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Phone: 1300 502 819
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PUBLIC INQUIRY OF THE AUGMENTED ELECTORAL COMMISSION FOR TASMANIA INTO FURTHER OBJECTIONS

**CONDUCTED IN THE FRANKLIN ROOM, COUNTRY CLUB
CASINO, LAUNCESTON**

10.35 AM, MONDAY, 7 AUGUST 2017

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: Good morning, everybody. Might I welcome you to this augmented Electoral Commission for Tasmania's inquiry into the further objections. My name is Dennis Cowdroy. I'm the Chair of the augmented Electoral Commission. The other members of the Australian Electoral
5 Commission present are Mr David Kalisch on my immediate right, who is the Australian Statistician, and on my left is Mr Tom Rogers who is the Electoral Commissioner. The other members who make up the augmented Electoral Commission are Mr Rod Whitehead, the Auditor-General for Tasmania, on my far right; and on my far left, Mr David Molnar, the Australian Electoral Officer
10 for Tasmania; and to his right is Michael Giudici, the Surveyor General of Tasmania.

Part IV of the *Commonwealth Electoral Act 1918* sets out the requirements to be followed in conducting redistributions. This redistribution in Tasmania is
15 required because more than seven years has elapsed since the last redistribution was determined. In accordance with section 72, subsection (10), of the Electoral Act, the augmented Electoral Commission for Tasmania has prepared a proposal for the redistribution of Tasmania into five federal electoral divisions. The proposal was released on 20 July this year.

20 As the augmented Electoral Commission deemed this proposal to be significantly different to that previously released by the Redistribution Committee for Tasmania, in accordance with subsection 72(13) of the Electoral Act, interested parties, including individuals and organisations, were invited to
25 make further objections to the proposed redistribution. A total of 22 further objections were received by the required time frame. The augmented Electoral Commission is required by subsection 72(1) of the Electoral Act to consider all further objections lodged in relation to the augmented Electoral Commission's redistribution proposal.

30 The inquiry here today provides the opportunity for members of the public to make oral submissions about those objections. The Electoral Act specifies how the redistribution process is to be conducted and which factors are to be taken into account. Section 73, subsection (4), of the Electoral Act states that the
35 primary consideration for the augmented Electoral Commission is that each electoral division meets certain numerical requirements in the form of a current enrolment quota and the projected enrolment quota and acceptable tolerances around those two quotas.

40 Subject to an electoral division satisfying those numbers, section 73, subsection (4), also requires that we have regard to communities of interest within electoral divisions, that is, economic, social and regional interests. We have to have regard to the means of communication and travel within those electoral divisions and the physical features and the area of electoral divisions.
45 The boundaries of electoral divisions as existing are also considered, although that is of lesser importance. Boundaries may change and often there has to be compensating adjustments to make sure that the electoral divisions are within those numerical tolerances.

The inquiry today will be recorded and transcripts of proceedings will be made available as part of the augmented Electoral Commission's report and therefore will be on the Australian Electoral Commission's website once this report has been tabled in Parliament. We would ask people making submissions to come
5 to the table in front and please state their name before they commence their presentation. May I remind those who are wishing to speak that this is an opportunity for us to hear what you want to say. We do not engage in debate or discussion. After this inquiry we will deliberate. We will endeavour to make a public announcement as soon as practicable. We would ask speakers to
10 be as concise as possible.

A number of persons have indicated that they would like to make oral submissions in addition to their written submissions and according to the list which I have been provided with, the first person on the list who attended
15 today is Mr Martin Gill. Mr Gill, would you like to come up to the table, and for the record, would you please state your full name and any particular organisation or interest you represent.

MR GILL: Yes, certainly, chairman. I was wondering if we could (indistinct)
20

MR COWDROY: Yes, certainly. Please both come up, bring a chair up, and if you each state your name for the record and indicate who will be speaking.

MR PERKINS: So Craig Perkins, Mayor of Meander Valley Council.
25

MR GILL: I'm Martin Gill, General Manager, Meander Valley Council.

MR COWDROY: Thank you. Who would like to address the Commission?

MR PERKINS: So I'm happy to start, and Martin will also be making some comment as well if that's okay.
30

MR COWDROY: Very well. You commence, Mr Perkins. Thank you.

MR PERKINS: Okay, thank you. So we're sitting here at the moment in Prospect Vale, a suburb or part of the Greater Launceston community. It's part of Meander Valley Council. It's currently in the electorate of Bass. I think it's really important to understand that the "community of interest" test that needs to be applied and is part of considerations. For the people of the suburbs of
40 Prospect Vale and the township of Hadspen, which are recognised through what we call the Greater Launceston Plan and as part of the urban area of Launceston, clearly they're community of interest and the relationship between their activities sits with the Greater Launceston area and therefore the electorate of Bass. It's undoubtedly the function, the needs and the support
45 required from levels of government, an urban area, it's different to be that in a rural area, the rural area being of Lyons.

