



**THE FEDERAL  
REDISTRIBUTION  
SOUTH AUSTRALIA**

# Submission OB414

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Augmented Electoral Commission for South Australia

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Dear Commissioners

I am writing to oppose the proposal to rename the existing Division of Grey included in the March 2026 report titled *Proposed redistribution of South Australia's electoral divisions* ("Proposed Redistribution Report").

The AEC's current naming guidelines for federal electorates ("Naming Guidelines") include the below:<sup>1</sup>

- *Every effort should be made to retain the names of original federation electorates.*
- *Names of electorates should not be changed or transferred to new areas without very strong reasons.*

In my view, the proposal to rename the Division of Grey is not in accordance with these elements of the Naming Guidelines, as set out in the rest of this submission.

### **Status of Grey as a "federation electorate"**

For the inaugural 1901 federal election, South Australia and Tasmania were not initially divided into single-member electorates but instead elected members of the House of Representatives on a statewide basis. The inaugural single-member electorates in those states – including Grey – were subsequently defined and named by the first federal parliament in 1903, prior to the second federal election later that year.

In my view, the original electorates in South Australia and Tasmania – including Grey – should be considered "Federation electorates" for the purposes of the AEC's naming guidelines. This matter was considered by a previous committee during the 2017 redistribution, which found that a reasonable interpretation of the guideline in respect of South Australia was that "*because these [1903] electorates were defined and named before the second federal election, they are original federation electorates in South Australia and it would be against the spirit of the guidelines to change these names without very strong reasons*".<sup>2</sup>

Accepting the above, Grey is one of only five remaining federation electorates in South Australia and its name should be changed without strong reasons. The Proposed Redistribution Report does not address this matter in respect of Grey and in fact the term "Federation electorate" is not mentioned at all in the report.

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<sup>1</sup> "Naming guidelines", Australian Electoral Commission:

<https://www.aec.gov.au/redistributions/guidelines/naming-guidelines.html>. Accessed 3 April 2026.

<sup>2</sup> "Essential information about the South Australian federal redistribution", Australian Electoral Commission: <https://www.aec.gov.au/redistributions/2017/sa/essential.html>. Accessed 3 April 2026.

## **Reasons for the name change**

The Proposed Redistribution Report seems to have taken the approach that O'Donoghue is a fitting name for an electorate – which I do not necessarily disagree with – and this justifies the renaming of an existing electorate. In my view this approach is not consistent with the Naming Guidelines. Instead, the way the Naming Guidelines are worded requires that the augmented Electoral Commission first assess whether a “very strong reason” exists to change an existing electorate name and then make a determination as to what new name should be adopted.

The Proposed Redistribution Report does not provide an explicit rationale for the renaming of Grey to O'Donoghue although page 20 states that “the Committee noted that Sir Grey [sic] was born and died overseas with limited connection and contribution to Australia”.

While not the only grounds for its recommendation, the Committee has made an assessment that a person's birthplace and deathplace outside of Australia should be taken into account in the naming of electorates. In fact, many other Australian electorates are named after individuals who were “born and died overseas”, including three other South Australian electorates (Hindmarsh, Sturt, and, indirectly, Adelaide) and two seats named after prime ministers (Fisher and Reid). There is no ground in the Naming Guidelines for the nativist view that birthplace and deathplace should be considered in assessing a person's contribution to Australia, and these factors should be disregarded by the Committee.

The Committee has assessed that Sir George Grey had “limited connection and contribution to Australia”. In fact, Grey's entries in the *Australian Dictionary of Biography*, *New Zealand Dictionary of Biography* and other reference works demonstrate that he made a series of important contributions to Australia between 1836 and 1891, a period of over 50 years, which remain relevant to modern Australia and include:

