



The Federal Redistribution 2008
Tasmania



Public Suggestion Number 16

Australian Labor Party, Tasmanian Branch
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8 Page(s)



AUSTRALIAN
LABOR
PARTY

Tasmania 28 April 2008

Redistribution Committee for Tasmania
Australian Electoral Commission
2nd Floor, AMP Building
86 Collins Street
HOBART TAS 7000

Attention: Marie Neilson

Dear Ms Neilson

The Australian Labor Party, Tasmania Branch is pleased to endorse the following suggestions for the Redistribution Committee for Tasmania's consideration.

The suggestions are in two parts. The first deals with the numbers and boundaries of Divisions in Tasmania. The second deals with a suggested renaming the Division of Denison to Inglis Clark.

Part 1 - Elector Numbers and Boundaries

In general, our proposal supports the view that minimal changes are required to meet the legislative requirements of elector numbers being plus or minus 3.5% in a division at the Projection time of 15 August 2012.

We suggest no change be made in Braddon which in any event will be above quota at the projected date.

Franklin is the only Tasmanian Division which will require an adjustment to fall within the allowable tolerance at the future date. It is the ALP Tasmania Branch submission that part of its surplus is sent to Denison via parts of the Kingborough Municipality. Kingborough Municipality is already partly in the Division of Denison. For the areas proposed to be adjusted into Denison there are clearly established; communities of interest, means of communication and travel and, with our proposition, clearly defined physical features to denote the proposed boundaries .

The growth forecast of the suggested areas from Franklin to Denison is 9.5% which the ALP notes is double the growth forecast for the entire Franklin Division, being 4.72%. Hence longer term with this adjustment, it could be expected that the areas being proposed for Denison could meet further growth issues being faced by the current Denison.

A further consideration is the boundary between Bass and Lyons. No change is required to meet the numbers test of the Act.

However, Bass is below quota and its growth rate at 2.9% is below the State average.

The most sensible way of transferring additional electors into Bass would be through the community of Hadspen. It represents an outer suburb of Launceston and it is separated from the remainder of the Division of Lyons by the South Esk River. Unlike other areas within Bass there is a clearly defined boundary which would assist electors. Additionally there are already established community of interest, and good means of communication and travel between Hadspen and the remainder of Bass.

Hadspen is also part of the Meander Valley Local Government Area which is already partly within the Bass Division.

In summary the effects of our proposal would be that four Divisions will be within 1% of the future quota.

The remaining Division, Lyons has a growth rate of 5.7%, the highest in Tasmania. Only 3 098 electors are moved which represents less than 1% of electors as the ALP believes it is important to prevent elector confusion through radical redrawing of boundaries.

<u>DIVISION</u>		<u>13/02/08</u>	<u>15/08/12</u>
<u>1. BASS</u>		69 562	71 588
Plus part Meander Valley LGA (Hadspen)	<u>Ex Lyons</u>	+1 296	+1 426
<u>TOTAL</u>		70 858	73 014
<u>2. BRADDON</u>	No Change	71 477	73 530
<u>3. DENISON</u>		69 283	70 621
Plus part Kingborough LGA (Bonnet Hill, north of the Huon Highway) CCD's 6041101; 10-11. 6041206-7.	<u>Ex Franklin</u>	+1 802	+1 973
<u>TOTAL</u>		71 085	72 594

<u>DIVISION</u>	<u>13/02/08</u>	<u>15/08/12</u>
<u>4. FRANKLIN</u>	73 036	76 481
<u>Less</u> part Kingborough LGA <u>To Denison</u> (Bonnet Hill, north of the Huon Highway) CCD's 6041101; 10-11. 6041206-7.	-1 802	-1 973
<u>TOTAL</u>	71 234	74 508
<u>5. LYONS</u>	68 845	72 814
<u>Less</u> part Meander Valley LGA <u>To Bass</u> (Hadspen)	-1 296	-1 426
<u>TOTAL</u>	67 549	71 388

Part 2 - Renaming of Denison

The Tasmanian Branch of the Australian Labor Party takes this opportunity to recommend the electorate of Denison be renamed *Inglis Clark*, in recognition of Andrew Inglis Clark (1848-1907), a born and bred Tasmanian who made an enormous contribution to Australia's constitutional and political history.

