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**TRANSCRIPT
OF PROCEEDINGS**

**PUBLIC INQUIRY OF THE AUGMENTED ELECTORAL
COMMISSION FOR TASMANIA**

CONDUCTED IN HOBART

TUESDAY, 11 JULY 2017 AT 9.02 AM

BEFORE:

THE HONOURABLE D. COWDROY OAM QC
(Chairperson of the Australian Electoral Commission)

MR D. KALISCH
(Australian Statistician and member of the Australian Electoral Commission)

MR T. ROGERS
(Electoral Commissioner, Australian Electoral Commission)

MR D. MOLNAR
(Australian Electoral Officer for Tasmania)

MR R. WHITEHEAD
(Auditor-General of Tasmania)

MR M. GIUDICI
(Surveyor General of Tasmania)

MR COWDROY: It's now 9 o'clock the appointed time for the commencement of the public hearing being held this morning in Hobart by the augmented Electoral Commission. Can I welcome you all to this public hearing. This is the second hearing we've held in Tasmania. The first was
5 held yesterday in Launceston. My name is Dennis Cowdroy. I'm the chairman of the augmented Electoral Commission and there are other members of the Commission, that is, who are present here today: on my immediate right is Mr David Kalisch, who is the Australian Statistician. On my left is Mr Tom Rogers, who is the Electoral Commissioner.

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The other members who make up the augmented Electoral Commission are Mr Rod Whitehead, the Auditor-General of Tasmania, who is on my far right and on my far left is Mr David Molnar, the Australian Electoral Officer for Tasmania and to his right is Mr Michael Giudici, the Surveyor General of
15 Tasmania.

Part IV of the *Commonwealth Electoral Act 1918* sets out the requirements to be followed in conducting redistributions. This redistribution in Tasmania is required because more than seven years has elapsed since the last redistribution
20 was determined. In accordance with section 66 of the Electoral Act, the Redistribution Committee for Tasmania has prepared a proposal for the redistribution of Tasmania into five Federal electoral divisions.

The proposal, together with the written reasons for the proposal, required by
25 section 67 of the act was released by the Redistribution Committee on Friday, 5 May of this year. In accordance with section 68 of the Electoral Act, interested individuals and organisations were invited to make written objections to the proposed redistribution and to provide written comments on those objections. In total, 11 objections were received and eight comments on
30 objections were received within the required time frames.

The augmented Electoral Commission is required by subsection 72(1) of the Electoral Act to consider all objections lodged in relation to the redistribution proposal and all comments on objections. The inquiry in Launceston yesterday
35 and here today provides the opportunity for members of the public to make oral submissions about those objections.

The Electoral Act specifies in detail how the redistribution process is to be conducted and which factors are to be taken into account. Subsection 73(4) of
40 the Electoral Act states that the primary consideration for the augmented Electoral Commission is that each electoral division meets certain numerical requirements in the form of the current enrolment quota and the projected enrolment quota and acceptable tolerances around those two quotas.

Subject to an electoral division satisfying those numbers, subsection 73(4) also requires that we have regard to communities of interest within the electoral divisions, that is economic, social and regional interests. We have to have regard to the means of communication and travel within electoral divisions and the physical features and area of the electoral divisions.

The boundaries of electoral divisions which exist are also considered, although those are of lesser importance. Boundaries may change and often there has to be compensating adjustments to make sure the electoral divisions are within those numerical tolerances.

The inquiry here today will be recorded and transcripts of the proceedings will be made available as part of the augmented Electoral Commission's report and therefore will be on the Australian Electoral Commission web site once this report has been tabled in Parliament. I would ask people making submissions to come to the table in front and please state their name before they commence their presentation.

After this inquiry we will deliberate. We will endeavour to make a public announcement as soon as practicable. We would ask speakers who come forward to be as concise as possible and bear in mind that we are anxious to hear your views and we do not regard this as an opportunity to enter into discussion or debate, but rather we are concerned to know what you would like to inform us about.

Now, according to my list the first speaker is Mr Holderness-Roddam. Would you like to take a seat, Mr Holderness-Roddam, at the table. If you would announce for the record your name and then we will be very pleased to hear what you would like to say.

