

Introductory Remarks

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Ladies and gentlemen, welcome to this, the seventh Conference of The Samuel Griffith Society. It is just over four years since the Society's formation, and our relatively small membership in South Australia has meant that, until this time, our meetings in this State have been confined to only the "launchings" of two volumes of our Proceedings. Successful though those functions were, it is a great pleasure for the Board of Management to have been able finally to arrange a full-scale Conference here in Adelaide.

I think it may be appropriate, in that connection, to say that one factor instrumental in our decision to hold this Conference here was the enthusiasm - and to some extent financial backing - for doing so provided by Bob Day, who of course needs no introduction to this Adelaide audience. The Board of Management will, I think, at its meeting later today record its collective gratitude to Mr Day, but I have thought it appropriate to anticipate that in these public remarks this morning.

At our opening Dinner last night we were honoured by the presence of the Premier of South Australia, the Honourable Dean Brown, MLA and Mrs Brown, and were privileged to have the Premier address us on the topic *Challenges, Chances and Choices : The Future of the Australian Federation*.

When the Board set the date for this Conference last January it had, of course, no means of knowing either that, by this time, we would have a new Government in Canberra, or that the Council of Australian Governments (COAG) would be meeting next Thursday and Friday, 13-14 June, for what promises to be one of the most important meetings of Australian Heads of Government for many years. Against that background, however, it has proved to be a notably fortuitous time for the Premier of this State, which played such a significant part in the creation of our Federation, to be addressing us on these matters.

As the Premier said:

"Overwhelmingly the challenge for Governments anywhere today is to create environments that allow people to make choices about their own lives - which give maximum freedom - while at the same time responding to their alienation from Governments and Governments' institutional arrangements."

In those words, it seems to me, Mr Brown summed up the themes which underlie the work of this essentially federalist Society, with our belief that freedom is best ensured by the division of power rather than by its concentration, and that Governments govern best when they are near the people - as they are in the States - rather than remote from them in Canberra. Or, in the Premier's words again, we stand for "regional diversity, freedom and difference in the way Government is run, as opposed to centralism." The words "Commonwealth" and "national", he said, are often used by federal politicians as though they meant the same; in the Premier's dictionary (and in that of this Society), they don't.

The Premier closed his address to us last night with some

words of Sir Samuel Griffith himself, uttered during the first of the constitutional debates over a century ago. So well do they sum up so much of the constitutional debate now confronting us that they are worth again recalling here:

"We must not lose sight of an *essential condition* -- that this is to be a Federation of States, and not a single Government of Australia ... the separate States are to continue as autonomous bodies, surrendering only so much of their powers as is necessary to the establishment of a joint Government to do for them collectively what they cannot do individually for themselves, and which they cannot do as a collective body for themselves."

With the election of the Howard Government, a number of matters which had previously been, so to speak, in the discard - in particular, the whole question of Commonwealth-State financial relations, and the inseparable question of the appropriate roles for the federal and State Governments, respectively - have once again returned to the centre of debate. We had planned two papers tomorrow morning on that general topic, but unfortunately a serious last-minute illness on the part of one of their authors, Professor Cliff Walsh, will prevent his being delivered. Another such matter which has also, since the election, returned to the centre-stage of debate, is the *Mabo* judgment and its *Native Title Act 1993* aftermath. This afternoon we shall hear first from two practitioners - one from academia, one from private legal practice - on the nature and workings (or non-workings) of that particular piece of legislation. We had also planned to hear again, after an interval of almost four years, from Mr Hugh Morgan,

who delivered to our Inaugural Conference the first of the many papers which this Society has heard on what we have termed "The Aboriginal Question". Again, however, it is my lamentable duty to inform you that, at the last moment, Mr Morgan has found himself unable to be with us today to deliver his paper on the topic, *Mabo : Where Now?* In place of that paper we shall have one from Ray Evans on the closely associated topic *Reflections on the Aboriginal Crisis*. Our thanks are due to Mr Evans for his assistance in stepping into the breach in this way.

Yet a third area where the advent of a new Government in Canberra has, so to speak, changed the landscape of constitutional debate relates to the republic issue, and in particular to Mr Howard's proposal to hold in 1997 a so-called People's Constitutional Convention for the purpose of discussing that, among other issues.

On the assumption that, next year, such a gathering will duly come to pass - although I may say in passing that the mechanics whereby it may be constituted seem to me to pose some rather formidable problems - the Board of Management of this Society is strongly of the view that the opportunity should be taken to advance a number of other constitutional issues, in our view much more worthy of the people's attention, for discussion at that Convention.

Thus, in our opening session this morning, we have listed papers on three topics other than the republic. The first of those papers, which follows up our symposium at our fifth Conference last year in Sydney on a proposed constitutional amendment of section 51(xxix) - the "external affairs" power - will be delivered

by Dr Colin Howard, and as I happen to be chairing this opening session I shall accordingly bring to an end these introductory remarks and move on to introduce him.