This submission briefly outlines Inglis Clark's standing as one of Tasmania's most important humanitarians, intellectuals and legal minds. He played a critical role in drafting Australia's Constitution and has had a lasting impact on Australian political culture. This submission points out that changing the name of Tasmanian electorates in honour of significant Tasmanians is not without precedent.

As the centenary of Inglis Clark's death was last year, now is a particularly suitable time to recognise his legacy by renaming the electorate that represents Hobart – his life long home - in his honour.

This submission has the support of all Labor members of Parliament in the state and federal seat of Denison (see attached letters of support).

Progressive intellectual and democrat

Andrew Inglis Clark was an extraordinarily progressive figure for his time. The son of parents who fled poverty in Scotland for Van Diemen's Land, Inglis Clark was largely self-educated. He became a leading intellectual, constitutional lawyer, judge, Tasmanian parliamentarian and Attorney-General, poet, editor and Vice Chancellor of the University of Tasmania. He is also considered the 'primary architect of the Australian Constitution'¹.

¹ Justice Deane, cited in FM Neasey and LJ Neasey, *Andrew Inglis Clark* (University of Tasmanian Law School, 2001) p.212

Inglis Clark was a committed democrat. In his paper *Why I am a democrat*, written in the 1890s, he argued that power should not be exercised by an undemocratic and unrepresentative group; a view that is widely accepted today but was novel for its time². Inglis Clark also outlined his belief in natural rights, that 'all men must be regarded as equal in the possession of the inalienable rights of life, liberty, and the pursuit of happiness'³.

Inglis Clark's experiences as a Tasmanian provided the foundation for his belief in democracy and a commitment to natural rights. Tasmanian convict society was organised around the absolute authority of the Governor, franchise was limited to property owners and the wealthy, and political and social structures evolved around punishment and restraint⁴. Warden points out that Van Diemen's Land was not brought forth on ideals of life, liberty and the pursuit of happiness – the values Inglis Clark upheld – rather the 'proposition that life was nasty, poor, solitary, brutish and short'⁵. Noted Tasmanian author Richard Flanagan argues Inglis Clark's commitment to democracy and belief in inalienable rights, were 'an assertion of his humanity over his native island's history'⁶.

Inglis Clark spent his life preoccupied with questions of how democracy might be best realised. While editor of progressive journal *Quadrilateral*, Inglis Clark put forward arguments against government founded on privilege, and in favour of universal education, electoral reform and natural rights⁷.

Inglis Clark was a champion of the poor and unrepresented, and aimed to place Tasmania 'in the foremost ranks of the colonies so far as just and enlightened laws are concerned'⁸. While Attorney-General, Inglis Clark implemented a successful and far-reaching program of reform which 'sought to remove inequalities in social and economic affairs and ensure all citizens reached their full potential'⁹.

Inglis Clark was a life-long advocate of female suffrage, and in Tasmania's Parliament promoted causes including legalisation of trade unions, compensation for injured workers, child protection laws and ethical treatment of animals. Petrow argues 'in the number and range of Bills he saw passed into law, he can lay claim to being the most capable and productive nineteenth-century Attorney-General, not just in Tasmania, which he certainly was, but also Australia...'¹⁰

Amongst the vast number of bills Inglis Clark's sponsored, there is one that has failed to stand the test of time: Inglis Clark moved the second reading of a Bill to restrict Chinese immigration in Tasmania. This unfortunate position should not

² Andrew Inglis Clark, *Why I am a Democrat*, (University of Tasmania Archives: Clark Papers, C4/D38) and John Williams, 'With Eyes Open': Andrew Inglis Clark and our Republican Tradition', *Federal law Review*, Volume 23, 1999 pp157-158

³ *Ibid.*

⁴ John Williams, *op.cit.*, p.153

⁵ James Warden, cited in Williams, *op.cit.*, p.153

⁶ Richard Flanagan, *Before We Were Her People: Tasmanian and Federation* (Centenary Speech: Hobart, 2001)