MR HOLDERNESS-RODDAM: My name is Bob Holderness-Roddam.

MR COWDROY: Yes, thank you.

MR HOLDERNESS-RODDAM: Mr Chairman, gentlemen, I'd like first of all to share a statement from the original – from the initial decision:

The Redistribution Committee agrees that Andrew Inglis Clark made a significant contribution to Australian society and naming an electoral division after him would provide an appropriate recognition of that contribution as was outlined in suggestions and comments on suggestions to this redistribution.

But later on the Committee states:

In the Redistribution Committee's opinion, the suggestions to the Redistribution Committee and comments on suggestions did not provide sufficient reason to change the name of the electoral division.

5

I find that a rather extraordinary statement because we've got a glaringly inconsistent two statements there; one is saying, "Yes, we can change the name," and another one comes along and says, "No, it's not sufficient to change it." And I don't quite understand that and I would be interested to know what the sufficient reasons would be.

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However, I personally suggest that this is one of the strongest cases put forward to any Redistribution Committee for an electorate name change anywhere in Australia over recent years. We have no less than four current and former High Court justices, two Federal Court justices and a Tasmanian Supreme Court justice who have supported either this change or previously in writing in comments.

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Several current and former state and Federal members for Denison have given their support and these are members of both the ALP, the Liberal and the Tasmanian Greens. Other former MPs giving their support, include two former premiers, one being the late Billy Neilson, who as I understand it initiated this idea back in the 1980s, and David Bartlett, who is a more recent premier, and we also have the support of former speaker Dr Andrew Laurie, who was a minister in, I think, the Neilson government.

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35
Leading academics who support this change include Professor Henry Reynolds, Professor George Williams, Professor Richard Eccleston and Dr Peter Jones. We have here two petitions with a total of 333 signatures, a hard copy one of 112 signatures and the online one of 221 signatures. These include several high profile citizens. Examples include the former Deputy Lord Mayor of Hobart, Pru Bonham, the former director of local government Alistair Scott, a former Senator for Queensland, Margaret Reynolds and Rodney Croome AO, and that's just a few of the high profile people.

40
I would now like to look at the guidelines and I think it's really important to point out and to highlight that more or less at the start of the guidelines it should be noted that neither Redistribution Committees nor augmented Electoral Commissions are in any way bound by the guidelines. In other words, you can ignore the guidelines and say I'm not interested.

I'm a little bit confused. The Redistribution Committee considered the guidelines and observed Denison was adopted as the name of an electoral division prior to the specific consideration for names of electoral divisions by

parliamentary committees and the development of the guidelines and I'm not quite sure of the relevance of that. It then goes on to say:

5 *The current electoral divisions is not named after a deceased Australian.*

And that is one of the guidelines, perhaps the most important one if you're using to use them:

10 *But is named after an individual who rendered outstanding service to Australia. Sir William Thomas Denison served as Lieutenant-Governor of Van Diemen's Land and as Governor of New South Wales.*

15 Now, I would submit in fact that Denison's service was to the British government not to Australia. His service to Tasmania included opposing the end of transportation, proposing the establishment of an upper chamber of Parliament to check:

20 *An essentially democratic spirit which actuates the large mass of the community.*

25 Colonial Secretary Grey did not accept Denison's recommendations for a bicameral Parliament, instead opting for a Legislative Council of eight appointed members and 16 elected. Denison duly drafted a bill for the election of 16 representatives, please note, distributing them in a manner calculated to neutralise the radical tendencies of the towns. At a public meeting on 15 January 1848:

30 *The arbitrary and unconstitutional proceedings of the Lieutenant-Governor and his Executive Council were vehemently condemned and a petition was submitted to him for submission to the Queen.*

35 Denison authorised government payments even though the Legislative Council had rejected his budget. This resulted in a more severe rebuke from Grey at the Colonial Office in London:

40 *You are to distinctly understand that the course you have followed must not again be adopted should a similar case arise. You have taken upon yourself to contravene the fundamental law that renders the consent of the legislative to the estimates absolutely necessary.*

Given that parliamentary electorates are a significant part of our democratic society, I cannot see how those who would support Denison's continued recognition by using his name for this electorate can justify their position.

