

# Introduction

*Julian Leaser*

The Twenty-Seventh Conference of The Samuel Griffith Society was held in Canberra in August 2015. It was the third occasion on which the Society had gathered in Canberra.

## The Program

The Conference opened with the sixth Sir Harry Gibbs Memorial Oration, delivered on this occasion by Nicholas Cowdery, AM, QC, former Director of Public Prosecutions in New South Wales. Appropriately in the year in which the eight hundredth anniversary of the signing of Magna Carta was marked, he took as his subject the facts and myths surrounding that famous document.

In another major address, John O’Sullivan, a leading conservative intellectual and writer, and editor of *Quadrant*, 2015-16, provided important insights into interactions between law and culture, particularly interactions with damaging political consequences.

In a comparably insightful paper, James Dalziel, a psychologist by profession, addressed the subject of not only why conservatives and progressives think differently, but why neither understands the way the other thinks.

There were several papers on themes concerning the role and power of the judiciary in Australia. David Tomkins considered the *McCloy* case, a matter heard early in 2015 about laws on political donations in New South Wales. Dr Tomkins’ address especially focused on whether it is constitutionally permissible to ban a certain category of donors, in this instance, property developers.

Questions of faith, religion and the law are currently hotly debated both here and in the United States. Mark Fowler examined not only the High Court’s decision in 2014 on whether the Commonwealth or the Australian Capital Territory could legislate for same sex marriage but also the more recent decision of the Supreme Court of the United States in *Obergefell v Hodges*.

The general matter of religious freedom and the law formed the topic of Neil Foster’s comprehensive paper.

In a related paper James Allan addressed the vexed question of appointments to the judiciary and the desirability of an express policy on appointments.

No conference of the Society would be complete without discussion of federalism in Australia. This was led by the former Premier of South Australia, John Bannon, at the time a member of the Expert Advisory Panel for the proposed white paper on Reform of the Federation. Sadly, Dr Bannon died some months after his address.

In a related paper, Scott Ryan, then Parliamentary Secretary to the Minister for Education, tackled the topic of competitive federalism.

Another significant anniversary marked in 2015 was the bicentenary of the birth of Sir Henry Parkes, widely recognized within Australia as the “Father of Federation.” His role in the Federation movement and, more generally, in the politics of nineteenth century Australia (especially New South Wales) forms the subject of a speech by Jane Reynolds.

The Conference again discussed the question of recognition of Aboriginal and Torres Strait Islander peoples in the context of the Abbott Government's support for the initiative of Pat Dodson, now a senator, and Noel Pearson for a series of conferences for indigenous people to debate the details of a proposal which might be submitted to Australians at referendum after consideration at a national convention.

Michael Mischin, the Attorney-General of Western Australia, provided an account of Western Australia's recent attention to indigenous recognition. And, drawing upon a project led by Damien Freeman and Shireen Morris, I presented a paper on how this matter might be addressed nationally.

Noel Pearson had been invited to address the Conference but regrettably was unable to do so owing to some family matters which kept him in Cape York. Noel is widely admired for his endeavours to lift the standard of living of his people by attacking welfare dependency and encouraging genuine economic development. Noel himself has written:

In trying to understand conservative objections to the Expert Panel's proposals, it is important to understand the Australian mix of liberalism and conservatism and the influence of constitutional conservatism. . . . This group, convening as the Samuel Griffith Society, values liberalism and democracy. They insist on parliamentary sovereignty and are ready to accuse judges of usurping parliamentary democracy. They value the Australian Constitution as inherited wisdom.

## **The Society**

As always at a Conference we acknowledged those members who had passed on in the previous twelve months. They include Barrie Purvis, Robert Rofe, Charles Jefferies, Ben Sandars, Ian Young, Richard Wingate and Sir James Balderstone.

I would like to pay a particular tribute to Ben Sandars. Ben's name is probably not as well-known as it should be. Ben was a long-time and loyal member of The Samuel Griffith Society. He was a psychologist who among other things developed the entrance exam for soldiers in the Special Air Services Regiment in the Australian Army.

Ben was always one to support good causes including this Society, the H. R. Nicholls Society, the Bennelong Society, the Lavoisier Group and the Isaacs Federal Electorate Council of the Liberal Party.

Every year Ben and Patti would drive to The Samuel Griffith Society Conference irrespective of its location, even travelling from Melbourne to Perth by car. We miss Ben but are delighted that Patti has continued to attend and trust she will do so for many years to come.

As usual the Society was delighted to have the continuing support of the Mannkal Foundation and the Sir Charles Court Foundation.

The 2015 Mannkal Scholars were Anish Badgeri, Lyndsay Barret, Bruce Linkermann, Danielle Lisbon, Jordan Lockhart, Fiona Poh, Bianca Talbot and Tara Woermann.

The 2015 Sir Charles Court Scholars were: Elodie Prinsloo, Simon Morgan, Aiden Depiazzi and Sherry Sufi.

Student attendance at the Conference was also made possible by donations by several members of the Society: Christopher Game, Brian Hurlock, Gary Johns, Bevan Lawrence, Sir David Smith, John Stone and Dr David Tomkins.

The Samuel Griffith Scholar at the 2015 Conference was Rick Umback.

The 2015 Conference was my last as conference convenor, a role I had undertaken for seven years. During my time as conference convenor there were a number of highlights: a visit to Government House, Hobart, at the invitation of the Governor, the late Peter Underwood, during the Society's first Conference in Tasmania; commencement of post-conference tours which included, in 2013, a river cruise on the Hawkesbury; and a visit to the home of Sir John Downer in Adelaide. These conferences included two with the largest ever attendances: Hobart and Brisbane.

There are some vital things the Society must address in the future. A first priority must be renewal of the membership – younger members, parliamentarians, lawyers, academics, economists and businesspeople with an interest in public policy.

Board members of the Society, myself included, also need to do more to ensure that, between conferences of the Society, that they are promoting the Society in their State and perhaps looking to undertake an annual event with local members so that it is not six or seven years between conferences in each jurisdiction.

While the conference papers have been the outstanding output of this Society since its foundation, it should become practice that papers are contemporaneously put on the website as well as being published in a book at a later date. This allows the media, researchers, students and others interested to access the papers when they are at their most topical.

And we must commence student clubs and a student journal in conjunction with student scholars so that our work and our Society will be sustained into the future. John McGinniss's paper on the US Federalist Society delivered at the 2008 Conference points the way.

I very much appreciate the confidence that the Society has reposed in me in following in the footsteps of our inaugural conference convenor and founder, John Stone.

I commend the Society to everyone. Long may it flourish.

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