

COMMENT ON OBJECTIONS

The Federal Redistribution 2009
NSW



Comment on Objections Number 8

by

David Ash

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From: David Ash [d.ash@fjc.net.au]
Sent: Thursday, 10 September 2009 11:19 AM
To: NSW Redistribution
Cc: Philip Selth
Subject: Robert Lowe (later First (and only) Viscount Sherbrooke)



Dear Committee,

Robert Lowe (later First (and only) Viscount Sherbrooke

I became aware only yesterday of the Committee's intention to rename the seat of Lowe.

The seat was named for a significant contributor to both government and the rule of law in both New South Wales and Great Britain, Robert Lowe, later Viscount Sherbrooke.

Lowe – the first owner of Bronte House and whose wife designed a garden there of continuing significance – counts among his achievements the authorship of the Barristers' Admission Bill, enacted in 1848.

The importance of this as a step in the maintenance of an independent bar is dealt with by R J D Legg in A History of the New South Wales Bar, 1969, Law Book Co, edited by J M Bennett.

Of his contribution to the incorporation of the corporation, let Lord Sainsbury's second reading speech of the UK's 2006 Companies Bill tell the tale:

One hundred and fifty years ago, my predecessor Robert Lowe, later First Viscount Sherbrooke, brought forward the Bill that created the joint stock limited liability company. It was the first nationwide codification of company law in the world, and he has recently been described as "the father of modern company law".

In other words, Lowe was the midwife of one of the most significant contributions by the law to society of the last three centuries.

Lowe also held the office of Chancellor of the Exchequer under Gladstone, observing of his position that its holder "is entrusted with a certain amount of misery which it is his duty to distribute as fairly as he can".

Lowe's many achievements are set out in other places.

It is true that Lowe had many views which would not be acceptable today, and was a prickly customer.

But this cannot seriously be an objection to recalling his achievements.

I add - not by way of defence but only suggestion - that it may have been his condition as an albino and his eyesight which affected his personality.

Percival Serle's 1949 Dictionary of Australian Biography provides a summary:

Lowe was a great orator and had a brilliant intellect. He has been compared not unfavourably in these respects with both Disraeli and Gladstone. Handicapped by his eyesight, a mordant tongue, and a difficulty in being patient with people of little ability, he made some enemies and scarcely reached his full height in politics. At heart he was of a kindly nature, and while at Sydney adopted and brought up two orphan children. Sir William Windeyer (q.v.) has also told us that after his father's early death he found in Lowe a generous friend, and that he owed the continuance of his education to his kindness. Lowe came to Australia when she was just shaking herself free from the autocracy of the early governors, and with other distinguished men of the time fought a good fight and did valuable work for her. 1

So, Robert Lowe scaled the heights and still fell short of what he should have been.

It is not for me to pass judgment on Sir William McMahon.

However, on any view, Lowe's contribution to Australia and to the significance of the rule of law in countries across the world, is hardly something to be discarded.

I urge the Commission to reconsider.

Kind regards,

David Ash.

PS Because of Lowe's contribution as a barrister, I have copied this letter to the NSW Bar Association. Please note that my views are my own.