

Foreword

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Since the formation of The Samuel Griffith Society early last year, and its Inaugural Conference in July 1992, events, as is their wont, have moved on.

Three areas of the Constitution in particular have taken on enormously increased importance. I refer to the republican debate; the Aboriginal question (Mabo and all that); and, particularly though by no means wholly associated with the latter, the increasingly crucial question of the High Court's perversion of the external affairs power, section 51 (xxix) of the Constitution.

Even a year ago, each of these issues was already, as they say, alive and well and living in Canberra. During the intervening twelve months, however, the debate on each of them has taken on a greatly enhanced urgency.

All three issues raise in the most pointed fashion the matter which lies at the heart of the formation of The Samuel Griffith Society – namely, the growing need not only to contain the further expansion of power in Canberra, but also to restore a balance between States and Commonwealth much more akin to that which the Australian people established in the 1890s.

Whether we are speaking of the increased powers for the Prime Minister which are inherent in all Mr Keating's calls for a Republic; or the massive downgrading in the role of the States, and the balance of our whole Federal system, which is inherent in the outcome of the Mabo judgment and its aftermath to date; or the remarkable recent behaviour of at least six of the members of the current High Court, which for the first time in our nation's history has brought that previously esteemed institution into serious public question, not to say disrepute – all these issues come back, in the end, to one simple question: do we, or do we not, wish to see more power being exercised in Canberra?

I have no doubt as to the answer of the Australian people to that question. Indeed, one can only wonder at the quality of the leadership in our non-Labor federal political parties (Labor is, after all, avowedly centralist) that the nature of that answer appears either to have escaped their notice, or worse still, that they may have chosen to ignore it, having in mind their own possible role in some future Canberra-centred scheme of things.

However that may be, the second annual Conference of The Samuel Griffith Society, held at the Windsor Hotel in Melbourne on 30 July – 1 August, 1993 has sought to address, inter alia, all three of these issues. That Conference, whose Proceedings are now recorded in what follows, comprised two major addresses (one by the Premier of Victoria, the Hon. Jeff Kennett, and the other by the Society's President, the Rt. Hon. Sir Harry Gibbs) and ten papers delivered on a series of themes, particularly those three above-mentioned. Those who were privileged to attend throughout were, if anything, even more enthusiastic about the quality of these offerings than their predecessors had been twelve months earlier.

Following that Inaugural Conference the Society caused its Proceedings to be printed in a handsome volume entitled "Upholding the Australian Constitution". In line with that precedent, the Proceedings of our second Conference are presented in what will now become Volume II of the series by that name.

In my Foreword to last year's volume, I expressed the view that the papers contained in it were "of such a generally high order, and without exception generated such enthusiasm among those who heard them...., that they will come to be seen as having had a seminal effect upon the debate which now lies before us." On the basis of those two tests, I hazard the opinion that the present volume may, if anything, prove to be even more significant in that respect.

It is to that objective, at any rate, that this Volume II is also dedicated.