Elections are a cornerstone of a representative democracy. Denison was no democrat as his actions demonstrate.

5 But now if I could briefly touch on boundaries. A number of people have sort of suggested that because the boundary changes aren't very significant this time that that is a reason for not changing the electorate name. Now, my original - I think my comments state - or including maps showing the boundary changes over the years. I'm not going to go through all of them, but briefly I would like to start - this is the original 1903 boundaries for Denison
10 which existed until 1921, presumably the First World War, much in the way of changes.

15 But then in 1997 (sic) to 1983 the boundaries of Denison went from Glenorchy right down to Verona Sands, which is right at the end of the channel and it included places like (indistinct) We now - our new boundaries, or the boundaries we've had for the last - since the last redistribution come from just north of Kingston and they go right up to Granton. So I submit that over the years there have been considerable changes to the boundaries and that we shouldn't use boundary changes, or the lack of them at the moment, as being an
20 excuse for not recognising Andrew Inglis Clark.

25 Precedents for changes: there have been 21 of the original federation electorates, in other words the ones that were used for the 1901 elections no longer exist. They've been - they've had their names changed. Tasmanian electorates, we've had two electorates that have been changed; the first one was Darwin changed to Braddon in 1955. There was little evidence of any support out in the community, apart from the member for Darwin who disliked being mistaken for a member from the Northern Territory. This was actually changed by Parliament when the recommendations and reports went to
30 Parliament.

The second one was when Wilmot, who is a former Governor, changed to Lyons in 1984. This is a very interesting one because the change was initiated by someone writing from a hotel address in Adelaide not even in Tasmania and
35 they suggested that Braddon should be changed to Lyons and that Wilmot should be changed to Truganini.

40 The suggestion for Truganini was extremely unpopular; little, if any, support for it from wide cross-sections of the community, including the Aboriginal community themselves who suggested another name. So the Electoral Commission decided - or the augmented Electoral Commission decided that they would retain Braddon and that Lyons would - Wilmot would become Lyons instead of Truganini and even then there was a lot of dissent in the community. It was not an across the board support for Lyons. A lot of people

still wanted to retain Wilmot, particularly in the Liberal Party, although they also had people saying, “Yes, we would prefer to see Lyons,” but there were other people from the Liberal Party saying, “No, we want to retain Wilmot.”

5 In closure, I might first of all share the *Mercury* obituary announcement:

The name of Andrew Inglis Clark deserves to be remembered with a tenderness and regard which few other public men have been able to justify or so justly claim at the hands of their fellow countrymen.

10

And I think that’s a pretty telling statement from those days. I would also like to share Sir William Deane, who is of course a former Chief Justice of the High Court and Governor-General, stated that:

15 *Clark was the primary architect of the Australian constitution.*

And he also asked:

20 *What sort of country would forget the name of the person who wrote its constitution?*

Andrew Inglis Clark has been duded, excuse the slang, the whole way through. He was denied a High Court position not once but twice. There is no Canberra suburb named for him and, of course, no Tasmanian electorate. Tasmania has been left off this particular map for far too long. It’s long overdue to right the injustice to Andrew Inglis Clark. We must name an electorate for him.

25 Now, Clark died on 14 November 1907. So on that date this year, that will be 110 years since his death. Given that this committee is due to release its final report some time in – as I understand it – November, perhaps December, I believe it would be most fitting to give him his long overdue recognition by renaming the electorate to Clark or to Inglis Clark. Thank you, gentlemen.

35 MR COWDROY: Thank you very much. We have both your written submissions and have heard, and will take into consideration, your oral submissions.

MR HOLDERNESS-RODDAM: Thank you very much.

40

MR COWDROY: May I just correct one factual matter. Sir William Deane was a Justice of the High Court - - -

MR HOLDERNESS-RODDAM: Yes.

MR COWDROY: - - - but not Chief Justice.

