

ANDREW INGLIS CLARK

(1848-1907)



FATHER OF FEDERATION & OF THE HARE-CLARK VOTING SYSTEM

by

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Barrister, Parliamentarian, Attorney-General, electoral reformer and Constitutionalist.

The Hare¹-Clark electoral system, used for Tasmanian Lower House elections, is peculiar to the State and remains relatively unknown in most places of the world. It has been in use continuously since 1907. It is interesting to learn the history of the men behind the scenes who forced its adoption, primarily THOMAS HARE an English barrister and Tasmanian-born ANDREW INGLIS CLARK.

Clark was indeed a *'sound'* lawyer. His refusal to accept anything, but an honest and reasonable fee prevented him from making a fortune from his profession. He was, however, more than a lawyer; he was also an engineer, poet, political philosopher and the Father of Australian Federation.

He is credited in his first year in the House of Assembly with initiating 150 Ministerial Bills, only one fewer than Henry Parkes. Some of his Bills dealt with cruelty to animals, restricting the entry of Chinese, legalising trade unions, more orderly control of public houses, the care of destitute children, payment of Members of Parliament and reforming laws on lunacy.

The University of Tasmania was established largely because of his efforts with association with colleague, Neil Elliott Lewis later to become Premier. He was Vice-Chancellor of the University of Tasmania 1901-1903.

¹ "Hare" was Thomas Hare (1806-1891) an Englishman . His system, as outlined in his book "Distribution of seats in Parliament" (1879, obviously influenced Clark.

The late Dr. George Howatt, expert on the Hare-Clark system called Clark the “Father of Federation”. Dr. Howatt was an American from Pennsylvania who on a Fulbright Scholarship arrived in Tasmania in 1957 to study the peculiar system and stayed.

Clark attended the first conference on Federation held in Hobart in 1886 and in 1890 was a Tasmanian delegate to the Australasian Federation Conference and to the national Australasian Conference in 1891. Andrew Clark was born in his parents’ home in Collins street in the year of revolution, 24 February 1848 and was the son of a Scottish iron-founder and engineer, Alex Russell Clark. In his early years, Andrew was taught at home by his talented mother, Ann Inglis because of his poor health. Later he attended the Hobart High and after leaving school at 16 he joined his father’s firm and qualified as an engineer. As a non-smoker and non-drinker he nonetheless held sessions of conversations with many, including those he disagreed with in his library. At the age of 24, he decided to study law and in 1877 was admitted to the Bar.

His liberal ideas were already taking shape. He became a passionate devotee of Mills, Jefferson and Mazzini. Indeed, years later, a visiting American Assistant Consul described Clark as a “*Tasmanian Jefferson.*” Clark became a staunch republican, who almost to the point of obsession admired American ideas, institutions and its Constitution. In short, he could be described as a romantic nationalist.

In religion he supported Unitarianism and with a number of other liberals he founded the Minerva Club – Minerva being the Roman goddess of wisdom. The club discussed pertinent topical problems of the day. He also belonged to the American Club.

The liberals were termed *ferocious reformers* by conservative politicians and by Henry Nichols, a one-time editor of the local daily, The Mercury newspaper. Clark later supported not manhood suffrage, but adult suffrage and was successful in seeing his Bill passed in 1896. Edward Braddon (1829-1906), the Premier said, “*They dealt with a proposal which ten years before would have been ridiculed.*”

As early as 1874, Clark was a promoter of proportional representation voting as opposed to the one-man, one-vote concept. In 1878 Clark married in Melbourne Grace Paterson, daughter of John Ross, a Hobart ship builder. In the same year he was elected to the House of Assembly for Norfolk Plains, but lost in 1882. Two years later found him forming the first true liberal political movement. Later a committee was formed, Clark included and its main principles were increased representation, adult suffrage and municipal and electoral reform, land taxation and payment of members. John Earle, later to be the first Tasmanian Labour Premier, belonged to the organisation.

In 1885 Clark founded the Southern Tasmanian Political Reform Association and unsuccessfully stood for election once again in 1886. During the same year the movement promoting the establishment of a Commonwealth had its birth in Tasmania when on 25th

January 1886, the first session of The Federal Council of Australia was opened by Governor Strahan. Clark, of course, attended. Later as a member of the Federal Council, he would draft a Federal Constitution for the convention of 1891. It was in this year he described Henry Dobson soon to be Premier, as a "*plutocrat who believes in the division of society into upper, middle and lower classes on a basis of property and money.*"²

In 1887 Clark was elected and served as Attorney-General under Premier Phillip Oakley Fysh (1835-1919) until 1892. Sadly in this year of 1887 he lost his son, Melvin Inglis who died in infancy.

Meanwhile he visited the land of his admiration, America and returned to Hobart further inspired by what he had seen. After the Fysh government fell in 1892, Clark joined the Opposition and served another period as Attorney-General between 1894 and 1898, under Edward Braddon. Amongst controversy, Clark resigned his position, clashing with Braddon over the Great Western Railway Bill. There had been a change of route to include a branch line without conferring with the Attorney-General, indeed the decision was made without him being present. Clark had determined that it was not a "branch line" but an extension and stated that the whole affair was illegal. Braddon ignoring Clark's opposition, went ahead and fulfilled his promise of the new extension (or branch as he termed it) to the Company who had exclusive rights over the route. Clark then rose in the House and resigned. In his opinion he could no longer work with men who defied the law. There was a great deal of dissensions on the matter with a divide between north and south, the north backing Braddon while the south was generally in favour of Clark. There were offers for Clark to regain his office, but he was refused and was replaced with Donald Campbell Urquhart.

