



**The Federal Redistribution 2008  
Tasmania**

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**Public Objection Number 2**

Bob Holderness-Roddam

**12 Page(s)**

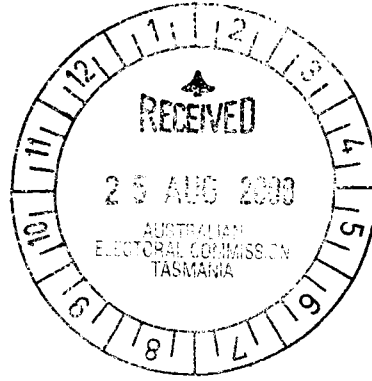
TO:

Australian Electoral Commission

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86 Collins Street

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# **Objection**

## **The 2008 Proposed Redistribution of Tasmania into Electoral Divisions**

A submission from:

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## Comments upon the Redistribution Committee's decision

I wish to record my objection to the refusal by the redistribution committee to the proposal to rename the electorate of Denison either Inglis Clark or Clark.

The report states there were six submissions in support of the proposal to rename the electorate to Inglis Clark, or Clark. Some of these submissions were thoroughly researched and very detailed.

Furthermore, one of these submissions (Holderness-Roddam) included letters of support from six people who have held, or currently hold, positions of distinction in public life in Australia. These are:

- The Hon. Justice Peter Heerey (who also made his own submission)
- The Hon. Sir Max Bingham Q.C.
- The Hon. David Bartlett MHA – now Premier of Tasmania
- The Hon. Justice Michael Kirby AC, CMG
- The Hon. Neil Robson AM, and
- The Hon Sir Gerard Brennan AC KBE

Furthermore, there were further statements of support submitted at the public comment stage:

- Mr Colin Berry
- Mr Don Morris
- Mr James Walker
- Ms Peg Putt, and
- Mr Rob Valentine, Lord Mayor of Hobart.

I think the Redistribution Committee is in serious error when it fails to include the above-mentioned in the numbers of supporters – **a total of 16!**

The Committee's report claims that there were two submissions contra the proposed name change. In fact, both submissions were from the same individual - The Hon. Michael Hodgman QC, MHA. I will come back to these submissions later.

The committee's report referred to the guidelines for naming divisions:

- To be named after deceased Australians who have rendered outstanding service to their country. Surely the development of the principal draft of the Australian Constitution, upon which the final document was substantially based, has got to be recognised as of being of outstanding service to the country.
- Every effort should be made to retain the names of original federation divisions, and
- Names of divisions should not be changed or transferred to new areas without very strong reasons.

These latter two guidelines did not prevent the name changes from Darwin to Braddon (1955) and from Wilmot to Lyons (1984). I submit that changing from Denison to Inglis Clark (or Clark) would be no different.

**Comments upon the submissions from the Hon. Michael Hodgman, QC MHA**

I attach my detailed responses to the two submissions from The Hon. Michael Hodgman, QC, MHA.

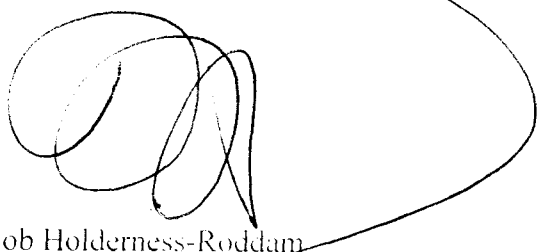
Frankly, I am deeply disappointed in these submissions. They do no credit to a QC and former Federal Minister!

These submissions are a 'hodgepodge' of inaccuracy, inconsistency, theatre and gross exaggeration. The only attempt to reference a source is so inaccurate that I was unable to locate it!

The Hon. Michael Hodgman is the only person to oppose the proposal, despite his claim that *'many others are outraged that latter-day Australian Labor Party supporters of Andrew Inglis Clark are now trying to remove the name of Denison from this famous Electorate'*.

Indeed, I am surprised that Mr Hodgman should be so scathing of one of the men who helped to found the university of which he is a graduate.

I would be deeply disappointed if Hodgman's submissions were given any credence whatsoever.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Bob Holderness-Roddam

## Hon. Michael Hodgman's objections

Object to the Submissions contained in Public Suggestion No.2 [Hon Justice Peter Heerey] and Public Suggestion No. 16 [Australian Labor Party] that the name of the Electorate of Denison should be changed to Inglis Clark.

