



The Federal Redistribution 2008
Tasmania



Public Comment on Objection Number 6

Brian Mitchell

9 Page(s)

> Objection by Brian Mitchell to the Report of the Redistribution Committ



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03/10/2008 12:24 PM

To <tas.redistribution@aec.gov.au>

cc

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Subject Objection by Brian Mitchell to the Report of the
Redistribution Committee

Dear Sir/Madam

Please find attached my Objection to the Report of the Redistribution Committee (2008 Proposed Redistribution of Tasmania into Electoral Divisions).

This email was sent at approximately 12.30pm on Friday October 3, 2008.

I would appreciate it if you could reply to confirm receipt.

Thank you.

Brian Mitchell

0434 160 539



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> Objection by Brian Mitchell to the Report of the Redistribution Committ

Redistribution Committee for Tasmania
2nd Floor AMP Building
86 Collins Street
HOBART TAS 7000

Tas.redistribution@aec.gov.au

Dear Committee Members

I object to the Redistribution Committee's recommendation that the electorate of Denison not be re-named Inglis Clark.

The case for this change of name is overwhelming and fully meets all criteria laid down by the 1995 Inquiry of the Joint Standing Committee on Electoral Matters.

Rather than re-state the case in detail I draw your attention to the excellent submissions of Bob Holderness-Roddam and the Australian Labor Party.

I would also like to deal with a serious error of fact contained in the Report of the Redistribution Committee (2008 Proposed Redistribution of Tasmania into Electoral Divisions).

The report states: "*Denison is an original federation Division*" (paragraph 47).

Denison is not an original Federation division.

At Federation Tasmania's representatives to the Australian Parliament were elected "at large" from a single state-wide electorate.

Tasmania did not have named Electoral Divisions until 1903.

Therefore the Committee's reliance upon the 1995 Inquiry of the Joint Standing Committee on Electoral Matters, namely "*every effort should be made to retain the names of original Federation Divisions*" (Appendix A) as a reason for its rejection of Inglis Clark is invalid.

I would also like to deal with the implication in the Report that only six people support this initiative and two oppose it (paragraphs 48 and 49).

The fact is, NINETEEN people signed their names to documents of support, namely—

Hon Justice Michael Kirby
Hon Justice Peter Heerey
Hon Sir Max Bingham QC
Hon David Bartlett MHA
Hon Neil Robson AM
Hon Sir Gerard Brennan AC KBE
Hon Duncan Kerr SC MP
Hon Graeme Sturges MHA
Hon Lisa Singh MHA
Rob Valentine
Peg Putt
John Dowling (on behalf of the Tasmanian ALP)
Bob Holderness-Roddam
Peter D Jones
Gordon Goward
Corey James Peterson
Helen Burnet
Colin Berry
Don Morris

and ONE person submitted documents of opposition, namely—

Hon Michael Hodgman QC MHA

Furthermore, I note that as of Friday October 3 the AEC website had published FOURTEEN objections to its recommendation that Denison not be re-named.

FOUR of these objections, plus my own, were by people who had not previously made a submission, namely—

Rachel Fanning
Wendy Stothers
John Biggs
Elizabeth Perey

The total number of people—including eminent jurists, Tasmania's premier, a former Liberal leader, a former Greens leader, senior Members of Parliament, Hobart's Lord Mayor and ordinary citizens—who have formally expressed support for changing the name is now TWENTY-FOUR, compared to just the ONE opponent.

The Case for Inglis Clark

The Committee acknowledged “*the significant contribution that [Inglis] Clark has made to Australia’s political and electoral life, and accepts that naming an electoral division after him would provide an appropriate recognition of that contribution*” (paragraph 51).

I am therefore surprised by the Committee’s determination that, “*the Committee is not of the view that the case for change is compelling enough, nor are the boundaries or socio-demographic nature of the proposed divisions sufficiently changed, to justify replacing the name of an original federation division*”.

1. The case for change is more than compelling, as outlined in excellent submissions by Mr Holderness-Roddam and the ALP which detail the enormous contribution Inglis Clark made to Australia’s development as a nation. Indeed, the case is so overwhelming I would find it illuminating if the Committee could publish in full how it came to conclude otherwise.
2. There is no determination by any legislative body to suggest that boundaries and/or socio-demographic aspects of a Division need change before considering a change of name. This reason for not countenancing a change from Denison to Inglis Clark appears to have been invented by the Committee and should be disregarded.
3. Denison is not an original Federation Division.