MR HOLDERNESS-RODDAM: Yes.

5

MR COWDROY: But nevertheless he was highly regarded.

MR HOLDERNESS-RODDAM: Yes, thank you.

10 MR COWDROY: Yes, thank you. Very well. Very well. I think the next speaker is Mr Henry Reynolds. Mr Reynolds, if you would be good enough to just announce your full name simply for the transcript for the record and can I indicate that we have received your written submissions?

15 PROF REYNOLDS: My name is Henry Reynolds. I perhaps should be called Professor Henry Reynolds. That's a detail. I don't want to go over material that's already been discussed, but it does seem that there is a great anomaly in the position of Clark in the way in which he's recognised generally in public matters.

20

Clark was one of those most important young men who was born around the middle of the 19th century who became the first significant native born politicians in the colonial parliament, that is, you know, after 1856. There was Barton in New South Wales. There was Deakin in Victoria. There was
25 Kingston in South Australia. There was Forrest in Western Australia and Clark and they were all born within a couple of years of one another and they all became very significant at the end of the century.

They became significant, as Clark did, both in the colonial politics of the
30 colonial parliaments and in the Federal movement. A lot of this is already well known, but Clark had a most distinguished career within Tasmanian politics as an Attorney-General in two administrations and there's no doubt that he was probably the most significant performing Attorney-General in the late
19th century anywhere in Australia. He transformed the Tasmanian political
35 system and in many ways the whole structure of the laws.

You will also be aware that he was significant in the Federal movement, although he didn't attend the great conventions of 97 and 98 and so his contribution was overlooked, but he was particularly significant in both the
40 conference of 1890 and the first convention of 1891, at which he produced his written constitution which, to a considerable extent, was deeply influenced by his great knowledge of American law and politics and as numerous commentators have noted since it was undoubtedly a significant influence on the eventual shape of the Australian constitution.

Clark was a democrat who set out to reform Tasmanian politics which, as a young man, he felt had been very much influenced by the aftermath of the convict system. Now, in a sense, the central and most – both symptomatic and symbolic reform that he introduced was the introduction of proportional representation.

Now, in this way it makes him uniquely important, I think, for the Australian Electoral Commission because he adopted the electoral systems that had been developed by Hare in Great Britain and modified that and this was the first introduction of proportional representation in the English speaking world. I think there may have been some movement in this direction in Belgium before this, but this was globally important. It's right up there with the other significant reforms introduced in the Australian colonies and the early federation, secret ballot, preferential voting in one or two places, old age pensions, basic wage. All of these things were Australian innovations.

Now, Clark introduced proportional representation in 1896 for the Hobart area. Now, this in a way makes it even more pertinent, I think – more pertinent that he indeed should be recognised in the electorate where he introduced proportion representational.

Now, as many of you will probably know, it wasn't introduced statewide until after Clark's death, but there's no doubt that his introduction of proportional representation was not just important for Tasmania, but important, I think, in terms of democratic electorates anywhere and, quite clearly, proportional representation in one form or another has become the dominant method of electorate in many parts of the world.

Now, Clark's – the lack of recognition of Clark's contribution I think is particularly apparent. To some extent it was a result of coming from a small state, a smaller state, but also because at the end of the 1890s, as I say, he was out of the country at the beginning of the great conventions of 97 and 98 and he left politics and moved to the Supreme Court bench and then failed, as has already been mentioned, to achieve what he thought was his due right, a seat on the High Court, that he would have been eminently suited to take up.

So it's very, very hard to find any argument against the importance of recognising Clark in the way we suggest. In a way, the argument, I think, is strengthened as, has already been mentioned, by the fact that if you don't have Clark, you continue with Denison.

Now, there is a very, very interesting situation here that Denison clearly was out of sympathy with colonial society. He recognised that it did have strong

democratic tendencies. In Tasmania in particular, he was extremely hostile to the fact that so many of the people in the electorate, the adults, had been convicts and he was an autocrat and, above all, he wanted to slow down and oppose the drift that he saw in Australian society, but particularly in Tasmania, towards democracy.