'I have had the honour to represent the Electorate of Denison for over 25 years in both the Federal Parliament and the State Parliament and I have not, in that entire time, had one single elector ever suggest to me that the name of the Electorate should be changed from Denison to Inglis Clark.'

The plain fact is that the two southern Tasmanian Electorates of Denison and Franklin have been known as a team, a pair and duo for nearly a century: they have always been spoken of together; and, ...

... the great advantage to the Australian Electoral system of the two Electorates being recognised as a team a pair and a duo, would be utterly destroyed if one of them were to suffer an unwarranted name change.

## Response to Hodgman objections

Why only object to these two submissions, and not those of:

- Peter D. Jones (submission no. 4)
- Bob Holderness-Roddam (submission no. 6)
- Gordon Goward (submission no 7), and
- Corey James Peterson (submission no. 10)?

It is disingenuous of Hodgman to claim no elector has approached him about changing the name from Denison. I wrote to him on or about 12 Jan. 2008, asking him to support this proposal. Notwithstanding this, few electors would be aware that it is even possible to change an electorate name, and those that are would be sufficiently aware of Hodgman's extreme Monarchist views to realise an approach to him would be futile.

I first came to Tasmania in 1966, and have lived here continuously since 1973. I have never thought of Denison and Franklin as being regarded as '*a team, a pair and duo ...*'. I am, however, aware that Mr Hodgman and Mr Bruce Goodluck, when serving in the House of Reps. as members for Denison and Franklin respectively, were known as *Tweedledum and Tweedledee*. The nexus goes no further!

I fail to see how there is any advantage to the Australian Electoral System of these electorates being considered '*as a team, a pair and duo ...*' even if that were the case!

‘Whilst I recognise the legal and constitutional contributions of Andrew Inglis Clark the plain fact is that his name was never put forward by his contemporaries to be honoured by having a Federal Electorate named after him. Other legal and constitutional contributors like Barton, Parkes, Griffith and Deakin were honoured by having Federal Electorates named after them - but Inglis Clark was not.’

The contribution of Sir William Denison to Tasmania was very great indeed. He was Governor of Van Diemen's Land from 1846; he was Governor at the time the Tasmanian Parliament was formed (as Public Suggestion No. 16 from the Australian Labor Party concedes); he was Governor of Tasmania when Tasmania ceased to be Van Diemen's Land and became Tasmania; he supervised the construction of many major highways and bridges (including the famous Richmond Bridge); he

Now for some facts!

1. The first requirement for consideration to be considered for electorate ‘naming rights’ is to be a person who is no longer living. Of those mentioned by Hodgman, only Sir Henry Parkes had died by Federation (in 1896) and he was first recognised with the creation of the seat of Parkes in 1901.
2. Deakin died in 1919, and that electorate was created in 1937.
3. Barton and Griffiths both died in 1920, with Barton created in 1922 and Griffiths in 1934.  
Ref. ABC website  
<http://www.abc.net.au/elections/federal/2004/guide/bart.htm>
4. Clark died in 1907. By that time all the Federal electorates had been named, and I consider it unlikely that people would have wanted a name change so early on.
5. Unlike certain currently serving politicians, Inglis Clark was a work horse, not a show pony. He was a ‘back room boy’ who did the hard work behind the scenes. Whilst his contribution was recognised by colleagues, it was not until the late Justice Frank Neasey published his research that most people realised Inglis Clark’s tremendous contribution to the development of our Constitution.

No one is suggesting Denison did not achieve many things whilst Governor of Tasmania. However, he had his flaws and was no democrat – which should surely be a prerequisite for consideration as ‘patron’ of an electorate in a democracy! Refer my original submission no. six, page three:

Contributing the biography of Denison to the *Australian*

oversaw numerous social reforms and, he was regarded universally as a highly principled and dedicated servant to Tasmania and its people.

In short, I respectfully submit that no case has been put forward to remove the name of Denison from the list of Federal Electorates which have honoured those who have rendered great service to our Nation. Whilst it is correct that he was not born in Tasmania, after serving as Governor of Tasmania for eight years he then went on and served as Governor of New South Wales for a period of six years. His service as Governor of both Tasmania and New South Wales exceeded fourteen years- a remarkable achievement.

*Dictionary of Biography*, Currey (1972) points out a couple of examples where Denison's judgement was questioned by the Colonial Office in London.