- Contributions to exploration and mapping, including surveying of the coastal parts of the Kimberley and Gascoyne regions of Western Australia between 1837 to 1839, and the publication of journals and maps in relation to his expeditions.<sup>3</sup>
- Contributions to documentation of the customs of pre-colonial Indigenous groups, including his journal entries on the Nanda subgroup of the Yamatji people of Western Australia, which “indicated the nature and extent of traditional land tenure” and “formed a major part of their case” for native title over Kalbarri, which was recognised in 2018.<sup>4</sup>
- Contributions to the linguistic study of Indigenous languages, including publication of *Vocabulary of the Dialects spoken by the Aboriginal Races of South-Western Australia* (1841) which remains an important source for the Noongar language.<sup>5</sup> The *Oxford Guide to Australian Languages*, a major reference work, credits Grey with “play[ing] a decisive role in the developing understanding of Australian languages both directly and

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<sup>3</sup> Rutherford, J (1966). “Sir George Grey (1812–1898),” *Australian Dictionary of Biography* (as amended 2020): <https://adb.anu.edu.au/biography/grey-sir-george-2125>

<sup>4</sup> *Australian Dictionary of Biography*, 2020.

<sup>5</sup> *Australian Dictionary of Biography*, 2020.

indirectly”, in particular his pioneering work in comparative linguistics and “the earliest lexico-statistical analysis of Australian linguistic varieties”.<sup>6</sup>

- Service as resident magistrate at King George Sound (present-day Albany, Western Australia) from 1839 to 1840 and service as governor of South Australia from 1841 to 1845, where Grey was a controversial figure but was credited with recovering the financial position of the colony.<sup>7</sup>
- Service as a delegate to the 1891 Australian Federal Convention in Sydney, where the first draft of the Constitution of Australia was framed, debated and adopted. Grey “played a prominent role at the convention” and subsequently made a “triumphant progress” throughout the eastern states of Australia, where he was received by cheering crowds. He concluded his speaking tour in Adelaide where he visited the grave of his infant son who had died during his governorship.<sup>8</sup>

Grey’s efforts at the 1891 constitutional convention and role in the history of political thought in Australia are particularly relevant to assessment of his overall contribution and suitability as a namesake for a federal electorate. At the constitution, Grey notably moved that the governor-general should be an elective office, on the basis that “the people ought to have the right of choosing” and should have “every office open to their ambition”. His proposal enjoyed virtually no support from other delegates – with the notable exception of Charles Kingston, after whom another South Australian electorate is named – but anticipated a line of thought still relevant to modern constitutional debates.<sup>9</sup>

Other modern lines of thought Grey anticipated in his concluding remarks at the 1891 convention – to the laughter of some other delegates – were that “a single vote [should] be given to every man in the country”, that political power under the draft constitution was unduly weighted towards business interests (“almost the entire power given to capital”), and that Indigenous Australians had been unduly deprived of their land (“people of the native races have been expelled from their territory without the least compensation of any kind whatever”). These comments led one writer to observe that Grey “seemed to speak to history and the future as no other had done”.<sup>10</sup>

Constitutional scholar Gregory Craven included Grey in his survey of the Founding Fathers of Australia, albeit as a “virtually unremembered Founder”. Craven was particularly interested in Grey as a pioneer of the republican movement in Australia, assessing him as “a potential

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<sup>6</sup> Stockigt, C. (2023). “Nineteenth-century classifications of Australian languages”, *The Oxford Guide to Australian Languages*, Oxford University Press. ISBN 9780198824978.

<sup>7</sup> Sinclair, M. (1990). “Biography: Grey, George”, *Dictionary of New Zealand Biography*: <https://teara.govt.nz/en/biographies/1g21/grey-george/print>

<sup>8</sup> *Dictionary of New Zealand Biography*, 1990.

<sup>9</sup> Howell, P. (1998), “An Australian convention conceived in controversy”, *The Round Table: The Commonwealth Journal of International Affairs*, vol. 87, no. 347, pp. 350-351.

