

Foreword

John Stone

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The Samuel Griffith Society's seventh Conference, the papers delivered to which constitute this Volume in the Society's series of Proceedings, *Upholding the Australian Constitution*, was held in Adelaide, and was marked by a gratifyingly large attendance. Whether this owed anything to the fact that, in defiance of all economic doctrine, those attending the Saturday sessions did receive a free lunch, or whether (as I prefer to think) it was wholly a tribute to the once again generally excellent quality of the intellectual fare offered, must be a matter for judgment. What is clear is that, in a State in which the Society's membership is still small, the quality of the Conference arrangements was a tribute to the local organisers.

The Society was honoured by the presence at the opening Dinner on the Friday evening of the Premier of South Australia, the Honourable Dean Brown and Mrs Brown. The Premier's address, with which these Proceedings effectively commence, had clearly benefited from much thought. In the face of widely-held community opinion to the contrary, it demonstrated (as had earlier addresses to the Society by the Premiers of Victoria and Western Australia, respectively) that some of our political figures can and do make a thoughtful contribution when given an appropriate platform for that purpose.

However, because this Volume constitutes the full Proceedings of the Society's Adelaide Conference, it does contain one paper, delivered to that Conference by the Commonwealth Minister for Administrative Services, the Honourable David Jull, MHR, about which I must confess to considerable disappointment.

It is a matter of personal regret that I should have to express that view of Mr Jull's paper, *Constitutionally Entrenching our Flag*, and I do not do so lightly. I do so against the background of the high standards set by every previous contributor to the Society's proceedings, and my feeling that this paper simply does not measure up to those standards. For that I can only proffer, in the aftermath, my apologies.

The Minister's paper was one of four comprising what the Conference program described as some agenda items for the 1997 People's Constitutional Convention - a theme to which, no doubt, the Society may return in the period before that Convention actually assembles. Apart from the topic of the Republic, to which the Chairman of South Australia's Constitutional Advisory Council directed some thoughtful and extensive remarks, the need for a constitutional referendum to amend section 51(xxix) (the "external affairs" power) was addressed by Dr Colin Howard. The characteristically lapidary quality of his paper was only equalled by that of Dr Greg Craven, who cast a considerable pall over the gathering by his comments on the *modus operandi* of the present processes for the appointment of Justices of the High Court, and hence for any substantial hope of returning to its previous level of public esteem that now much diminished institution.

With the *Native Title Act* 1993 having now been in force for over two years, and with a change of Government in Canberra, it seemed appropriate at this Conference to devote a significant part of our time to what we have previously broadly termed "the Aboriginal question". The resulting

papers from Dr John Forbes (a sequel to his brilliant earlier paper to the Society's fourth Conference in Brisbane) and Mr Chris Humphry set down in damning detail the pass to which the *Native Title Act* has already brought us. The accompanying paper by Mr Ray Evans provides a more general philosophical backdrop to what, in his concluding remarks, the Society's President, the Rt. Hon. Sir Harry Gibbs, described as the question "which threatens to divide Australian society and to shake the foundations of the nation".

Everyone wishing to inform themselves about the current and prospective debate on constitutional issues in Australia will find much to interest them in this Volume. Like its six predecessors, it is to that debate that it is dedicated.