Now, in a way this is the legacy that Clark fought against from the time he was a very young man. He realised that Tasmanian politics, as the saying of the time put it, had a more aristocratic caste than the rest of the Australian colonies, particularly as a result of the Legislative Council and, you know, a property franchise, so that what we have is an autocrat who opposed the drift to democracy in Tasmania and the young native born politician who dedicated his career to furthering that democracy and doing away with the barriers that had been put in place to prevent the full flowering of democracy and that is why proportional representation was so important to him because it set out to make sure that everyone's vote was equal regardless of their background, regardless of whether their parents, or even they themselves, had been convicts.

This was the ultimate democratic reform to produce equality of electoral power, everyone in the electorate, and he himself was in favour of female franchise, although it didn't - wasn't achieved until after he had left politics. So you really have a choice between the English autocrat, the English authoritarian who was opposed to democracy, or a young native born politician who dedicated his life to perfecting the democracy in Tasmania and, in particular, by introducing proportional representation. Thank you very much for your attention.

MR COWDROY: Professor, thank you very much. It was very, very interesting and very, very beneficial. Thank you. The next speaker is Mr James Walker. Good morning, Mr Walker. Just have a seat and if you would just state your full name for the record.

MR WALKER: My name is James Walker.

MR COWDROY: Yes.

MR WALKER: I am an alderman on the Clarence City Council and I'd like to stress that any views I make today are those of my own and not on any entity or organisation.

MR COWDROY: Thank you.

MR WALKER: Probably if it's all right with you, I might just touch on a quick (indistinct) bat for the AEC and I'll find a bouquet soon after. I just want

to state that in 2008 the process was one that allowed for a one-on-one time with the assistance at that time of Mr Molnar to use the mapping software available at the AEC to work through scenarios and options.

5 In 2017, I was advised that this wouldn't be made available and that if I wanted to utilise the software, I could purchase a licence but that would be at a cost of thousands. I would note that the TEC has just undertaken a similar process in relation to the Legislative Council boundaries where access was provided and access to highly helpful staff was also provided.

10

What I would say about that is that that levels the field for democratic enthusiasts or, as I self-identify, political dorks, along with those of political parties to submit through the process. So I would ask that that be taken on consideration, but that aside, I think it shouldn't go without mention how
15 pleasing it is to live in a country with a robust and reasonable method of redistributing and balancing electorates.

The AEC process provides multiple opportunities and stages for input. There will no doubt be grumbles from the final outcome, but amongst those grumbles
20 fairness or impartiality won't be something that's drawn into the matter. It is a very reasonable robust process and, again, I feel fortunate to live in a country where this is how the process is undertaken.

I would like to quickly touch on the matter of Clark and I would say that in
25 relation to naming of electorates that I do consider Clark a much more meritorious name for an electorate than Denison. However, as I stated in my original submission, I believe that this would be best held over until a major redistribution of that current seat occurs and I believe that this is likely to happen at the next cycle in roughly eight years' time.

30

If a change is to occur now, it will be a process requiring education of the electorate of its new name and then we'll find that in eight years' time, there will have to be another big process if the nature of those boundaries change again. So if there is to be a big change, which is something I perceive is likely
35 to happen in eight years' time, that's a real good opportunity for a clean sweep and also, I think, people can better adjust to that new electorate if the name changes at that point in time.

I would categorise the philosophy that should be undertaken through this
40 election or redistribution process as a nip and tuck process and that this would be the best way through, if you like, a minimalist approach because, as I stressed before, if you look at the demographics, which is decline in population in the north-west region and burgeoning population in the south-east and you could argue pockets of the south-west around Kingborough, it would seem that

in around eight years' time, there's going to become a point where a major redistribution will need to occur; not so much perhaps for Braddon or Bass, but when that does happen, the ramifications for Lyons, Franklin, for the seat currently known as Denison, would be significant.

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If we think about Tasmania, it could roughly be divided up into the four clusters, which are the north-east, the north-west, the south-west and the south-east. It would be more easier and elegant for the AEC if Tasmania were to forego one of its five seats. Your boundaries would be easier to adjust. Let me tell you, no one I know, and certainly not myself, is proposing that as an outcome.

