been accepted. As acknowledged by the Redistribution Committee, "naming an electoral division after [Inglis Clark] would provide an appropriate recognition of that contribution."<sup>4</sup>

We would defer to the ALP's previous public submission (submission 16), along with the comprehensive submission by Mr Holderness-Roddam (submission 6) and the other supportive submissions (2, 4, 7 and 10) and public comments (1, 2, 4, 5, 9 and 10) which speak to the character and achievements of Andrew Inglis Clark.

### **Federation Division names**

It is listed within the Guidelines that "every effort should be made to retain the names of original Federation Divisions", and the Redistribution Committee Report also finds this to be a reason for dismissing the proposed name change.

However, the Redistribution Committee has made a serious error on this point as Denison is not a Federation Division. The original Tasmanian MPs were elected 'at-large' and the first named Tasmanian Divisions were not used until the 1903 election.<sup>5</sup>

The difference is not one of semantics. In specifically mentioning 'Federation Divisions', the 1995 Inquiry of the Joint Standing Committee of Electoral Matters placed a premium upon Federation Divisions and not of simply long-lasting Divisions.

Furthermore, of the 63 of the first Parliament's named Federation Divisions, 25 have seen name changes or have been abolished. The most recent example of this is the former NSW Division of Gwydir, which was abolished in the 2006 New South Wales Electoral Redistribution.

In Tasmania, two of the five Divisions have been re-named: Darwin was changed to Braddon in 1955, and Wilmot was changed to Lyons in 1984.<sup>6</sup> In both cases the name changes were made to honour leading Tasmanians who made a significant contribution to the advancement of Tasmania and Australia's democracy. These were both changed by a resolution of the Parliament, showing that such re-naming is acceptable to the Parliament.

We believe that should the Redistribution Committee seek to assess the merits of the proposed name change for the Division of Denison on the grounds set out by the Guidelines, it cannot justify its decision on the grounds of this criterion.

### **"Very strong reasons"**

The third and final argument which was used by the Redistribution Committee in not accepting the case for change is the point listed under 'other criteria' within the Guidelines. This reason is also characterised within the Report as "the case for change [is not] compelling enough."<sup>7</sup>

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<sup>4</sup> 2008 Redistribution Committee Report, para 51, p11

<sup>5</sup> AEC Website, Division of Denison - <http://www.aec.gov.au/profiles/d/Denison.htm>

<sup>6</sup> AEC Website, Abolished Divisions -

[http://www.aec.gov.au/Electorates/Electoral\\_DPM/Origin\\_Abolished\\_Division.htm](http://www.aec.gov.au/Electorates/Electoral_DPM/Origin_Abolished_Division.htm)

<sup>7</sup> Redistribution Committee Report, p11, para 51

On this point, it is clear that the matter is a subjective one, and we would agree with the Redistribution Committee that the standard for changing the names of Divisions should not be set at a marginal out-performance of an incumbent name. The ALP suggests that the decision to rename a Division should be made only at the finding of a significant case, and not at the behest of any one party.

The case made by the Australian Labor Party, and by numerous other submitters of various political persuasions, is that the contribution made by Andrew Inglis Clark to Tasmania and Australia over a lifetime far outweighs that made by Sir William Denison during his stint as an appointed Governor.

Furthermore, the ideas which Inglis Clark progressed both formally – as Attorney-General and through constitutional drafting – and informally, through publications such as ‘Why I Am A Democrat’ and other pieces published in his journal *Quadrilateral*. While we would defer to our previous submission – and other excellent submissions including submission 6 from Mr Holderness-Roddam – on this point, it is worth making a final comparison of the contrasting views of Inglis Clark and Denison on democracy.

Sir William Denison was Lieutenant-Governor of Van Diemen’s Land from 1847-1855, before moving on to other appointed positions within the British Empire. During his time in Tasmania, he chose to administer the colony without an elected Legislative Council, dismissed Judges with which he had disputes, and published papers which spoke most unfavourable of Tasmanian colonists making him deeply unpopular. As maintained in suggestion 16, Denison sought to quash the ‘democratic spirit’ of Tasmanians. He was not celebrated by Tasmanians.

On the other hand, Inglis Clark argued that power should not be exercised by an unelected group and fought to widen suffrage.<sup>8</sup> He is also widely acknowledged as a significant architect of the Australian Constitution, a constitution which must be seen as one of the most resilient governing documents of any democracy in the world.<sup>9</sup> The following passage (which has gone un-noted in these redistribution discussions) from Brian Gallagher’s text *The Politics of the High Court* outlines the substantial contribution made by Inglis Clark to the building of the Australian Constitution;

Clark’s was the predominant influence on the overall design of the Australian constitution, and particularly its judiciary sections. Other men such as the convention leaders Griffith (1891) and Barton (1897-98) made greater practical contributions towards shaping the instrument and having it adopted, but Clark’s influence on its general principles and structure was pre-eminent. Of course, in Samuel Griffith’s words, the 1891 bill ‘was not the work of any one man. It was the work of many men in consultation with one another.’ And the 1891 bill was itself only the blueprint for the new beginning that was made in 1897. Moreover, as La Nauze points out, Griffith was technically capable of doing what Clark did. **But the honour of drafting the first constitution to federate the Australian colonies belongs to Inglis Clark.**<sup>10</sup>