⁷ John Williams, *op.cit.*,

⁸ The Colonist, cited in Stefan Petrow 'Andrew Inglis Clark as Attorney-General' in Richard Ely (Ed) *A Living Force Andrew Inglis Clark and the Ideal of Commonwealth* (Centre for Tasmanian Historical Studies: University of Tasmania, 2001) p.50

⁹ University of Tasmania School of History and Classics, *Andrew Inglis Clark*, http://www.utas.edu.au/history_classics/clark/about.html, accessed 10 April 2008

¹⁰ Petrow, *op.cit.* p38

preclude Inglis Clark from having an electorate named after him. It was a position adopted by all Founding Fathers, indeed federation itself was pursued as a means to control immigration. In all but this example, Inglis Clark proved himself to be a politician and liberal reformer well ahead of his time.

The reform Inglis Clark is best remembered for is the introduction of the Hare-Clark system of proportional representation based on the concept of the single transferable vote. Inglis Clark wanted to "secure the representation of all opinions" in Parliament, as he believed this would lead to better parliamentary debates and public policy that reflected the community's preferences¹¹. The Hare Clark system remains in use in Tasmania to this day.

Constitution

Leading scholars now agree that it was Inglis Clark, more than any other Founding Father, whose ideas shaped Australia's Constitution. Neasey argues that 'unique in his intimate knowledge of the constitutional workings of other democracies, Clark's was the chief will and intellect that shaped the form of the Constitution...' ¹².

While myth maintains the Australian Constitution was drafted in a number of days on board the *Lucinda* in Easter 1891, Inglis Clark's draft, written in Hobart in 1890, provided the blueprint for the final document.

Inglis Clark was responsible for the defining feature of Australia's parliamentary system, the accommodation of the Westminster system of responsible parliamentary government within the American model of federalism. His commitment to protecting individual rights, States' interests and preventing the arbitrary exercise of power underpinned his constitutional work.

Eighty-six of Inglis Clark's ninety-six draft clauses appear in our Constitution: He provided for constitutional entrenchment of the High Court and for parliamentary creation of federal courts, trial by jury, freedom of religion, and for the safeguarding of the most fundamental individual rights - protection of life, liberty, property and equality before the law.

Precedent

Changing the name of Tasmanian electorates in order to acknowledge influential Tasmanians has precedent. In 1955, the electorate *Darwin* was renamed *Braddon* to honour Sir Edward Braddon, who led the federation movement in Tasmania and was a member of both the Tasmanian and Federal parliaments.

In 1984, the electorate *Wilmot* was renamed *Lyons* in honour of both former Prime Minister Joseph Lyons and his wife Dame Enid Lyons, a member of the Menzies Government and the first Australian woman to reach Cabinet.

¹¹ Richard Herr, 'Hare-Clark: The Electoral Legacy' in Marcus Haward and James Warden (Eds) *An Australian Democrat: The Life, Work, and Consequences of Andrew Inglis Clark* (Centre for Tasmanian Historical Studies, University of Tasmania, Hobart, 1995) p. 183-184

¹² FM Neasey and LJ Neasey, *op.cit.*, p.225

Australian Electoral Commission guidelines state that Divisions '*should be named after deceased Australians who have rendered outstanding service to their country*'. Inglis Clark clearly fulfils this requirement. By contrast, Governor William Denison made much less historical impact on both Tasmania and the nation.

Denison was appointed Governor of Van Diemen's Land by the British in 1846 and arrived in Hobart in 1847. It is likely the electorate was named after him simply because he was Governor at the time the Tasmanian parliament was formed. He left in 1855 for New South Wales which he governed for six years. Denison then went on to other postings but never returned to Tasmania. He died in England in 1871¹³.