10 So with that in mind, Lyons effectively through a redistribution process is a shock absorber seat. Any change that occurs to one electorate in some way or another passes through Lyons. I'm currently residing in the electorate of 15 Franklin. Franklin is known nationally as a curious electorate in the sense of the bifurcation of the south-east and the south-west components separated by Denison which, unless you take a ferry, you have to go through to get there.

20 This, as I said, has actually been fairly reasonable for decades past because the nature of the Kingborough community and the Clarence community is in many ways the same, a big suburban populace with a rural component. But as I have said before, we're coming to the end of how we can keep nipping and tucking that one to keep the balances going. We can do it this time around, but in eight 25 years' time, this is something that's going to be a real challenge.

For my community it's proposed that Richmond comes out of Clarence – sorry, not out of Clarence – Richmond leaves Franklin. The last election or the last redistribution process, I made multiple submissions to include it within 30 Franklin. I think that has been better for the community to be part of one. However, I am mindful of the population pressures and I guess if there is to be a change then my concern for the Richmond community will be the composition of Lyons.

35 Coming to the matter of the composition of Lyons, I note changes to the northern aspect of Lyons. I look at a map and see that the elected member under the newly constituted seat of Lyons will potentially be starting his day in Nubeena and possibly could be up to the northern end of Flinders Island and so I guess as - you know, the Richmond community sits within the Clarence City 40 Council and it would concern me that they might become part of such an unwieldy seat.

I do understand the rationale around West Tamar inasmuch as West Tamar does have a stronger community of interest with Bass. I do understand that,

but that said, as I've looked through this process, I would state that the same applies equally and just as strongly for the community of Dorset and the community of Flinders Island and through this process I haven't heard compelling or convincing grounds as to why the Dorset and the Flinders Island community is closer to Lyons than it is to Bass.

I accept that both West Tamar, Dorset and Flinders all have a stronger community of interest with Bass than with other electorates, but it's not all going to fit. So the question comes down to what makes West Tamar higher than Dorset and Flinders? And if there isn't a compelling case for that, then I go back to again, through this process, the nip, tuck principle. Don't do a major change this time round when a small change will occur – will get you the result you want and also keep communities within their current boundaries.

I have been to Flinders Island on multiple occasions and through my lifetime each and every time that I have gone to Flinders Island, it has been in to and out of the port of Launceston Airport. You can access Flinders Island via the freight ferry, I'm told, but from locals that I have spoken to, it's hardly recommended. So I really would stress the strong community of interest there.

And whilst noting West Tamar, I would point to the disruption that this is occurring to, not necessarily in an overall context, improve community of interests and that is the bulk of what I want to say, again stressing that I suspect in eight years' time something major is afoot and I would urge you to reflect on whether the best process at this time isn't to do those small nips and tucks to get things into balance, as has certainly been proposed quite sensibly around Braddon, and whilst I might not think ideally, I can say understandably around Franklin as well. So they're pretty much the points I wish to make.

MR COWDROY: Thank you very much, Mr Walker. We have, I should say for the record, your written submissions and we appreciate also your oral submissions.

MR WALKER: Thank you.

MR COWDROY: Thank you for your attendance. The next speaker is Mr Rodney Croome. If you could just state your full name, Mr Croome, for the transcript please.

MR CROOME: Rodney Peter Croome. Thank you very much for an opportunity to speak today. I made a written submission.

MR COWDROY: Yes.

MR CROOME: And I'll begin with a reference to that submission. That submission, of course, was addressing the issue of the name of the electorate of Denison. When I reviewed the submission, I realised that I had been unfair to Sir William Denison in my assessment of his record as a viceroy in Tasmania and I just wanted to begin by correcting that before I go on to address the issue of renaming the electorate.

In my submission, I quote Governor Denison on a number of issues, including issues already addressed by Professor Reynolds, his attitude towards colonial democracy, his very dim attitude and also his actions as a viceroy. And I say that I – in the submission that I couldn't find a single quote that praised Denison's role as viceroy and almost immediately after I sent that submission in, I found one.