My concern is that under this augmented arrangement that the people of these urban areas who have been served well under Bass who would connect

themselves with the electorate of Bass are all of a sudden going to be changed where their representation at a federal level can quite conceivably be, and it is now, located in southern Tasmania. The needs from hospitals, from schools, particularly the other services and activities that the federal government
5 provides and delivers are going to be completely different to those potentially in southern urban areas. So to be able to voice concerns, opportunities, raise matters, and to help the government develop public policy, surely one would consider the urban part needs to be connected to the urban representative.

10 It came as quite a rude shock to us as a Council to see the change being made. To me it looked like it was just a quick grab for numbers, because all of a sudden the communities of Dorset Council were obviously going to Lyons and then back in. It was like, well, here's a quick way of solving a problem rather than actually thinking through it. It was really hard to determine any other
15 conclusion than that because the maps and the information on the website were very hard to get hold of. Well, actually thick lines are very difficult.

The people I talk to, the people I represent as Mayor, and I live in this part of the Municipality, have clearly shown their surprise at what they don't see to be
20 a commonsense outcome in terms of the lines. The redistribution would actually put the boundary line down through urban centres, along back fences, down the middle of roads, as opposed to the current arrangement which is along natural boundaries of rivers and the like that people have come to know. It just doesn't make much sense the way that the new arrangement has come.

25 And likewise, the people of Lyons in our community who have connected with and have shown a relationship with the federal member for Lyons, Lyons being predominantly rural and rural communities throughout the area of Lyons. It's difficult to understand why the change was made, apart from the fact that Bass
30 was going to remain as it is and therefore there had to be a change in numbers, so it was a quick grab for some vote numbers to make the numbers balance. That's what it looked like from our point of view, rather than thinking about the representation and who the community of interest is.

35 MR COWDROY: Yes. Thank you, Mr Perkins. Mr Gill, do you want to continue on?

MR GILL: Yes. My comments will be fairly brief. I just wanted to start by
40 just drawing your attention to when we received notification that we would be having the hearing. Members of our community went out and put together a petition, so in less than a week that petition managed to secure 130 signatures, all of those wishing to remain in the Bass electorate.

45 The only other thing I really want to speak to is just the diagrams I provided to you, which goes to the Mayor's point around the Greater Launceston Plan and the planning that's been happening in this region for a number of years now, probably close to seven years, and how as a region we really call Launceston the Greater Launceston urban area now. In the map you can see the south-west corridor which includes both Hadspen, Prospect Vale and Blackstone Heights,

and a lot of the integrated strategic land use planning considers that those spatial areas are certainly part of the community of interest of Launceston.

5 Certainly when we went through a recent rezoning at Hadspen to open up some urban land there for about 800 to 1,000 homes, the Tasmanian Planning Commission insisted that we brought Launceston to the table to have the discussion about the growth in Greater Launceston, what impacts our growth would have in relation to Launceston and their plans there. They also asked us to talk about transport connections and making sure that we could service our community adequately. So the maps are just a visual representation, I guess, of our submission and what we would argue is some clear spatial communities of interest that support the clear sort of social and infrastructure communities of interest. Thank you.

15 MR COWDROY: Very well. Well, thank you for those maps. We will of course take onboard what you have said and consider it and we'll also carefully study Bass.

20 MR GILL: Thank you.

MR COWDROY: Thank you very much for your attendance here today. The next speaker is Mr John Beattie.

25 MR BEATTIE: My name is John Beattie and I'm a resident of the Dorset Municipality. I've made two previous written submissions, OB8 and COB7, to the electorate Redistribution Committee, plus an oral submission to the augmented Electoral Commission for Tasmania on 10 July in Launceston. In all those submissions I recommended that the Dorset Municipality remain in the Division of Bass. The background to those recommendations, plus some new information to support the revised proposed redistribution by the augmented Electoral Commission, is that the Dorset Municipality remain in the Division of Bass will be outlined.

35 The published report, *Proposed redistribution of Tasmania into electoral divisions*, May 2017, provides some guidance for the formulation of my recommendations. The executive summary on page 5 in part states the following requirement -

40 *Keep together and unite existing communities of interest as represented by local government areas where possible.*

45 And as I've said before, anything is possible. The above appears to be the catalyst for many of the objections and suggestions that arise from a request in November 2016 from the West Tamar Council that the entire Municipality be located in the Division of Bass. It is important to note that the West Tamar Council, S13, stated -

Further it has become apparent, particularly during the 2016 federal election, that Council must lobby representatives in both electorates

and as such, it can be difficult for Council to achieve an overall package for the Municipality. It would be far more desirable to put all of the Council's efforts into lobbying within one electorate for the best outcome for this Municipality.

5

The Redistribution Committee accepted this proposition and it has been confirmed in the revised proposed redistribution. It should be noted that Ellison, FOB6, from Bridgenorth in the West Tamar believes that area should remain a division of Bass. The above does appear to be different from what
10 Mayor Perkins of the Meander Valley Council said, reported in *The Examiner* on 15 July, which is as follows -

Councillor Perkins said it was beneficial to have part of the Meander Valley in Bass and Lyons. "We end up with two politicians interested in what we are doing at Council and I'm more than happy to spend the time they want with any politician", he said. "If you have got an extra representation, then it's thumbs up."