The Committee states (paragraph 50) that “*Guidelines for naming divisions (Appendix A) assisted the Committee in its consideration of the suggestions*”.

The relevant guidelines state that—

—“*in the main, Divisions should be named after deceased Australians who have rendered outstanding service to their country*”.

This overwhelmingly applies to Andrew Inglis Clark. It applies not at all to Sir William.

—“*every effort should be made to retain the names of original Federation Divisions*”.

This does not apply as Denison is not an original Federation Division.

—“*names of Divisions should not be changed or transferred to new areas without very strong reasons*”.

This applies but is subjective and gives the Committee wide latitude on what it might regard as “strong reasons”. I would therefore beg the Committee to ensure any conclusion it draws is properly informed, that it fully considers the strength of the submissions put before it, and that it not merely default to the status quo.

Of course, I regard the case for Inglis Clark as overwhelming (see submissions by Holderness-Roddam and the ALP in particular) and the case for retaining Denison as weak (see submissions by Hodgman QC MHA).

Comments on submissions by Hon Michael Hodgman QC MHA

Only one person has expressed support to retain the name Denison: The Hon Michael Hodgman QC MHA, Denison’s Federal MP from 1975-1987 and State MP from 1992-1998 and 2001-.

Mr Hodgman QC’s attachment to the name of the seat he has served for a quarter-century is understandable but his contribution must be considered in the context of his position as a fervent monarchist and of someone who remains enamoured of this state’s history as a distant outpost of the Empire.

Mr Hodgman QC’s letterhead, emblazoned with “Her Majesty’s Shadow Attorney-General for the State of Tasmania” serves to reflect his particular world view.

He is entitled to hold such views but it is incumbent upon the Committee to consider how representative they are of 21st century Tasmania.

Mr Hodgman QC’s submissions are vague, bombastic and offer little factual insight.

Indeed, Mr Hodgman QC’s submissions serve to illustrate the anorexia of the case for retaining the name Denison.

That no elector has suggested to Mr Hodgman QC that Denison change to Inglis Clark is irrelevant.

I am sure no elector has suggested to Mr Hodgman QC that he receive a generous parliamentary pension but I am confident he will accept one regardless.

Furthermore, I note in Mr Holderness-Roddam’s objection that he maintains he DID in fact write to Mr Hodgman QC about this very matter.

The implication that Inglis Clark not be considered because his contemporaries did not put his name forward is irrelevant.

Taking this point to its logical conclusion rewards celebrity and popularity, not meritorious contribution.

The fact there is such strong advocacy for Inglis Clark from historians, jurists, politicians and members of the public more than 100 years after his death testifies to his endurance as an Australian of great merit.

I draw your attention to the objection by Mr Holderness-Roddam, who notes that at the time of Inglis Clark's death no new seats were available for naming and it was too early to consider renaming existing seats.

I note that since Federation some 50 seats have been renamed, including two of the five Divisions created in Tasmania in 1903, namely Darwin (to Braddon, 1955) and Wilmot (to Lyons, 1984).

The claim that Sir William made a "very great" contribution to Tasmania is unsupported.

The only examples of Sir William's contribution that Mr Hodgman QC cites are the granting of land for a school and being in office when Richmond Bridge was built.

Hardly comparable to the man who drafted the nation's Constitution.

Sir William was appointed by Britain to govern Van Diemen's Land and he did so with little tenderness.

Sir William quarrelled with the Legislative Council and sacked members who voted to end the transportation of convicts to the island.

Sir William wrote to his British superiors that the fledgling democracy movement in Van Diemen's Land be quashed so suffrage could be retained for wealthy males.

Sir William was a religious fundamentalist to whom "*Darwinism was anathema*": "*At a time when the spirit of Socrates was animating the discussions of accepted teachings and practices, Denison's limited vision and rigid mind made him insensitive to 'winds of change'.*" (Australian Dictionary of Biography, 1972)

Sir William left Tasmania and served as Governor of NSW and later in India before retiring to England.