MR COWDROY: Yes.

MR CROOME: So I will submit this later to you, but it was simply a quote from James Backhouse Walker who said that:

Despite Governor Denison's questionable convict policy, he was one of the most enlightened progressive and able governors the colony has ever had.

Like I said, I didn't want to appear unfair to Governor Denison, so I just wanted to make that amendment and I also want to make the point there that it's not just our assessment of the merits of William Denison or Andrew Inglis Clark as namesakes for the electorate – it isn't just about what people said at the time. It's also about their respective legacies and yesterday when I was preparing to speak to you I looked up at my bookshelf and saw these five books that I have collected over the years, all of them about Andrew Inglis Clark and his legacy and I thought, "I wonder if there are any books written about the legacy of William Denison?" So I searched and searched and searched and found none.

The reason that Andrew Inglis Clark still excites our imagination today, still inspires people to write about his achievements and his legacy, which you've already heard from two speakers already, is because so much that he did and wrote is relevant to our lives today. So much is still important in guiding us to make decisions about the issues which face us.

I, as you probably are aware, am an advocate for equal rights for gay, lesbian, bisexual and transgender people and also an advocate for equal rights and human rights more broadly and recently when I was writing a submission about the issue of a human rights charter in Tasmania, I came across this quote from

Andrew Inglis Clark. This is from an essay he wrote on natural rights for the Annals of the American Academy of Political and Social Science and it was published in September 1900:

5 *If human nature has not any natural or inherent rights which can claim
recognition to restrain a preponderance of physical force or the
arbitrary will of majorities, then the weak and all minorities are
without verifiable authority or justification for resisting oppression.
10 Might is the ultimate foundation and criterion of right and the highest
political ideal men can safely cherish is the rule of the benevolent
despot. Are we prepared to accept this conclusion?*

That question is still a question for us today as urgent as ever, if not more
urgent. It's because Andrew Inglis Clark wrote about those issues and asked
15 those questions that people continue to be inspired by him, that people continue
to discuss what he achieved, people continue to educate others about his
legacy. Ultimately, Andrew Inglis Clark wasn't just another politician or
another jurist.

20 He exemplified the very best that we hope from our leaders, that people who
take leadership roles are motivated by core ideals, well reasoned beliefs and a
compassion for fellow human beings. All too many politicians are not
motivated by such ideals and ultimately I think the reason that we continue to
talk about Andrew Inglis Clark is that he is a model for politicians, a model for
25 law makers, a model for jurists insofar as he was clearly at all times motivated
by those very highest ideals.

I think for any of his individual achievements, Andrew Inglis Clark would be
considered an appropriate person after whom to name this electorate: for his
30 achievement as a drafter, chief drafter of the Australian constitution, for his
achievement as developing and implementing the Hare-Clark system of voting,
for his achievement as a reforming legislator in terms of the recognition of
worker's rights and women's rights and the rights of children, for his role as a
theorist in constitutional law, government and, as I have said already, human
35 rights.

For each of those he would qualify as someone after whom we should name the
electorate we sit in now, but when you take them altogether, the case is
overwhelming. In fact, it's so overwhelming that I believe anyone who wants
40 to retain the name of Denison for this electorate needs to explain why. They
need to give good, solid, well thought out reasons for why they would want this
electorate named after – as Professor Reynolds has described it – a relatively
autocratic viceroy – when the choice is Andrew Inglis Clark.

I'll just finish by addressing a point made by the previous speaker about delaying the renaming of the electorate until a time when you may be addressing the wider issue of redistribution or when you again address that issue. I don't recall, although I was a child - I don't recall that that was the case when the electorate of Wilmot was renamed or the electorate of Darwin was renamed.

What I do recall as a child growing up in the then electorate of Wilmot near Sheffield were the discussions that happened in the classroom and, more broadly, about why that electorate should be called Lyons and the contribution that Joseph Lyons and also Enid Lyons made to Australian politics and the big impression that that made on me as a child, learning about these great Tasmanians who had forged a path for Tasmania and the nation, particularly in the case of Enid Lyons, as a pioneering woman in politics.