15

The question must be, does the number for equity in divisions always provide
20 equity in political representation?

In regard boundaries, in OB8 I stated that when the point that physical features in the area of the proposed federal election divisions is to be considered, it would seem that the Tamar River should remain a clearly defined boundary for
25 the electorate of Bass. If the Tamar River is not a suitable boundary, then it is obvious that boundary lines can be drawn in any convenient location to satisfy statistical needs.

25

Thus the statement in the Meander Valley Council FOB17, the proposal of
30 augmented Electoral Commission would create a boundary down the centre of a local road and along rear yard fences. It is an artificial boundary difficult to visualise or identify. This argument carries little weight. This is demonstrated by the simple fact that all residents and business owners in Prospect Vale, Blackstone and Hadspen would be pretty clear where they stand when it comes
35 to local government elections and issues arising from the three R's of local government.

30

Communications. The means of communications and travel within the current
40 Division of Bass is an issue of great significance and if the Dorset and Flinders municipalities were to become part of the Division of Lyons, the division will be 40,940 square kilometres or 54 per cent of Tasmania. This would be a major obstacle to any federal or state politician attempting to fully service the electorate in an efficient and timely manner. This point is supported by the fact that over many years, parliamentarians for the current Division of Lyons have
45 expressed great difficulty in servicing the electorate due to its geographical spread and diverse communities. This point is also emphasised by Gutwein, COB6, where it is stated -

45

Lyons is already known for its large area, dispersed population and

5 *challenges faced by local members of parliament in serving their constituents. Transferring two additional municipalities to Lyons would significantly increase its area and add to the burden of its elected representatives while diminishing the level of access and engagement currently experienced by the electors of those municipalities.*

10 The Meander Valley Council, FOB17, has expressed similar concerns in the introduction to their submission and it reads as follows -

15 *It should be noted that the Meander Valley Council has also ongoing concerns about the size of the Lyons electoral division as currently configured and as proposed. These concerns extend to the scale of the electoral division, the difficulty of identifying a cohesive community of interest, and the ability of elected members to provide adequate representation.*

20 It is a reasonable proposition that the Meander Valley Council would not want the Dorset and Flinders municipalities added to the Division of Lyons and adding to the geographical spread of the division.

25 In regards community interest, the economic drives unique to the Dorset Municipality are widespread dairy industry, intensive cropping, pursuits in growing potatoes, carrots, onions, extensive harvesting and processing of softwoods, defined medical, hospital and aged care all in the one location, and the Defence Research Authority. Most of these attributes would not fit well with the current Lyons division and would not be enhanced by becoming part of that division. The world-renowned mountain bike trails at Derby, the two international golf links and polo field at Barnbougle, and an active rail trail are facilities that are utilised for a great deal of the citizens of Launceston and many close relationships are developed.

35 On a more person-orientated field of community interest, residents are involved with the heart of Bass in Launceston in sporting fields such as the football, the NTFA, men and women bowls, horseracing, both gallops and pacers, and pennant golf. Additionally, students travel to Launceston on a daily basis to attend (indistinct) colleges, TasTAFE and NewTas and form both academic and social associations and share common goals and aspirations. Also many government programs, both state and federal, support the electoral Division of Bass as a whole. A transfer of the Dorset Municipality out of the Division of Bass could present some difficulties to a community working to overcome recent economic downturns.

45 Summary. It is clear that the vast majority of submissions provided an objection but make no suggestion regarding a possible alternative solution. Based on my previous submissions and some new information, there are two possible solutions, both leaving the Dorset Municipality in the Division of Bass. Firstly, the West Tamar decision where city and country areas have come together in the Division of Bass, both the Redistribution Committee and

the augmented Electoral Commission have agreed on this decision based on the premise of keeping local government areas together.

5 To revise this decision may be difficult, however there is some support from
Ferguson, COB4, where he strongly endorsed that both Dorset and Flinders
remain in the Division of Bass. Then Ferguson, in FOB22, stated there is an
argument why all the Meander Valley should not be in the division lines. Then
to support this proposition, the following suggestion is made, possibly with a
West Tamar solution in mind, and from Ferguson (indistinct) I submit that the
10 augmented Commission should revisit this matter again, taking less interest in
municipal boundaries as the basis for arbitrarily moving communities in and
out of an electoral division and instead focus more interest in ensuring that
communities of interest are held together.

15 A decision by the augmented Electoral Commission to reverse the current plan
in regard to West Tamar Municipality would require a great deal of
consideration in regard to the final outcomes for northern Tasmania as a whole.
A change of policy would certainly allow the Dorset Municipality to remain in
the Division of Bass and reduce the amount of fuss.

20 Secondly, the division for West Tamar Municipality to be in the Division of
Bass obviously requires further boundary adjustments to balance the number of
persons in the divisions in accordance with the statistical requirements of the
Electoral Act. There are only two possibilities in regard to boundary
25 adjustments: the placement of the Meander Valley municipalities in the
Division of Lyons, or a similar proposition for the Dorset and Flinders
Municipality.

