

Introductory Remarks

John Stone

Ladies and Gentlemen, welcome to this, the seventeenth Conference of The Samuel Griffith Society, and our third in Queensland, where we were honoured last night by the presence of the Chief Justice of the Supreme Court of Queensland, the Honourable Paul de Jersey. Not merely were we honoured by his presence, but those of you who attended last night's dinner were also privileged to hear His Honour's address to the Society, *Evolution of the Judicial Function: Undesirable Blurring?* Chief Justice de Jersey's remarks on that "undesirable blurring" will have struck many a chord in the minds of all those who heard him.

Having mentioned the presence of one Chief Justice at last night's dinner, I should also mention, for those who were not here then, the absence of another Chief Justice, our own greatly respected President, the Right Honourable Sir Harry Gibbs. Despite what was printed in the Conference program as originally sent to members, Sir Harry has been forced, on medical advice, to cancel his plans to attend. Accordingly, at last night's dinner our Vice-President, Sir Bruce Watson, who chaired that dinner in Sir Harry's place, read to the assembled guests the following expression of regret from Sir Harry:

"I am grateful to Sir Bruce Watson for delivering these remarks on my behalf.

"I greatly regret that I am unable to be present with you during this Conference. My health unfortunately does not permit it.

"Our Conferences are the central activity of the Society. They provide the occasion for the delivery of papers which, as you know, are subsequently published in our series *Upholding the Australian Constitution*. Articles once published provide a permanent source of knowledge and ideas and can have an enduring influence on opinion. One hopes that this will be the case with the papers delivered at our Conferences.

"The cause of Federalism needs defenders, since members of all the main political parties in Canberra seem determined to encroach on functions which were obviously intended to belong to the States. It may be true that not all State governments are models of efficiency, but they will not be improved by the Commonwealth's duplication of their functions; on the contrary, the results of such duplication are likely to include more bureaucratic interference and less responsibility. In addition to questions involving Federalism, papers delivered, and to be delivered, at our Conferences deal with matters of public interest and deserve a wide circulation.

"Also, the Conferences provide a valuable opportunity for members of the Society to renew their acquaintance with each other, or to make new acquaintances, particularly since members come from all States. I shall of course read the papers given at the Conference, but shall miss the opportunity to hear the discussion that the papers generate and to meet, in some cases for the first time, the speakers and those other members of the Society who are present.

"There are two more personal reasons for my regret at not being at Greenmount this weekend. First, it is no reflection on any other State – they

all have charms – to say that I have an especially warm regard for Queensland, which was what now seems to be called my State of Origin, and where I spent many happy years. Also, as it happens, I knew Greenmount well, when it was very different from what it has now become. Secondly, and more importantly, I would very much have wished to be present to hear the address by the Chief Justice of Queensland, who honours us with his presence tonight.

“Please accept my apologies for my absence. I offer my best wishes for a successful Conference”.

Sir Harry’s remarks about Queensland remind me also to say what a pleasure it is for both Nancy and myself to return, if only briefly, to the State in which we were privileged, for a few years, to become “honorary Queenslanders”. They were years on which we both look back with great fondness.

As Sir Harry truly remarked, today “the cause of Federalism needs defenders”. Few things have been more dismaying during the six months since last year’s federal election than the swelling tide of ignorant centralism rushing out of Canberra, whether it be in the field of health, education, infrastructure, ports for rural roads, or whatever. Even the Prime Minister has not been immune from this disease, while the immature mouthings of the Ministers for Health and Education, Messrs Abbott and Nelson, have been nothing short of appalling. A friend of mine, a person high in Liberal Party circles, recently said to me that he believed that the only member of the Cabinet who had any genuine belief in federalism was the Minister for Finance, Senator the Honourable Nick Minchin. As it happens, Senator Minchin was with us last night, but has had to leave this morning. In any case, of course, I should not have embarrassed him by asking him to confirm or deny the veracity of that reportage.

Having mentioned last year’s federal election, it may be opportune to note that, since the Society last met in Perth in March last year, the Coalition government has been returned to office in Canberra, and that, *mirabile dictu*, the outcome for the half-Senate election now means that it will have a Senate majority from 1 July next. So much, incidentally, for the view stated by the Prime Minister in his speech to the Liberal Party’s National Convention in Adelaide on 8 June, 2003, when he said that “it is for practical purposes impossible for the Coalition in its own right to obtain a majority of the 76 members of the federal Senate”. All I will say on that point is that, as Professor Malcolm Mackerras pointed out in his paper to our last Conference in Perth, any Government which is so reckless as to go to an election promising (threatening) a new Goods and Services Tax, as this Government did in 1998, should not be surprised if the voters punish it severely through their Senate votes for doing so. In short, the Government has always had itself to blame, not wholly but principally, for its difficulties in the Senate during 1999-2005.

That, of course, is now (almost) in the past, and the Government is looking forward to a much brighter Senate situation. In turn, however, that makes that outbreak of centralist political rabies to which I referred earlier all the more dangerous. We live in interesting – and potentially threatening – times. One of our papers tomorrow, by Mr Bryan Pape, on *The Use and Abuse of the Commonwealth Finance Power*, will spell out in some detail the ravages which Canberra has already wrought in our federal constitutional defences.

Today, however, we are to begin with some papers bearing on the constitutional state of affairs here in Queensland. The arrogance of politicians

generally is, of course, legendary; but the Government of this State seems to have carried that arrogance to extremes. We shall hear shortly two papers, from Mr Kevin Lindeberg and Professor Suri Ratnapala, which in their very different ways go to the heart of that issue, while Mr Bruce Grundy will consider the noticeable absence in this State of one of the institutions (an Upper House) which in other States does provide *some* check upon the dictatorship of the Executive. And tonight, of course, Bob Bottom will address us on *Frauding the Vote in Queensland*.

However, as Professor Dean Jaensch remarked last November in “launching” in Adelaide Volume 16 of our Proceedings, our Conference programs are remarkably “eclectic”. This one is no exception. Apart from the issues I have already mentioned, we are looking forward to papers on such varied topics as Section 15 (the filling of casual Senate vacancies); the Head of State question; the nationally dispiriting joke which Native Title (or Brennan-Deane title) has become today; and the issue of Australian sovereignty and the United Nations. What could be more “eclectic” than that?

Before I hand over to our Chairman for the opening Session, Mr Bernard Ponting, I wish to record two acknowledgements. The first is to Bernard Ponting himself, to whom, as an old friend, I appealed after the Board had decided to hold this Conference on the Gold Coast. It was he who undertook the not insubstantial work involved in locating a venue appropriate to our modest budget, and I hope you will join me in thanking him for a job well done.

My second acknowledgment relates to that aforementioned book “launch” in Adelaide, organized by our indefatigable South Australian Board member, Bob Day. It is to Bob’s generosity that the Society also owes the banner which you see on yonder wall, and it is also to his generosity that we owe those neatly and well printed programs which graced all your places at dinner last night – and which have similarly graced the Opening Dinners of all sixteen of our previous Conferences. It is high time that Bob Day was thanked (publicly, that is) for that, and I hope you will all now join me in doing so.

I now have great pleasure in asking Bernard Ponting to take the chair, and call upon our first speaker, Mr Kevin Lindeberg.