"In 1846 the Legislative Council had enacted "the Dog Act" (10 Vic. No 5), but its validity was successfully challenged in the Supreme Court in November 1847. Denison was disquieted when told that this decision adversely affected fifteen other revenue-providing local statutes and exposed about twenty more to legal challenge. All these could have been amended at once had the Legislative Council been able to function, but Denison decided to suspend his two judges and appoint "others in their places". The puisne judge, Algernon Montagu, had already exposed himself to criticism and was dismissed on 30 December, but Pedder defended himself successfully before the Executive Council. At a public meeting on 15 January 1848 "the arbitrary and unconstitutional proceedings of the Lieutenant-Governor and his Executive Council" were vehemently condemned, and a petition was submitted to him for transmission to the Queen. ... Grey was content with a stern rebuke: he ascribed Denison's conduct to "mistakes of judgement in a crisis of very unusual embarrassment" and avowed confidence in his ability." (Currey, 1972)

Currey continues on, to describe how 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: "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 Legislature to the Estimates absolutely necessary. (My underlines.)

His name has been honoured in other ways throughout Tasmania and I and many others are outraged that latter-day Australian Labor Party supporters of Andrew Inglis Clark are now trying to remove the name of Denison from this famous Electorate. I repeat, I have never had one single representation from any elector of Denison in over 25 years that the name of this Electorate should be changed to Inglis Clark or anything else.

I greatly respect Hon Justice Peter Heerey and class him as a close personal friend, but he has not lived in Tasmania for over 40 years and whilst he frequently visits our State and he and I meet frequently and happily I respectfully suggest that his Honour has not had very much contact with the rank and file electors of Denison as I do, on a daily basis in the course of my Parliamentary duties.

I totally reject the unkind comments made by the Australian Labor Party against Sir William Denison and I again contend that if Andrew Inglis Clark were worthy to have a Federal Electorate named after him it would have been done by his contemporaries- and it was not.

I am not opposed to change if change is warranted, but this latter-day attempt to eulogise Inglis Clark does not have public support. Whilst the Hon Duncan Kerr and his Labor House of Assembly colleagues in the Tasmanian Parliament have put the proposal forward I note that no Labor Senators have supported the move nor have any of the Labor Members of the Legislative Council. I can assure the Committee that I know of no

If so many others are outraged at the proposal, why have they not made submissions in support of retaining Denison?

In this day and age of instant communication, I hardly think that Hon. Justice Peter Heerey's comments should be discounted because he lives interstate, and as stated by Hodgman *'he frequently visits our state'*.

Furthermore, the Hon. Justice Heerey wrote the forward to the book by the late Justice Frank Neasey, *'Andrew Inglis Clark'*, which was included in my submission (no. 6) at his request.

(Neasey, F M and L J. Andrew Inglis Clark. Pub. University of Tasmania Law School, Sandy Bay, Tas. 2001.)

As I stated above, Inglis Clark's untimely death in 1907 was not good timing for renaming an electorate so soon after electorates were established after Federation.

I find Hodgman's reference to 'eulogising' Inglis Clark' rather surprising, given his own eulogising of Governor Denison.

Had Hodgman bothered to read my submission (no. 6) he would have known that two former State Liberal ministers supported the proposed name change. The Hon. Sir Max



Member of the Parliamentary Liberal Party or the Liberal Party of Australia (Tasmania Division) who wants to see the name changed and further, that any change would be divisive, disruptive and very electorally unpopular and it should not, for those reasons be entertained, let alone implemented.

... the distinguished Tasmanian historian James Backhouse Walker (whose opinion is universally respected) said that Denison 'was one of the most enlightened, progressive and able Governors the colony has ever had'.

Bingham QC and the Hon. Neil Robson AM. Letters from them and others were included with my submission.

The assertion that '*any change would be divisive, disruptive and very electorally unpopular*' is totally unsubstantiated theatre on Hodgman's part. In Tasmania both Braddon and Lyons were known by previous names (Darwin and Wilmot respectively). Furthermore, the AEC website shows that 48 other Federal electorates have been renamed since Federation. The sky hasn't fallen in yet!

Again, no one is arguing that Denison did not have several achievements to his name, but as mentioned above he is on the record as opposing democracy and supporting the continuation of convict transportation.