30 The augmented Electoral Commission, having considered all the previous
submissions, determined that the correct placement of Dorset and Flinders was
in the Division of Bass. While community interest in the present Division of
Bass has been adequately demonstrated, a possible reason for this decision and
supporting factors for the decision was the potential size of the Division of
Lyons. The size of the Division of Lyons has been previously discussed and
35 it's clear that there is no enthusiasm to increase the geographical area of the
Division of Lyons by any party.

40 Therefore, under the current philosophy of the Redistribution Committee
regarding boundaries, I strongly support the augmented Electoral Commission
decision of Dorset and Flinders Municipality remaining in the Division of Bass
and for the Meander Valley Municipality being fully in the Division of Lyons.
Thank you.

45 MR COWDROY: Thank you, Mr Beattie. Again, your comments have been
recorded and they will be taken into consideration.

MR BEATTIE: Thank you.

MR COWDROY: Thank you for your attendance. The next speaker is Carol

Cox.

MS COX: Thank you. Carol Cox, Mayor of Flinders Council. Flinders hasn't previously made a submission, but I would like to thank the Dorset Council,
5 Mr Beattie and others who have made representation on our behalf to keep Flinders in Bass. Flinders in Bass keeps our connectivity to our federal member. All our connections are to the north and north-east in Dorset and Launceston. When we come to Launceston we have to fly in. We all rely on public transport on this side in one form or another and that's all connected into
10 Launceston. There is no continuous public transport from the airport into the seat of Lyons as proposed.

Flinders links strongly with Launceston in many ways. We are totally reliant on it for our health services, we're totally reliant on it for our education,
15 particularly our Year 11 and 12 as well as our higher education, and for our businesses. It's our business connection centre with a lot of our businesses and trades actually flying in from Launceston to service the island.

We have absolutely none or very little connection with Brighton and any other
20 of the south centres that are in Lyons. It has no focal centre that we can connect with and it's very difficult to connect to the islands. We have two flights a day but generally if you had to travel to the island from, say, Brighton, it's at least a two-hour drive up the highway and then a flight and then you're there for the whole day. So it would make it extremely difficult for any
25 member to service us on a regular basis based from Lyons. We have received very good representation from Bass members who do visit the island regularly and we'd like to see that continue.

We don't believe we have any real connection to the Midlands or any of that
30 social infrastructure. We are a remote group of islands, a remote community whom our Bass electorate has come to understand and we believe we are best served by continuing to be in Bass. And I think that's about all I've got to say except thank you very much (indistinct) and I would sincerely like to see Flinders stay in the Bass electorate. Thank you.

35 MR COWDROY: Thank you very much, and thank you for your attendance, Ms Cox. Now, Mr Watson is here. Please have a seat, Mr Watson.

MR WATSON: Mayor Howard has put in a submission for Dorset Council
40 but unfortunately he can't be here today, so he's asked me to speak on his behalf. I won't go through his written submission verbatim. What I would like to do though is just bring your attention to one of the key thrusts of his submission, which was section 66 of the Electoral Act which talks about consideration of community interest, particularly economic, social and regional
45 interest. So I'd just like to focus on those three points.

The first one is just talking about community representation, therefore community interest. Our view is that the proposed redistribution that would take the north-east, being Flinders and Dorset, out of the seat of Bass is

disconnected from the day-to-day realities of how these two communities interact with Launceston and therefore Bass. Given the sheer geographical spread of the proposed redistribution, there's a real concern that the north-east won't get political representation.

5

The reality is we deal with both our federal member who is based in Launceston and our three state members. We've got five, but when you're dealing with the government you've typically got three sitting members in Bass. The reality is all our dealings with political representatives are in Launceston. The other thing I'd point out is, if you like, Lyons is on the other side of Launceston. So the physical realities for either Dorset or Flinders to get to their political representatives, they've got to go the other side of Launceston, which doesn't make a lot of sense.

15 I just want to talk about the bigger picture about the economics of the north. My experience is that the north is one large economy. It's a bit like a bit of a spider web. Whilst we have also micro economies like Dorset, we're part of this Greater Launceston northern economy, and you see it every day, you see the traffic flows. Personally I live in Launceston and I travel out to Scottsdale
20 each day and you see the traffic going in every direction, and I know that the Greater Launceston - you've got people living in regional communities in Launceston but they work right across the north, and what we find is our community members, typically if they don't work in Dorset they work in Launceston.

25

You look at just where we draw our quasi-professional staff and our professional staff, typically they come from Launceston. Like I said, I live in Launceston. All the managers at Dorset Council bar one live in Launceston. You look at health and education in Dorset, over 30 per cent of the education
30 and health workers come from Launceston. So the reality is we are joined with Launceston and to take Dorset out of Bass would be disingenuous in that respect.

35 And then looking at the social side of things, you know, we've got all our schoolkids, particularly when they get to Years 9 and 10, a lot of them travel into Launceston because Launceston has better education offerings. So they live with their families out in the north-east but the reality is that's where they're going to school. They're not going to school in Lyons. Similarly, pretty
40 much all our sporting clubs are part of Launceston-based sporting organisations, be it netball, football, cricket and so forth, and John Beattie touched on that.

