

Introductory Remarks

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Sir Harry and Lady Gibbs, ladies and gentlemen: welcome to this, the fourth major Conference of The Samuel Griffith Society.

To say that it has begun with a bang in fact, two bangs would be an understatement.

The first bang it might be better to call it a loud report was provided by Mr SEK Hulme's address to the Society at our opening Dinner last night.

This was no mere "after dinner address", but a lengthy, serious and in the end hard-hitting examination of one of the chief problems facing our Constitution today namely, the calibre of some of those charged with the great responsibility of judicially interpreting it.

The wit and the humour which we have all come to expect from Mr Hulme were there also, but his address last night, first and foremost, treated seriously a serious subject. It will, I predict, be even better when we come to read and ponder it as distinct from merely listening to it after it is published in the Proceedings of this Society.

I referred earlier to two bangs, and those of you who, this morning, had only The Courier Mail to read may wonder to what I am referring because, so far as I can see, that once esteemed newspaper carries no report of substance on yesterday's meeting of State Premiers and Chief Ministers in Sydney.

To be precise, its front-page article, headlined "States to tackle crime", focuses entirely upon the decision by that meeting yesterday on that one matter.

I do not wish in any way to diminish the importance of that matter, and I welcome the decision by the Premiers and Chief Ministers to convene a Conference later this year to address it.

All other considerations apart, such a meeting will thereby underline that the States have full powers to address such issues, without any need for the Commonwealth to tell them to do so, or indeed much need for the Commonwealth to be involved at all a precedent with, I trust, much wider potential application.

My key point, however, is that contrary to the impression which hapless Courier Mail readers would obtain this morning, yesterday's meeting in Sydney dealt with much more important matters than that.

Contrast that Courier Mail front-page, for example, with the front page of The Australian, with its headline "States in push for new Federation".

It is true that, in line with its self-appointed mission these days, The Australian gives even greater front- page prominence to a large photograph of Mr Mick Dodson, the Chairman of the so-called Aboriginal Council for Reconciliation who, clad in his usual funny hat, is reported to be enjoining us that "Reconciliation [is] a Challenge to Society".

Nevertheless, the article reporting yesterday's meeting in Sydney suggests that something remarkable may, just possibly, be happening.

Indeed, if the word had not been so thoroughly debased by people like our Prime Minister, I might even go so far as to describe yesterday's meeting as an "historic" one.

The four page communique, a copy of which I have here thanks to a special messenger service from Sydney yesterday evening (in the shape of one of our members), has appended to it the signatures of all six Premiers, and the Chief Ministers of both the Northern Territory and the ACT.

These are early days, but I congratulate them all.

When did we last have such a gathering "committing themselves to building a new Australian Federation based on", inter alia, the following principles:

"that the Federation enables government to be close to the people, and responsive to local and regional needs";

"that the Federation enhance the cohesiveness of the Australian nation by being responsive to the needs of regional diversity, rather than being dismissive of that diversity"; and

"a Federation that fosters a competitive national economy based on the fundamental principle of 'competitive federalism'". (Emphasis added).

As to that last, members of this Society will recall the paper on Making Federalism Flourish presented to our second major Conference, just a year ago in Melbourne, by Professor Wolfgang Kasper, which was in essence a strong plea for competitive federalism as a means of energising both the Australian economy and polity.

As I said earlier, this is the second "loud report" with which this Conference begins. It is too early to know whether it may merely flare up like a Roman candle, and then once again gutter into failure. The portents to the contrary, however, seem good; and if they prove accurate, this "bang" will, in years to come, remind us that we were present last night in Brisbane on the day on which this explosion was first heard.

I referred last night, briefly, to the fact that we had earlier invited the Premier of Queensland, the Hon Wayne Goss, to address last night's opening Dinner, and it is appropriate that I should record this morning some details of that exchange.

On 24 May, 1994 I wrote to Mr Goss on behalf of our President, Sir Harry Gibbs. I remarked that this Society "is of course named after a great Queenslander (and one of your predecessors as Premier of that State)", and went on:

"While some of the constitutional positions which [the Society] stands for would not, I know, commend themselves to the Labor Party, its fundamental tenet is the basically federalist one that, particularly in a country like Australia, no good can come from the ceaseless concentration of more and more power in Canberra at the expense of State Governments

"If you were able to speak to us, the topic I would like to suggest to you (and on which I feel you could speak from the heart both as a Queenslander and as the Premier of a Government which necessarily finds itself involved in manifold dealings with Canberra) is The Branch Office Complex: A Federalist Response.

"Such a topic would, I suggest, give you scope not merely to speak of the problems which ensue within a Federation once the financial powers of the States are no longer commensurate with the performance of their proper functions, but also (should you wish) to develop the point that, in a society which is increasingly concerned with human rights and individual liberties, those rights and liberties are much more likely to be preserved where power is decentralised than where (as increasingly is the case today in Australia) it is centralised".

Now as you all know, Mr Goss was unable to accept our invitation because, as he put it, he "will be attending a meeting of Premiers in Sydney during that day, and . . . you would understand that it is difficult with such meetings, which do not have defined concluding times, to schedule other commitments". Accordingly, Mr Goss asked that his apologies be conveyed to this "organisation, and trusts that [we] have a successful dinner and conference".

I may only say that we were grateful, at the time, to have this courteous response from the Premier, and I am equally pleased to see that, at yesterday's meeting of Premiers and Chief Ministers in Sydney, to which I referred earlier, his name appears as a full co-signatory to the Communiqué, there issued.

Our first bracket of two papers today is on the theme "The Aboriginal Question", which was first raised at our inaugural Conference in Melbourne just two years ago. To lead off in this session we have a paper entitled The Aetiology of Mabo, by Dr Geoffrey Partington, whom I shall now have the pleasure of introducing.