Beyond these arguments, it is also important to note the enduring, diverse and bipartisan support of the recognition of Inglis Clark. From the initial submissions and comments to this Redistribution Committee, we can ascertain the following list of

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<sup>8</sup> Widening suffrage

<sup>9</sup> Senate Hansard, Senator Rod Kemp, 5 March 1991

<sup>10</sup> Gallagher work – bolding of text is Author’s

supporters who have shown explicit support for the renaming of the Division of Denison to Inglis Clark:

The Hon. Duncan Kerr SC MP	Federal Labor Member for Denison
The Hon. David Bartlett MP	Tasmanian Premier,
	State Labor Member for Denison
The Hon. Graeme Sturges MP	State Labor Member for Denison
Lisa Singh MP	State Labor Member for Denison
Cassy O'Connor MP	State Greens Member for Denison
The Hon. Sir Max Bingham QC	Former State Liberal Member for Denison,
	Former Deputy Premier
Peg Putt	Former Greens Member for Denison,
	Former Greens Leader
Sir Gerard Brennan	Former High Court Chief Justice
The Hon. Justice Michael Kirby	High Court Justice
The Hon. Justice Peter Heerey	Federal Court Justice
Helen Burnet	Alderman, Hobart City Council
Rob Valentine	Lord Mayor, Hobart City Council
Peter Jones	Noted Historian and Teacher
Neil Robson	Former State Liberal Member for Bass
Bob Holderness Roddam	
Gordon Goward	
Corey Peterson	
Colin Berry	

This is in addition to all State and Federal Labor MPs, MLCs and Senators, and the State Secretary, who support the Labor submission. We can also show that the following people have expressed their support for a greater recognition of the contribution that Andrew Inglis Clark made to our democracy, whilst not expressly supporting this current proposal:

Sir Guy Green	Former Governor of Tasmania
	Former Chief Justice of the Supreme Court
Senator Bob Brown	Greens Senator for Tasmania
Stefan Petrow	Lecturer in History, University of Tasmania
Henry Reynolds	Research Professor, University of Tasmania

This makes the total count of individuals who have supported the movement to change the name of Denison at 44. This includes seven past or present Denison MPs, and representatives of all tiers of government.

This is in stark contrast to the lack of submissions which have been produced in opposition to the proposal. At this point, only one submitter, the Hon. Michael Hodgman QC MP, has registered formal opposition, despite the Redistribution and this proposal receiving a significant amount of media attention.

The ALP also notes that Mr Hodgman alleges this is a “politically inspired move to glorify Andrew Inglis Clark.” As far as the ALP can ascertain, Inglis Clark was **not** a member of the ALP at any point and served in the Tasmanian Parliament as an Independent.

Furthermore, the long list of supporters from all sides of politics shows that this is far from a politically motivated campaign. Senator Bob Brown, the leader of the Australian Greens, spoke in support of Inglis Clark in the Senate in 2003, stating,

As a Tasmanian I am pretty proud of the fact that Andrew Inglis Clark, an Attorney-General of the 1890s, instituted proportional representation voting in Hobart and Launceston in 1897. It is little known that, because of that, the first House of Representatives members from Tasmania—the five of them—were elected on a proportional representation basis. They were the most fairly elected back in 1901. Each state elected their representatives according to the state's form of voting at the time. Tasmania moved ahead of the rest of the country in democratic reform, thanks to Andrew Inglis Clark.<sup>11</sup>

Andrew Inglis Clark also enjoys support from prominent members of the Liberal Party, as shown from the letters of support from the Hon. Sir Max Bingham and Neil Robson.<sup>12</sup> In addition to this, former Victorian Senator and Minister for Arts and Sport, the Hon. Rod Kemp, also spoke in the Senate on Inglis Clark's achievements at the 1891 National Australasian Convention, or 'Sydney Convention'. He said,

The draft of 1891 is the Constitution of 1900, not its father or grandfather [quoting La Nauze, a noted historian].... The Sydney Convention was, in my view, by any standard one of the most important events in Australian history... It is appropriate to say that our constitutional founders produced one of the world's most successful democracies. Indeed, it is true to say that there are only five countries in the world today which have a longer democratic history than Australia.<sup>13</sup>

These tributes serve to show that support for Inglis Clark is truly bipartisan. It is wrong to say that the case for renaming the Division of Denison is politically inspired.

## **Conclusion**

In supporting the renaming of the Division of Denison to the Division of Inglis Clark, the ALP finds that one of the argued grounds for dismissal was not legitimate, and on each of the three legitimate criteria outlined, the ALP finds a significant basis to overturn the Redistribution Committee's previous decision.

A finding in favour of Australia's most under-recognised founding father, Andrew Inglis Clark, would be a celebration of the democratic values which each Australian holds dear. It is difficult to argue against the case for change with such an inequitable level of support and such a strong quality of submissions in favour of changing the name of the Division to Inglis Clark.

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<sup>11</sup> Senate Hansard, 13 October 2003.

<sup>12</sup> See attached letters of support to Public Suggestion No. 6, Bob Holderness-Roddam

<sup>13</sup> Senate Hansard, 5 March 1991