The other thing I'd mention is, and I don't know whether you guys are aware, but the north is actually reinventing itself with the downturn of the forestry
45 industry. It's estimated that the forestry industry is about one-third of the size it was before the GFC. So you had two things happen: the GFC affected the forestry industry, plus you had the Tasmanian forestry agreement. Now, it's probably had the biggest impact on Dorset and Launceston. So the north is going through this difficult transitional period where it's got to reinvent the

private sector. The last thing the north needs is to start splitting up that northern economy. Dorset is just starting to get itself back on its feet. We're starting to dramatically expand the tourism offering and that's bringing money into our economy.

5

Now, we've got a project called the Blue Derby Mountain Bike Project and that's getting national recognition as a regional economic revival success story. Now, the reality is about 70 per cent of our visitors are coming from interstate and international. They're coming through Launceston and all that money, the majority of it, is sticking in what I would call Greater Launceston, the seat of Bass. Similarly, we're embarking on a rail trail that will go from Launceston to Scottsdale. We expect that to be one of the premier rail trail products in Australia. Same thing, you're talking Launceston, the north-east. So when you look at all those things, it just seems disingenuous to take Dorset out of the seat of Bass. That's all I've got to say today. Thank you very much.

15

MR COWDROY: Yes. Thank you very much, Mr Watson. Again, your comments will be carefully considered, and thank you for your attendance. I think the last oral speaker is Mr Peter Kearney.

20

MR KEARNEY: Thank you, Mr Chairman. Thank you for giving me your time to appear. I wish to cover the matter of the West Tamar, particularly the area, as we would describe it, north of Muddy Creek. I'm sure you're all highly familiar with Muddy Creek in your considerations, but that's the northern part of the Municipality. Then I would like to refer to the names of the electorates of Clark and Franklin if I may be permitted, and in that respect, I would like you to know that I am a collaborator with Mr Nigel Burch who appeared before your last hearing, and so that I can jog your memory, there's a couple more of his books. I think he waved a book in front of you. You probably recognised the format.

25

30

MR COWDROY: Yes.

MR KEARNEY: And he has done a number of things, so I'll talk about that further down the track if I'm allowed. Right. I'm a West Tamar Councillor. I'm a former campaign manager for the MHR for Lyons, the fairly well-known Mr Dick Adams, and I was doing that job for six elections, so I know the electorate fairly well. I was also a member of the steering committee for the Greater Launceston Plan, which I will refer to further on.

35

40

Now, the West Tamar Council had a motion before it. I think it was brought forward by a Councillor to put this submission in to you and it was like be careful what you wish for, I think, is almost the situation. It seemed like a good idea. There didn't seem to be a reason not to ask for it and the Council's submission to this body has relevant things about the pragmatics of operating in two electorates. I know the Council didn't really contemplate that agreement with our request would result in the urban areas of Meander being put into Lyons.

45

Now, there hasn't been an opportunity for the Council to come back to you with a council position because we haven't had a meeting. There hasn't been time to do that and as a humble Councillor, I'm not permitted to speak for the Council, as you would understand, but I am permitted to speak for myself,
5 although I do know that there are other Councillors, including the person who brought the motion forward, that are saying, "Yeah. Well, look, you know, this is not an outcome that we're actually terribly comfortable with."

10 The issue about us is not hugely significant. In other words, whether we have to deal with two politicians or one, or two lots of politicians or one lot, it helps, but the most important thing for the West Tamar is to have a thriving economy in Launceston - well, I'll rephrase that - a thriving economy in the Greater Launceston area, and that's why we were very active members of the Greater Launceston Plan Steering Committee and I recommend that you - well, I'm not
15 going to drop a copy of it on the table because (a) I don't think I've got one and secondly, you might be surprised to know that my internet is down at the moment, so it's a bit hard to raise some of these things.

20 However, the Greater Launceston Plan sort of area, although it includes the airport and Bell Bay, fundamentally it includes the urban areas that constitute Bass, and the port is in Bass but the airport isn't, but fundamentally it talks about making that area work economically. Now, I'm not a great economist or a regional whatever, but I do know that we've argued from the West Tamar strongly for the region to work together. We're not very good at it, let's face it,
25 but breaking it up into - should I say kicking Meander out, as it were, or moving them into another electorate I can't see adding to the capacity of the Greater Launceston Plan to deliver good results.

30 I don't think anyone is going to die in a ditch in the West Tamar, whether north of Muddy Creek is in Bass or Lyons or not, but I suspect the economic impacts of moving Meander out of Bass are probably significantly greater and therefore of a personal concern.

35 Now, it would be very nice if I could rack up a West Tamar Council meeting and have a Council position, but I suspect that that would have a fair bit of sympathy, and I would ask you to consider the significance of the Greater Launceston Plan and the stuff that's come out of that in your deliberations because it does go to our economic future; that matters. Whether we have to deal with a few different politicians is really not a big significant item. I've
40 probably laboured the point now, and I think you've got the direction.

