INTRODUCTION

Charles Sampford[1]

Queensland's newest law school bears the name of one of its most distinguished lawyers who was a key player during a very important period in Queensland's and Australia's legal history. Sir Samuel Griffith was pre-eminent as both lawyer and politician in pre-federation Queensland, holding, at various times, the positions of Attorney-General, Premier, and Chief Justice of this State. He achieved much during those Queensland years, most notably the drafting of the criminal code.

As the principal draftsman of one of the key early drafts of the Australian Constitution, and the first Chief Justice of the court that was entrusted with its interpretation, he sought to anticipate and meet the twentieth century needs of Queensland and Australia.

His occupancy of high judicial and political office meant that his experience of each was brought to bear on the other. The apex of his political career was his involvement in the drafting of the fundamental law of Australia while his judicial career was enriched by his experience of high political office. He interpreted the constitution in the light of his own experience in drafting it. His approach to both law and politics was, in a sense that would have been as unfamiliar to him as it is to us, effectively interdisciplinary.

Of course, during Griffith's time, there were no law schools in Queensland and the University that bears his name was slow to get one. I am not sure what he would make of it. I do not claim his approval for what we do and I

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am sure that some of the things that were done in the name of Griffith University might not have been entirely to Sir Samuel's liking. I am not sure he would have been entirely sympathetic to the Faculty of Environmental Science, and given the times and the politics, I am fairly certain that he would not have approved of the Faculty of Asian and International Studies. Some might see Sir Samuel Griffith as a very indulgent, if unwitting, sponsor. But it was appropriate to honour the fact that he was a lawyer and a very great one too. It was thought a very good idea that we should honour him at an early stage in our history and we thought that there was no better date than the centenary of Sir Samuel Griffith's elevation to the position of chief justice.

For a lawyer whose career embraced the highest political and judicial offices, the transition from political to judicial office was obviously one of the most important points of his life. On March 13th 1893 Sir Samuel Griffith resigned from the position of Premier of Queensland and on March 27th he commenced his term of office as Chief Justice of Queensland.

Given the emphasis on ethics in our Institute and our Law School, you might have thought that we raised this matter as one of government ethics.

But that is not our intention - we have come to praise Griffith not to bury him. The delicacy of the arrangements he may have made with his successor can be left as another untold story of what was, after all, pre-Fitzgerald Queensland!

No, the purpose of looking at the elevation is to consider the challenges that faced Griffith and the other constitutional founders. We believe this provides a valuable starting point in considering the challenges that face us today as we look toward a second century of Australian federation and the debates over whether we should have either a second constitution or a major revision of our first.

No one is better placed to make that comparison than are the current holders of those high offices held by Sir Samuel. Accordingly we were delighted that Sir Anthony Mason, Chief Justice of Australia, John

Macrossan, Chief Justice of Queensland and the Hon Dean Wells, the Queensland Attorney General, could share their thoughts with us.

We also invited a number of academics and commentators to join us in considering the future challenges facing us, including Professors Paul Finn, Brian Galligan and Cheryl Saunders.

In reflecting on Sir Samuel's challenges as a useful starting point, we are not suggesting that we should return to the thinking of 100 years ago. Given the fact that there are a number of writers in economics and politics who would like us to return to the thinking of the eighteenth century this might be something of an improvement. But that is not our goal (indeed, given our professed intent to see the necessary future of legal education and do it now, we would hardly be endorsing such a view).

Our goal is to compare the present with the past to provide a sounder basis for contemplating the future. By engaging both lawyers and politicians in thinking about the interface between their two professions, we will open up thought about the constitutional problems of the next century to those in other academic disciplines including political scientists, historians and economists. It is thereby intended to assist in developing an interdisciplinary dialogue that can aid theorising about the Australian Constitution. As Ian McPhee has emphasised, in encouraging us to pursue this project, at the beginning of this century Australians did not have to think too deeply about the values and concepts underlying their constitution because it was not born out of war or national cataclysm. But for the second century we do have to think more deeply about such values and concepts.

Several people made major contributions to the running of this conference. Max Charlesworth took on the organising for the conference in December 1992, Christine Parker (my then research assistant) did much of the detailed organising and Christine Thompson, Diane Trinder, Kim Plant and Brendan O'Donoghue did the mail outs. Finally, the one hundred or so participants were a key part of its success.

Key financial support was provided by the Australian Research Council which funded the project through a three year large grant of $120,000 and the Constitutional Centenary Foundation which co-sponsored the conference and contributed some $5,000 to the costs of holding it.