<sup>10</sup> Osborne, G. (2002), “‘We have Enemies to Oppose’: Communication, class and the federation of Australia”, *Media History*, vol. 8, no. 1, pp. 40-41.

constitutional hero, because he is the only Founder I have discerned to have been more or less definitely a republican at the conventions”.<sup>11</sup>

Grey’s contemporaries and near-contemporaries did not consider that he had “limited connection and contribution to Australia”. The name “Grey” was proposed in 1903 by South Australian MP Alexander Poynton and unanimously adopted by the House of Representatives under the procedure for redistributions at the time, with Poynton in fact proposing “Grey” as an alternative to “Flinders” (in honour of Matthew Flinders) and other MPs noting their preference that South Australian electorates be named in honour of figures associated with South Australia.<sup>12</sup>

Given the above, I do not believe that the augmented Electoral Commission can reasonably conclude that Grey had “limited connection and contribution to Australia”, that his name is an unsuitable name for an Australian federal electorate, or that there is a “very strong reason” to change its name.

### **Proposed name of O’Donoghue**

The augmented Electoral Commission proposes to adopt the name O’Donoghue in place of Grey, to honour Lowitja O’Donoghue who died in 2024. I note that the proposal to use the name O’Donoghue is unique in the short period of time which has elapsed since O’Donoghue’s death.

Since the last major expansion of the House of Representatives in 1984, 31 new electorate names have been adopted, of which 27 were named after deceased individuals. With the exception of former prime ministers, who are specifically provided for in the Naming Guidelines, no new electorates have been named after individuals who died in the period five years preceding a redistribution. Only a handful have been named after individuals who died in the decade preceding a redistribution.<sup>13</sup>

While the Naming Guidelines do not specifically comment on this matter other than requiring that individuals be “deceased”, in my view it is wise to let a person’s legacy “settle” before honouring them in such a permanent way. Notwithstanding Dr O’Donoghue’s substantial contributions to Australia as detailed in the Proposed Redistribution Report, O’Donoghue was chair of ATSIC during a highly controversial time for the organisation. While I am not aware of any specific wrongdoing attributed to Dr O’Donoghue, during her tenure ATSIC was “accused [...] of mismanaging millions of dollars”.<sup>14</sup> Her deputy chair, Ray Robinson, was later convicted of criminal fraud.<sup>15</sup>

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<sup>11</sup> Craven, G. (1993), “The Founding Fathers: Constitutional Kings or Colonial Knaves”, *Papers on Parliament*, vol. 21, Department of the Senate, p. 5.

<sup>12</sup> “Federal Electorates: South Australian Divisions”, *The Adelaide Observer*, 22 August 1903.

<sup>13</sup> Including Fenner (2016, named after Frank Fenner who died in 2010); Wright (2009, named after Judith Wright who died in 2000); Bonner (2004, named after Neville Bonner who died in 1999); and Hasluck (2001, named after Paul and Alexandra Hasluck who both died in 1993).

<sup>14</sup> “ATSIC hits out against fraud claim”, *The Canberra Times*, 9 May 1994, p. 3.

<sup>15</sup> “Court of Appeal dismisses former ATSIC commissioner Robert Robinson's bid to overturn jury finding on Commonwealth fraud”, *News.com.au*, 13 November 2012.

One of O'Donoghue's successors, Geoff Clark, whom she publicly endorsed as "a good strong advocate for us and [...] won't be backward in speaking out",<sup>16</sup> was convicted of "theft, obtaining financial advantage by deception, perjury and knowingly dealing with the proceeds of crime" as recently as 2024 in relation to theft from Indigenous organisations between 2001 and 2015. Clark had previously "faced criminal and civil proceedings in the early 2000s over historical cases of gang rape and an assault" and "a civil jury found he had led two pack rapes against a teenage girl in the 1970s".<sup>17</sup>

While again I stress there is no evidence that I am aware of linking Dr O'Donoghue to these instances of wrongdoing by her ATSIC colleagues, in naming federal electorates careful consideration should be given to "deferring" an honour where there is even a remote likelihood that subsequent legal developments may reflect poorly on the individual being honoured.

Yours faithfully

J. S. Merriman

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<sup>16</sup> Nason, D. "No compromise", *The Weekend Australian*, 18 December 1999.

<sup>17</sup> "Former Atsic chair Geoff Clark jailed for stealing almost \$1m from Indigenous organisations", *Guardian Australia*, 29 November 2024.