It's never too early to educate young Tasmanians about great Tasmanians of the past and there is no greater Tasmanian in the past than Andrew Inglis Clark. So there's no time to delay - there's no time to waste. We shouldn't delay. If the case is strong enough for this electorate to be called Inglis Clark, then let that happen now so that Tasmanians, young Tasmanians in our schools in this electorate and right across the state, have yet another reason and yet another prompt to learn about such a great man. Thank you.

MR COWDROY: Thank you very much, Mr Croome. I just want to put on the record we have your written submission and we are greatly benefited by your oral submission.

MR CROOME: Thank you very much.

MR COWDROY: Thank you. Thank you for your attendance. I think that concludes the persons who wish to speak in person, but I know that we have a statement which is to be read into the account. Perhaps that could be done now. This is from a person who could not be here today.

MISS TAYLOR: I am Nicole Taylor, the National Redistributions Manager and I will read into the record this submission from Geoff Ellis:

In regard to the name of Franklin, strong reasons exist to remove the name of this division.

In respect of the AEC guideline for naming divisions, Franklin is not a federation seat, is not named after a prime minister, is not of Aboriginal origin, is not named after an Australian who rendered outstanding service for their country. Generally, the five Tasmanian

divisions are named after five males and one female with no representation of the first people of Tasmania. This perpetrates terra nullius and ignores people who are forced off their land and treated without humanity or respect.

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Specifically, Franklin, named after a man who spent a mere decade in Tasmania, should be freed up to enable a better balanced and more inclusive set of names to represent the island state. This would be a mark of recognition and a gesture of reconciliation. Franklin's governorship can be portrayed as a continuation of his predecessor's regime. Franklin's time in Tasmania was simply a break in his military career. In today's vernacular, the British empire warehoused Franklin until his skills were needed elsewhere. Franklin's service was military or exploratory in nature and almost entirely confined to the northern hemisphere. When a fresh expedition to find the north-west passage was planned, he jumped at the chance to lead it and thought little of the prospect of remaining in Tasmania.

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I, therefore, suggest that Franklin, a name of slender relevance to Tasmania, be removed to enable honouring of a name of local importance that can recognise the first people of this island.

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A more appropriate name would be Truganini, a Tasmanian, who by enduring, was able to bear witness to her people's decimation and thereby render outstanding service to her country.

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Some background: by the time Truganini met George Augustus Robinson, the protector of Aborigines, in 1829, her mother had been killed by sailors, her uncle shot by a soldier, her sister abducted by sealers and her fiancée brutally murdered by timber cutters, who then repeatedly sexually abused her. In 1830, Robinson moved Truganini and her husband Woorady to Flinders Island with other surviving Tasmanian Aborigines, numbering approximately 100. The stated aim of isolation was to save them, but many of the group died from influenza and other diseases. Many years, many injustices later and just prior to her death, Truganini pleaded to colonial authorities for a respectful burial and were requested that her ashes be scattered in the D'Entrecasteaux Channel. She feared that her body would be dissected and analysed for scientific purposes as she had witnessed her friend, Aboriginal Tasmanian William Lanne's, ghostly post-mortemed decapitation for scientific research. Despite her wishes, within two years her skeleton was exhumed by the Royal Society of Tasmania and later placed on display. Only in April 1976, approaching the centenary

of her death, were Truganini's remains cremated and scattered according to her wishes.

5 *Excising the name of Franklin would enable the division to be appropriately named. Retention perpetrates terra nullius and shrouds a new genocide.*

MR COWDROY: Thank you. Very well. Well, I think that concludes all the persons who wish to orally address this public hearing and also the person who could not be here but whose statement has been read and accordingly, we have reached the point where the augmented Commission should now retire and deliberate and consider all the matters that have been put to us. So might I thank you for your attendance and for your interest in attending today. The submissions will be considered in due course and in due course we will publish our decision. Thank you. That concludes this session. Thank you.

MATTER ADJOURNED AT 9.57 AM ACCORDINGLY