As Governor of Van Diemen's Land, Denison was unremarkable. He supported continued transportation of convicts despite growing local opposition, and vigorously argued to maintain a political system based on privilege and wealth. If anything, Denison is perhaps best known for his desire to suppress the 'democratic spirit' of the Tasmanian people and to create an Upper House reserved for wealthy property owners. In his 1848 advice to his British superiors, Denison wrote:

...there is an essentially democratic spirit which actuates the large mass of the community and it is with a view to check that spirit, of preventing it coming into operation, that I would suggest the formation of an Upper Chamber...¹⁴

It is ironic that an electorate in a representative democracy bears the name of someone who advocated limited suffrage. In contrast, Inglis Clark embodies all that is noble about modern Australia, and his name would be a fitting testament to the values our democracy aspires to. Four of the other Founding Fathers have electorates named in their honour, and it is time Inglis Clark – a true son of Tasmania - was similarly acknowledged¹⁵.

Conclusion

Unlike Governor Denison, Inglis Clark made a significant contribution to Tasmania and Australia throughout his life. While there is finally broad agreement among academics and legal practitioners that he played a leading role in drafting Australia's Constitution, Inglis Clark remains an unsung hero in our political history. It is likely that Inglis Clark's role has been largely overlooked because ill health prevented him from attending the final Federal Conventions. He was also humble, illustrated by his decision to turn down an opportunity for Knighthood saying his father would 'turn in his grave'¹⁶.

Inglis Clark's life is a remarkable story that will remain inspirational. His enthusiasm for knowledge and passion for democracy led him to overcome the challenge of being born into a poor family, in the smallest and poorest of colonies. Inglis Clark

¹³ Australian Dictionary of Biography (Online Edition) *Sir William Thomas Denison*, available www.adb.online.anu.edu.au/biogs/A040048b.htm, accessed 11 April 2008

¹⁴ Sir William and Lady Denison, cited in Richard Davis and Stefan Petrow (Eds) *Varieties of Vice Regal Life* (Tasmanian Historical Research Association: University of Tasmania, 2004)

¹⁵ Barton (New South Wales), Griffith (Queensland), Higgins (Victoria) and Isaacs (Victoria)

¹⁶ cited in Justice Peter Heerey, Foreword to FM Neasey and LJ Neasey, *op.cit* p.ix

was determined to create political institutions that would allow people – regardless of wealth or class – to reach their full potential. Through his program of reform, Inglis Clark revealed himself as a statesman ahead of his time and made an enormous, but as yet unheralded, intellectual and practical contribution to Tasmania and the nation. One hundred years after his death it is time to recognise one of Tasmania's most significant characters with an electorate named in his honour.

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Summary

The Tasmanian Branch of the ALP believes this submission demonstrates the few change that need to occur to meet the Australian Electoral Commission's legislative requirements in terms of electoral boundaries in Tasmania.

We also believe we have demonstrated a sound case for the Redistribution Committee's consideration to rename the Division of Denison to Inglis Clark.

The Branch looks forward to further discussing our proposals.

Yours sincerely,



John Dowling
STATE SECRETARY

Attachments: 1



AUSTRALIAN
LABOR
PARTY
Tasmania

28 April 2008

Redistribution Committee for Tasmania
GPO Box 520
HOBART TAS 7001

Proposal to rename the electorate of Denison *Inglis Clark*

We write in support of the proposal to change the name of the electorate Denison to Inglis Clark, after Andrew Inglis Clark (1848-1907).

Inglis Clark was one of Tasmania's most important humanitarians, intellectuals and legal minds. A lawyer, parliamentarian, judge and Vice Chancellor of the University of Tasmania, Inglis Clark played a primary role in drafting Australia's Constitution and was responsible for a program of democratic reform in Tasmania which has had lasting impact.

Inglis Clark was born and died in Tasmania, and spent his life in Hobart. Governor William Denison, after whom the electorate is currently known, lacks such a strong Tasmanian connection. He was sent from Britain to govern Tasmania in 1847 and after eight years left to govern New South Wales. If anything, Denison is remembered for his desire to suppress the 'democratic spirit' of the Tasmanian people.

One hundred years after his death, the time has come to acknowledge the enormous intellectual and practical contribution made by Inglis Clark to both Tasmania and Australia. Inglis Clark's place in our history has been overlooked for too long and he deserves to be better known in his home state. We would be tremendously proud to represent an electorate named in his honour.

Yours sincerely

Duncan Kerr MP

David Bartlett MP

Graeme Sturges MP

Lisa Singh MP

Members for Denison