It was the end of his political career. Wrote Alexander Hume, editor of the newspaper *Critic*, "*His nature was too impressionable and his temperament too highly strung to stand political tricks. It was a mistake to ever touch politics.*"

In August 1896, Clark was able to introduce proportional representation for Hobart and Launceston for the following year, after heated discussion. He also urged modification such as the transfer of surpluses and reducing the element of chance. In that year, he was unable to attend the Federal convention because he was back in America.

In 1896 he helped found the Democratic League. It discussed the Hare system, but lacking popular support, the League ceased within a year. Opposition to the Hare system was vigorous with petitions being received by the Parliament to abandon it. On the whole, it would appear electors mastered it quite well. Braddon was urged to adopt it.

In the 20th December 1897 in the Town Hall there was a presentation of an address to Clark for his stand on his constitutional principles. It was delivered by the Rev George Clark. Clark

² M.G. Reynolds, "A Century of Responsible Government in Tasmania 1856-1956" P.181

replied by saying how important it was to the adherence to constitutional methods as the only safe guard to public liberty, particularly against the dictatorship of any one man or group of men.

In 1898 Clark was appointed a judge of the Supreme Court of Tasmania and a senior judge in 1901. Two years later he was a serious contender for a position on the bench of the High Court of Australia. His voting system, however, was still in trouble and though there were attempts to have it adopted state-wide, he wasn't successful. Clark never enjoyed strong health and the year of his death 1907 (14th November), proportional voting was adopted for the whole state and used for the first time at a general election, April 1909. In 1907 the established two party system did not exist in Tasmania. Few of Clark's writings were published, his works being mainly written in exercise books for circulation among friends.

Clark was buried in the old Queenborough Sandy Bay cemetery where his tombstone can still be viewed.



Clark had assisted Samuel Griffith, Edmund Barton and Charles Cameron Kingston with the national Constitution, but he was not well during this period.

His name naturally is best remembered for Tasmania's system of voting (now termed the Hare-Clark system) and though it has come under a lot of scrutiny and improvements even today are recommended by its supporters, its application mirrors the will of the electors perhaps better than any other system.

What type of man was he, personally? James Backhouse, legal practitioner, historian and author states in his book *Prelude to Federation* (OBM Publishing 1976), "Lewis (N. Elliott) is one of the very, very few, prominent politicians in whom public spirit is at all marked. A. I. Clark is another."

The Hare-Clark electoral voting system continues to apply State wide for the House of Assembly. It has its detractors, but generally it is well received.

Thomas Hare, the other contributor, attracted the interest of many, including the Australian writer, Catherine Helen Spencer, who lectured extensively on the system. Clark supported the system in the belief that it would improve the quality of members, make bribery practically impossible and broaden the elector's outlook

The late Dr. George Howatt³, whom the author knew very well, often said that while he thought the Hare-Clark system was the best there is, there still needed to be refinements and amendments. If these were made, as he recommended to the various Tasmanian Governments while he lived, the criticism of the system may not be as strong as it sometimes is.

On the 20th July 2017 the decision was made to change the name of the electorate Denison to Clark.

Of his Hare-Clark system Clark would write: "Clark-Hare system...enables every section of political opinion which can command the requisite quota of votes a number of representatives proportionate to its numerical strength."⁴

Briefly the HARE-CLARK SYSTEM:

"Under the Hare-Clark system of proportional representation by the single transferable vote, an elector is required to vote, in order of preference, for at least seven candidates. Names are arranged on the voting papers in groups according to party allegiance, but names of the parties are not specified" (The Parliament of Tasmania 1856-1980 compiled by P.T. McKay Clerk-Assistant of the House of Assembly).

Clark is author of *Australian Constitution Law*

To better understand the Hare-Clark system, please refer to the following:

- "Democratic Representation under the Hare-Clark system" a thirty page paper tabled to the Tasmanian House of Assembly in 1958 by Dr. George Howatt.
- Also his "Fixing Responsibility for Governing when no party has an absolute majority in Parliament".
- "Hare-Clark in Tasmania" by Terry Newman.

The first two should be available from the Parliamentary Library.

³ Dr Howatt, died Hobart 12th June 1997. He was the world's major authority on the subject.

⁴ Senate Paper.

Footnote:

For a Denison (Tasmania) by-election in 1980 the Robson rotation was first used. This is when there is a method of arranging the names of the candidate on a ballot paper. Names are rotated so one name is not static on all ballot papers. For instance "Smith" who may be standing will appear first on one ballot paper, why on another it will appear lower down on the list and is replaced by another candidate name.

This has been credited to the late Neil Robson MHA, however, Dr Howatt once told yours truly that the concept was his and was taken up by Mr Robson with no acknowledgement to Dr Howatt.

There is a photo portrait of Clark in the Tasmania Club, Macquarie Street, Hobart.

The electorate of Denison has now been changed to Clark, named after Andrew.