45 Now I want to talk about the subject of the new electorate of Clark. Both Nigel and I were delighted when you saw fit to consider the submission, particularly - well, I suspect it might have been of significance what he put forward, although of course there were others. Nigel has talked to me about a book he's writing on Premier Chapman going back to the 1850s, and he said, "Peter, I'm having real difficulty dealing with Denison because," he said, "I'm developing a real antagonism. The more I learn about him, the less I like the man."

Now, this is a long way back, I understand that, but I really think that the decision about changing from Denison to Clark at the very least reflects the fact that we've got a number of worthy people for whom we could name that electorate after, and I think by any standards Denison was not one of them. So
5 I hope that you'll stick with the decision that you've made. I think it's got wide support. I think the general view was that Andrew Inglis Clark was a totally under-represented person, in other words, and this Commission has made a change to an electorate. They changed Wilmot to Lyons, and I think that was widely accepted by the Tasmanian people as a very good thing.

10 Whatever our views about particular things about Joe Lyons, we all recognise him as the first Tasmanian, and I think the only Tasmanian prime minister, and of his wife. So I hope that you'll stick with Clark as the name for the old Division of Denison, and we would like to congratulate you on biting the bullet
15 on that one, perhaps letting us off the hook of Mr Denison's somewhat shady record as I would see it.

Moving on to Franklin, we were quite surprised to see Franklin back on the agenda. So I'm not quite sure where that came from, but almost the opposite
20 applies to Franklin. Franklin was a well-known Tasmanian Governor, he's well-known worldwide, there's a statue for the man in the middle of Hobart, and we're not sure why that would not be a suitable name for an electorate.

But in particular, both Nigel and I would ask you to consider also the fact that
25 Lady Franklin is a very significant person in Tasmanian history, not just Mr Franklin but Mrs Franklin. So there's a lot of features of Tasmanian life that reflect Lady Franklin's involvement. It may not have been the intention to call the electorate after Lady Franklin but the fact that the Franklin name has carried into that electorate gives some recognition to a very significant person
30 in Tasmanian history. Thank you.

MR COWDROY: That's been very comprehensive. Thank you, Mr Carney, very much. All your comments will be considered, and thank you for your
35 attendance.

MR KEARNEY: I'm sure they will. Thank you very much.

MR COWDROY: Thank you. Now, I think that concludes the persons who wish to speak orally, but there are a number of written submissions and we are
40 going to have those read into the record so that we have a comprehensive dossier of all persons who have expressed opinions.

MISS TAYLOR: Nicole Taylor, National Redistributions Manager. The first
45 submission I'll read is from Mr Bohdan Bilinsky AM.

My objection to the renaming of the federal electorate of Denison to Clark is in no way intended to be critical of Clark or deny him some recognition. I'm simply opposed to the removal of Denison in favour of Clark. There are other ways in which Andrew Inglis Clark can be

honoured. It should not be an honour at the expense of Denison's contribution.

5 *Denison's contribution to Tasmania is covered in considerable detail in Dr Bennett's biography of Denison, he being Australia's foremost legal historian. One of the achievements of Denison would be his contribution to having Van Diemen's Land renamed to Tasmania. His recognition in Tasmania rather than elsewhere in Australia is appropriate.*

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I have received a letter from a Mr Bob Holderness-Roddam in which he provides a long list of supporters for the renaming of the federal electorate in honour of Clark. He lists many famous Australians who support Clark's recognition and his contribution to Australian history. I repeat that I have no objection whatsoever to such recognition, but not at the expense of Denison.

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In his letter he refers to Clark as the principal author of our Constitution. With respect, I do not agree with that conclusion. Clark certainly was a major participant in the constitutional conventions leading up to federation but cannot be described as the principal author of the Constitution. This is evident from the failure for more than a century to name either an electorate or a particular location after him. If Clark is to be recognised as the principal author, then it would be more appropriate that an electoral division be named after him on mainland Australia as his contribution would have been to Australia rather than a single state.

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30 The second submission I'll read is from David Halse Rogers on behalf of the South Hobart Progress Association.

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The Australian Electorate Commission has proposed changing the name of the federal electorate of Denison to Clark to honour Andrew Inglis Clark. The South Hobart Progress Association Incorporated (SHPA) Inc understands that an inquiry is to be convened by the augmented Electoral Commission on 7 August 2017 and wishes to add its voice to the call to change the name of the Hobart-based electorate from the present Denison to Clark, or preferably Inglis Clark make this change.

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Andrew Inglis Clark was one of the fathers of the Australian Constitution, co-founded Tasmania's Hare-Clark voting system and was Tasmanian born and bred. Apart from helping to draft the Australian Constitution, he was also a humanitarian, lawyer, judge, parliamentarian and Vice Chancellor of the University of Tasmania. He was appointed a judge of the Supreme Court and he acquired an extraordinary reputation within Australia for his legal knowledge and acuity. He served in the First World War, being mentioned in dispatches, but had a healthy Australian reserve for military

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authority.