He was British to his boot-straps, a career officer completely of his time, with a 19th century view of justice and no time for representative democracy. He spared nary a backward glance nor a forward vision for Tasmania.

Mr Hodgman QC says Sir William has been honoured with canals, rivers and mountain ranges in his name but that Inglis Clark “only recently” had a law library named after him.

This merely strengthens the case for long-overdue recognition of Inglis Clark’s enormous contribution to the young Federation.

Sir William’s tenure is worthy of a river and a mountain range in his name but it is a horrible irony that this British anti-democrat bears the honour of a Division of the Australian Parliament being named after him when a visionary Tasmanian democrat, the principal architect of the Australian Constitution, does not.

Mr Hodgman QC claims *“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”.*

Mr Hodgman QC’s attempt to turn this initiative into a party political squabble is detestable.

Inglis Clark was a remarkable Australian and the fact he hailed from Hobart should be a matter of enduring pride for all Tasmanians.

Inglis Clark was not a member of the ALP and those supporting the change of name include, amongst others, prominent jurists, a former Tasmanian Liberal leader, a former Liberal minister and the non-aligned Lord Mayor of Hobart.

These mysterious “others” Mr Hodgman QC alludes to are so outraged that none submitted their views to the Redistribution Committee.

Mr Hodgman QC’s claim that no Liberal supports the name change is just plain wrong.

No-one but Mr Hodgman QC, Liberal or otherwise, has submitted opposition to the proposal.

By contrast, former Liberal leader Hon Sir Max Bingham QC and former Liberal Minister Hon Neil Robson AM support the change.

I note the Liberal Party made a submission on the redrawn boundaries but it declined the opportunity to offer a view on changing the name of the Division of Denison.

Mr Hodgman QC is the only person opposing this wonderful initiative and the only one seeking to turn it into a party political dogfight.

Mr Hodgman QC's attempt to bully the AEC into inertia, implying a decision to change the name would *"be seen as political and pro-ALP and would be highly divisive and very damaging to the good name of the Australian Electoral Commission"* would be laughable if not so serious.

It is a disgraceful attempt to hip-and-shoulder the independent AEC and, once again, paint this initiative as party-political when it is not.

An argument could just as easily be mounted that a decision to retain the name of Denison might be regarded by many contemporary Tasmanians as backward, fearful and tugging the forelock to a crusty conservative who yearns for past glories of Empire.

Many might say such a decision continues to acknowledge the legacy of a harsh colonial administrator and anti-democrat while ignoring the incalculable contribution to the young Federation of the very great Australian and Tasmanian, Andrew Inglis Clark.

Conclusion

I ask the Committee to imagine a classroom of Tasmanian children, studying Australian history.

They will find references in their texts to Sir William Denison, one in a long line of British-appointed administrators, but no matter how worthy his service it will pale in comparison to the contribution of Andrew Inglis Clark.

Those children will read about a young man born in Hobart who grew into a sophisticated internationalist, a man who saw a vision for this state and this country far beyond the limits of his own span of years.

A Tasmanian man who saw an Australia not just of 1901, but of 2001 and beyond, and who had the capacity to draft this vision into words and those words into a national Constitution.

What chafes is not that Sir William has a Tasmanian seat named after him but that he does when Inglis Clark does not.

And given Tasmania is unlikely to have more than five Divisions for the foreseeable future the only way to rectify this injustice is to change the name of an existing seat.

It makes sense that Denison be changed; Franklin and Lyons are both named for prominent Tasmanians already, and this Division was Inglis Clark's home.

Given Sir William also served as Governor of NSW (which at the time included Queensland) it would be possible to name a seat after him in one of those two states during one of the many inevitable redistributions that occur on the mainland.

It is an accident of history that Inglis Clark was not properly recognised in his own time. It may be 100 years late but it is an accident this Committee has the power to fix.

Andrew Inglis Clark was a Tasmanian, a principal architect of the Australian Constitution and we have just commemorated a century since his death. The time is absolutely right to make this change and I beg that you do so.

Yours sincerely

Brian Mitchell
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Please note: Enrolment details are for the old place at 106 King Street, Sandy Bay 7005. Re-enrolment at the new address is under way.