

Appendix III

The Samuel Griffith Society

Copyright 1992 by The Samuel Griffith Society. All Rights Reserved

The purposes of The Samuel Griffith Society are as follows:

1) To found a Society named after Sir Samuel Walker Griffith, First Chief Justice of the High Court of Australia. As Premier of Queensland and subsequently Chief Justice of the Queensland Supreme Court, Griffith was one of the prime movers of Federation. During his term as Chief Justice of the High Court from 1903 until his debilitating illness in 1917, he consistently supported the rights of States against the powers of the Federal Government.

2) To set out as a preamble to the specific purpose of the Society a statement of the role of constitutions and parliamentary and legal institutions in the following terms:

One important function of political constitutions, and indeed of all political institutions, should be that of maintaining civil peace and concord, and of protecting the citizen from the arbitrary abuse of power, including executive power.

People who have experienced nothing but peaceful association within the society in which they have grown up, take the incalculable benefits of such civil quietness for granted. The terrors of civil war or threats of civil war, of savage government repression, seem to most native born Australians to be beyond comprehension, and certainly beyond the realms of possibility here.

Nevertheless civil unrest - ethnic, political and religious violence - has been endemic throughout recorded history. Arbitrary arrest and imprisonment has, likewise, been commonplace.

Those countries which have achieved long periods of unbroken civil peace, with societies which have lived under the rule of law, have also become prosperous. Some of these countries have written constitutions. Others, such as the United Kingdom, do not.

Australia has an unbroken record of constitutional government, and rule of law. It was one of the first nations to establish universal suffrage. It has been entirely free from any hint of civil war. Up until the Great War of 1914-18 Australia was also in per capita terms, the richest country in the world.

The strength of our parliamentary and legal institutions, of our political conventions and modes of behaviour is, arguably, Australia's greatest asset. The Constitution which Australians drafted and accepted in the 1890's, and which established the framework of the Australian nation as a sovereign federal state, is the keystone of this structure and has served us well. It has protected our democracy, and our liberties, by providing for independent centres of political authority and the diffusion of power which flows from that. The Australian people have voted many times against proposed amendments. We must presume that they regard the Constitution, on the whole, with approval.

All institutions, nevertheless, require refurbishment and repair. There is growing concern at the decline in the prestige, standing and influence of parliament, and the growing centralisation of power and authority in the executive. There is also concern at the expansion of the power of the Commonwealth at the expense of the States, the increasing centralisation of power in Canberra, and the consequent growth of a Commonwealth bureaucracy which, in many areas, deals with matters which were originally the sole concern of the States.

As we approach the centenary of the passage of the Commonwealth of Australia Act (1900), by the British Parliament, a vigorous debate is building up, focussed on changes which people wish

to see made to the Constitution, to the place of the monarchy in that Constitution, and to our parliamentary institutions.

The founders of The Samuel Griffith Society wish to encourage and promote the widest possible debate not only on particular constitutional issues but on the health of our political and legal institutions generally. We intend to emphasise federalist views and to reverse the Canberra-led erosion of our federal institutions.

3) In the light of the foregoing, the Society proposes the following objectives:

General

- . to promote discussion of constitutional matters through the articulation of a clear position in support of decentralisation of power through the renewal of our federal structure;
- . to defend the great virtues of the present Constitution against those who would undermine it in order to supplant it with a unitary state;
- . to restore the authority of parliament and defend the independence of the judiciary;
- . to foster and support reform of Australia's constitutional system to these ends.

Specific

- . to arrange conferences, hold meetings, publish papers, and inform people and governments in accordance with the general objectives set out above;
- . to thereby encourage a wider understanding of Australia's Constitution and the nation's achievements under the Constitution.

Priority Areas

The following areas of priority have been identified in the wider debate over Australia's constitutional future:

- . the need to redress the federal balance in favour of the States, in view of the excessive expansion of Commonwealth power and the need to decentralise decision making;
- . the need to safeguard judicial independence in light of increasing executive encroachments;
- . the need to re-assert the role of Parliament (including that of the Speaker and President of the Senate) vis a vis the Executive;
- . the need to review the financial arrangements between the Commonwealth and the States with a view to achieving a more equitable and efficient division of taxation power and a greater sense of financial responsibility on the part of all Governments;
- . the need to redress the duplication of bureaucracy by clearly defining the respective spheres of Commonwealth and State interest and by eliminating Commonwealth influences in matters that should be the concern of the States;
- . the need to consider, and as appropriate, develop alternative methods of constitutional amendment, such as State's initiatives.

Immediate Aims

To arrange and conduct, as soon as possible, a general conference for constitutional reform.

To attract for the Society a stable membership and funding basis.