5 *By comparison, Lieutenant-Governor William Denison was a notorious character remembered for his harsh treatment of convicts, an interesting historical footnote but hardly worthy of remembrance. Perhaps thought could be given to calling the electorate Inglis Clark, the name by which he was commonly known. The Inglis was his mother's maiden name.*

10 The third submission I'll read is from Bob Holderness-Roddam.

Submission to public inquiry scheduled for Launceston on 7 August 2018.

15 *As stated in my objection, I offer my full and unreserved support for renaming the Division of Denison to Clark. This is a long overdue move supported by the community, including High Court judges, a former Governor-General and many current and former MPs. I congratulate the augmented Electoral Commission for adopting this proposal.*

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25 *However, notwithstanding the above comments, I support the proposals by several objectors that Inglis Clark would be a more appropriate name for the electorate formerly known as Denison. My original submission proposed either Clark or Inglis Clark. I offer the example of Kingsford Smith as a precedent for using two names, but rather than lose the opportunity to recognise Clark, I would accept Clark rather than pursue Inglis Clark should the Commission deem this latter proposal unsuitable.*

30 *I'd now like to briefly analyse the objections both for and against the renaming of Denison, whether to Clark or to Inglis Clark. First, the objections in opposition to renaming Denison.*

35 *Objection number 7, Dr John Bennett AM. This submission is as much a Denison hagiography as anything. When it touches on Clark it selects his role in introducing the Hare-Clark electoral system to Tasmania for comment. There is no mention of Clark's role as principal author of our Constitution. Given Dr Bennett's qualifications as a legal historian, he would surely be aware of Clark's role here. In other words, Dr Bennett would appear to have deliberately ignored Clark's contribution to the authorship of our Constitution. This smacks of cherry picking, to my mind.*

45 *Objection number 9, Emeritus Professor Michael Roe. Professor Roe argues that Denison has been largely free of any such slur that he was of dubious character. Rather than play semantics with the word "largely", I would point out that Andrew Inglis Clark is completely without slur. The few barbs shot in Clark's direction have proven*

pointless. The professor suggests that rather than renaming Denison, a Canberra suburb be renamed Clark. He clearly disregards the key fact that nearly all the key players in federation have not only a Canberra suburb named for them, but also a federal electorate.

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I'm a bit perplexed that a Professor of Tasmanian history would go in to bat for the opposition, a British governor, rather than for our own side. For whom will he be barracking in the forthcoming Ashes series?

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Objection number 12, Bohdan Bilinsky AM. Like the Bennett objection, Bilinsky has completely ignored Clark's contribution as principal author of our Constitution, electing instead to make a passing comment to the introduction of the Hare-Clark electoral system. I suggest Messrs Bennett and Bilinsky would do well to consider that should Clark or Inglis Clark be substituted for Denison this would free Denison for adoption as an electorate name in New South Wales. Perhaps their energies could be so directed.

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The objections in support of renaming Denison. Whilst it may be argued that decisions as important as changing electorate names should not be based solely upon the numbers, pro and con, I point out that 12 of these objections were in support of substituting either Clark or Inglis Clark for Denison.

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Whilst most of these are previously made submissions, I would particularly highlight that of Lawrence Neasey, objection number 18. Lawrence Neasey completed the Clark biography, Andrew Inglis Clark, after his late father, Francis M Neasey, unfortunately passed away before its completion. This is possibly the most important academic study of Andrew Inglis Clark's life. I intend no disparagement of other works of importance. This is what Neasey Senior wrote about Clark at the start of his book, "Clark's contribution to Tasmanian political life was immense. He was the intellectual leader and social reformer in the various administrations and oppositions in which he served. As a reformer, he played a larger role than any other politician in pulling the colony of Tasmania out from under the overburden of its convict past."

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Page 2. In closing I emphasise that five highly regarded academics have expressed their support. These are Professor Henry Reynolds, Professor George Williams, Lawrence Neasey, Professor Richard Eccleston and Dr Peter Jones. This proposal also has the support of members of all three Tasmanian political parties, either as direct submissions to the redistribution, signatories to one of the two positions, or as a statement to the House of Assembly, Matthew Groom.

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Public support is clearly demonstrated by the 333 petition signatures,

221 online at change.org, and 112 hard copy. These include several high profile citizens. Examples include former Deputy Lord Mayor of Hobart, Pru Bonham; former director of local government, Alistair Scott; former Senator Margaret Reynolds; and Rodney Croome AO.
5 The lack of recognition for the principal author of our Constitution is a national disgrace and must not be allowed to falter at the last hurdle.

10 The final submission is provided by the Honourable Michael Kirby AC CMG.

Dear respected members of the Electoral Commission, I adhere to my opinion that it would be timely, indeed overdue, and entirely appropriate to rename the federal electoral Division of Denison as Clark or Inglis Clark. I have already expressed my reasons for
15 favouring this change and I adhere to them.

I have had the privilege of reading the submission to the contrary of Dr John M Bennett AM. I have the highest opinion of Dr Bennett. His credentials as an historian are enormous and greatly respected in the legal profession and beyond. I count him as a personal friend. He has discharged an honourable and extremely demanding,
20 substantially honorary, task of writing histories of former chief justices of the Australian colonies who served in the 19th century. He's a virtually unequalled historian of the public offices of the
25 19th century in Australia, including Sir William Denison, one time Lieutenant-Governor of Van Diemen's Land.