Certainly, Denison had his admirers, but Andrew Inglis Clark Snr. is the subject of at least three books:

- Ely, Richard (ed.), *A Living Force, Andrew Inglis Clark and the Ideal of Commonwealth*, Centre for Tasmanian Historical Studies, University of Tasmania, Hobart, 2001
- Haward, Marcus and Warden, James, *An Australian Democrat: The Life Work and Consequences of Andrew Inglis Clark*, Centre for Tasmanian Historical Studies, University of Tasmania, Hobart, 1995.
- Neasey, F M and I. J., *Andrew Inglis Clark*. Pub. University of Tasmania Law School, Sandy Bay, Tas. 2001.

There are also at least two published books about the Hare-Clark electoral system (and numerous papers):

- Newman, Terry, *Hare-Clark in Tasmania: Representation of All Opinions*, pub. Joint Library Committee of the Parliament of Tasmania, Hobart.

In an excellent comment in the Tasmanian Year Book 1970( page2 1) in the Chapter headed Administration of Sir William Thomas Denison it is recorded:-

'Denison, although centre of a political struggle for seven years, was well liked by the colonial population, his departure to take up the post of Governor of New South Wales in 1854 being much regretted by the colonists, who in tribute presented him with a silver service valued at 2000 pounds.' I suggest that today the 2000 pounds would probably amount to at least \$500,000- a not inconsequential sum !

In the same Chapter it is recorded (page 22) that 'Sir William Denison had a high regard for education and the benefits it could bring to the colony'. He was the Governor who granted five acres of the Queen's Domain for the establishment of the Hobart High School to balance the granting of land to the two denominational schools The Hutchins School and the Launceston Church Grammar School.

The final paragraph under the heading Departure is worth quoting verbatim:-

'Sir William Thomas Denison left the colony on 13 January 1855. His departure was regretted by the colonists as he was the only Governor since Colonel George Arthur to leave the colony without some taint on his character'. (The underlining is mine)

1992.

- Robson, Neil. *Everybody counts: Tasmania's unique electoral system Hare-Clark with Robson Rotation* pub. N. Robson, Launceston, Tas. 2003

I am unable to find the comments attributed to James Backhouse Walker allegedly in the Tasmanian Year Book for 1970.

As I have shown above, Denison's period of service was not without controversy.

'Following a period of seven years in New south Wales he was appointed Governor of Madras: In November 1863 following the death of Lord Elgin he temporary became Governor- General of India.' 'Following his return to England in 1866 he was appointed Chairman of a Royal Commission investigating pollution of British rivers. a position he held until his death on 19 January 1871'.

Sir William Denison was therefore a distinguished Governor of Tasmania and New South Wales and one who actually held the position of Viceroy of India, one of the most senior positions in the British Empire. His record of public service was magnificent, and it is singularly appropriate that the great Electorate of Denison is named in his honour.

This should not be changed by a politically inspired move to glorify Andrew Inglis Clark. There are other ways in which Clark can be honoured and these should be pursued.

Tasmania itself has honoured Denison by naming after him the famous Denison Canal (which he inspired); the Denison River; and the Denison Range of Mountains. By comparison, Inglis Clark has only recently had a Law Library named in his honour, only a couple of years ago.

Perhaps New South Wales and Madras would like to name electorates after Denison!

The proposed name change is not politically inspired. The initial proposal was from Peter Jones, who is not a member of the ALP.

As the author of submission no. six, I have to admit to being a former member of the Liberal Party (Trevallyn branch, 1969). I have never been a member of the Australian Labor Party.

Possibly the one and only accurate statement in Hodgman's submissions. Given this recognition, surely Denison does not really need the continued naming of an electorate after him.

The fact that 'Inglis Clark has only recently had a Law Library named in his honour, only a couple of years ago' is a clear demonstration that Inglis Clark's contribution to Australia and Tasmania has been unrecognised for far too long. **This is surely the opportunity to rectify such a serious omission!**

For all the above reasons, I respectfully submit that the name of the electorate not be changed to Inglis Clark - or anything else.

And I, for all the above reasons, respectfully submit that the name of the electorate should be changed to Inglis Clark, and nothing else!

He was also a friend and contemporary of Sir John Franklin, in whose honour the adjoining Electorate of Franklin is named. As I have said before, Denison and Franklin are a team, a pair and a duo. They were in real life - and it is singularly appropriate that they are honoured in death by having the two Southern-most electorates in Tasmania (and Australia) named in their honour.

This is just a re-run of his earlier argument.