I support everything he says about the distinctions and achievements of Governor Denison and his contributions to the history of Australia, including but not limited to what became, with his support, Tasmania.
30 He was a notable figure, as Dr Bennett's biography of him demonstrates. It pains me to disagree with Dr Bennett in respect of the name change of the division, however I do.

Governor Denison's contributions to Australia and Tasmania were essentially during the colonial period and the early colonial period at that. He played no significant part in the moves to the federation of the Australian colony which eventually gave rise to the creation of a completely new polity, the Commonwealth of Australia.
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No doubt the example of the good and valuable steps that he took in the governance of what is now Tasmania contributed in an indirect way to the confidence and stability of the colonies. This in turn contributed to the federal movement, however in terms of the
45 constitution that gave birth to the Parliament of the Commonwealth, this only really got underway in the last decades of the 19th century, well after Denison's service.

In my respectful submission, it is appropriate that the names of the

divisions of the federal parliament, so described in section 1 of the Australian Constitution, should reflect federal concepts and contributions primarily, especially where those contributions were truly enormous.

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It is wrong, in my respectful view, to reduce AI Clark's contributions to Australian history to those he made in Tasmania where he was a judge, minister, member of the colonial parliament, university chancellor and noted local figure, or to reduce it to his contributions to the system of proportionate representation embodied in the Hare-Clark system that takes his name. This is to misunderstand the enormous contribution he made to the design and content of the federal constitution.

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That contribution was brought home to me when I served as a justice of the High Court of Australia. The work of that court more than any other in Australia is regularly and constantly devoted to the closest attention to the text and structure of the constitutional document. It was when I first looked during a case at the original text that AI Clark prepared at the request of Samuel Griffith for a federal constitution for Australia and compared it with what was eventually adopted that it was brought home to me how similar the eventually emerging document was to the draft that AI Clark submitted.

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His many friends in the legal and judicial professions in the United States no doubt influenced his knowledge of the United States Constitution. This in turn had a huge impact on the Australian Constitution thanks to Clark, otherwise Australia might have been burdened with a confederation-type constitution as was adopted in Canada in the British North America Act, whose bicentenary is being celebrated at this time.

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That Australia secured a strong central government appropriate to the huge continental landmass of the nation that was created by the Constitution is largely a gift of the ideas propounded by AI Clark in his original draft and continued on to the final draft. This is a mighty contribution to Australia. It is reflected in the powers of the federal Parliament as enumerated in the document. On this ground alone, Clark's name deserves to be especially honoured alongside those of the other founding fathers.

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But there is more. Clark wrote a most important and influential analysis of the Constitution as eventually adopted. Along with the analysis by Quick and Garran, it was greatly influential, especially in the early years of federation. In his book, Clark propounded "the living tree" view of the Constitution which has generally prevailed in the opinions of the justices of the High Court of Australia. This means that the Constitution is to be interpreted not by reference to what was in the minds of the founders, but what is signified by the words in

which the Constitution was expressed, including as later understood. This is another mighty and influential contribution of AI Clark to the powers conferred on the federal Parliament by the text of the Constitution.

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For these two reasons and others, I believe that in the present federal context, and especially in the context of the federal Parliament created by the Constitution and representing its most powerful and important organ, it is more than timely that Clark's name should be honoured in the name of an electoral division.

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I was glad when today I received the text of a book by the Honourable Peter Heerey AM QC, *Can You See the Mountain?* In that book, the author, a most notable native Tasmanian and past chair of the Australian Electoral Commission, at page 135 notes that he supported the objective of naming a seat in the federal Parliament after Andrew Inglis Clark who is rightly dubbed the primary architect of our Constitution. I support this assessment and opinion.

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I have seen a submission made by Mr Rodney Croome AM, another distinguished Australian and Tasmanian native, urging that the name of the electoral division of Denison should be changed to Inglis Clark. His reasons relate to the numerous persons with the name of Clark who have an association with Tasmania.

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Personally, I also would prefer the adoption of the name Inglis Clark as proposed by Mr Croome, however I'm not aware of any practice that would support the use of a double name. Those in the know would certainly realise that the reference is to AI Clark. I consider that this issue can be safely left with the AEC and its decision makers.

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I hope that at long last and after many earlier attempts, the name of AI Clark will join those of the other founders of the commonwealth of Australia in the name of an electoral division of the Parliament created by the Constitution to which AI Clark made such a notable and historical contribution. It would be to honour an extremely important Tasmanian and founding father of the commonwealth. It would also be to correct at last an enduring oversight that needs to be repaired.

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MR COWDROY: Does that include all the written papers which are now incorporated in the record?

MISS TAYLOR: That includes all of the submissions to be read in.

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MR COWDROY: Thank you. Well, I think that concludes all those who wish to address this oral hearing and accordingly, the augmented Commission will now close the hearing and go and deliberate on the matters that have been brought before our attention. I thank you all for your attendance today.

MATTER ADJOURNED AT 11.40 AM ACCORDINGLY