

NSW CENTENARY OF FEDERATION COMMITTEE Barton Lectures

SIMILAR DIVERSITY - THE AUSTRALIAN STATES AND THE AUSTRALIAN NATION

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INTRODUCTION

At the very outset of this lecture, I am obliged to make a highly damaging confession: I always have been fond of the Australian States. This is so even though I hail from Victoria, and as a boy was taught to regard the lesser populaces of the “outlying” States with the sort of reverence usually reserved for three-day-old road kills. Of course, having been exiled to Western Australia at the advanced age of thirty-eight my previous eccentricities are now regarded as commendable insights. Drawing, therefore, on this rich blend of childhood perversity and Western Australian chauvinism, the essential thesis of this lecture will be that the States are far from superfluous components of Australian political and social culture. On the contrary, within the overall construct of Australian national identity, the States provide a genuine element of regional diversity, even on occasion an indispensable element of regional eccentricity, and to anyone who values diversity their continued existence is thus both defensible and desirable.

THE STATES IN AUSTRALIAN SOCIAL AND POLITICAL MYTHOLOGY

This may be dealt with briefly. There can be few more disreputable positions in wider Australian political debate than that of a protagonist for the States. In polite intellectual circles, to be described as a “centralist” means simply that one is sane. To be characterised as a “states righter”, on the other hand, is the equivalent of being branded the idiot natural son of Sir Joh Bjelke-Petersen. The emanations of this widespread intellectual disdain for the States are many, but consistent. One of the most profound is that, so far as possible, the existence of the States is politely ignored. In my own field of law, for example, most Australians would believe without thinking that the Commonwealth is the dominant Australian law-maker. Yet if any of us were to be run over in a Sydney street it would be the laws of New South Wales on traffic, dangerous driving, hospitals and (sadly) funeral parlours that would matter.

Examples of such determined ignorance of the States could be multiplied almost endlessly. What they reveal is that many Australians have an obsession with the national, and something approaching a guilty shame for anything connected merely with a State. Thus, we revel in terms like “national

broadcaster”, “national companies”, “national media outlets”, “national sport” and “national character” Indeed, at times, the adjective “national” preceding any given noun seems little more than our substitute term for “really good”. “State”, by way of contrast, connotes small, parochial and nasty.

A connected tendency is to deny the diversity of the States, maintaining that there really are no differences between them, and that their separate existence is thus irrational and beneath notice. A recurrent theme is that the old colonial limits, upon which the boundaries of the States are based, were mere accidents of history, and that those States therefore possess no genuine historic personality. All of this has given rise to one of the great pipe dreams of Australian political thought, namely, that the States might usefully be abolished in favour of a unitary nation. This view was expressed during the Federation debates themselves by such New South Welsh politicians as Sir George Dibbs, who felt that the sister colonies might most profitably be absorbed within the warm embrace of their mother, New South Wales. Ever since, abolition of the States has been the recurrent desideratum of Commonwealth governments, although, since the passing of the Whitlam Government, the guilty fantasies of the Commonwealth seem to have focussed less upon the prospect of actually abolishing the States, than on cutting them up into smaller, more co-operative “regional governments.

REASONS FOR HOSTILITY TOWARDS THE STATES

There are strong grounds to suspect that one of the primary reasons for the general disrepute of the States is that their existence is seen by many as inconsistent with what might be referred to as Australia’s coalescing national epic. According to this view, the single defining moment of Australian political history was Federation, which involved a coming together of the disparate political parts of Australia into a single whole. As a consequence, anything that stresses this heroic wholeness must by definition be good, while anything that reminds us of past divergence – such as the State successors to the old colonies - correspondingly must be bad.

A related view is that the existence of the States is both historically and theoretically inconsistent with any genuine notion of national progress. The idea here essentially is that the States invariably constitute barriers to the achievement of the good ideas of the central government, probably are internally corrupt, and certainly hamper every conceivable form of economic advancement. This almost invariably leads on to the fundamental proposition that if only all power could be centralised in the Commonwealth government, all the problems of Australia magically would be solved.

The cause of the States is not helped by the fact that their very existence is seriously out of tune with the reality of Australia’s contemporary power centres. The point here is that the States are, by definition, disaggregated and disseminated. They include not merely powerful, estimable, serious places like Melbourne/Victoria and Sydney/New South Wales, but also places that every journalist, advertising executive and boutique lawyer knows are

deeply irrelevant, like Tasmania and South Australia. Not surprisingly, then, the Australia of the 2000s as seen on national television news, is an Australia designed in their own image by that nation's foci of influence, and includes none of these backward appendages.

Of course, there also exist more fundamental causes for the hostility on the part of a wide swathe of Australians towards the States. One is that Australians seem to have a difficulty in juggling two communal identities. Certainly, many Australians display deep suspicion towards any of their co-citizens who confess to such a dualistic identity, that is, as an Australian and (say) a Queenslander. To such monotypical Australians, this dualism of communal identity is internally inconsistent, and even threatening. This is very different from the position that tends to apply within many other federations. Nevertheless, in the eyes of a large proportion of Australians, particularly those from the great eastern population centres, for a fellow citizen to say that they are "a Queenslander" or "a Western Australian" in any other tones than those of hushed apology constitutes a direct challenge to the coherence of the nation. In response to any unrepentant hillbillies bold enough to utter such national heresy the stern reproof quickly will be delivered "No you are an Australian". Yet the question has to be: why can one not be both?

What all this strongly suggests is the subsistence of a certain national insecurity on the part of many Australians. One might even hazard the profoundly unpalatable thesis that an Australian national identity seems to be insufficiently established for its guardians lightly to tolerate anything that might be regarded as a rival communal loyalty, and this may partly explain the intense hostility felt by some Australian "nationalists" to the States.

Indeed, it often seems that deep within the Australian political tradition there exists something of an historic antipathy to internal diversity, and to the extent that the States represent precisely such a deviant sub-national element, they are the natural objects of that antipathy. One reason our wider political tradition embodies such tendencies is simple: that tradition is profoundly English. Thus, when one strips the constitutional history of England of its trimmings, and above all its self-congratulation, there emerges from among such golden threads as parliamentary democracy and the rule of law another strong but far less shining strand: the ruthless, progressive, single-minded centralisation of power in the sovereign parliament at Westminster, and the equally grim suppression of any countervailing tendency, chiefly as represented by the various Celtic remnants of the British Isles. In the local Australian translation, this privileging of ever-expanding central hegemony is profoundly inconsistent with the notion of semi-independent regionalism represented by the States.

All of this is compounded, perhaps, by something of a national characteristic not to discern differences that, rather than being of small significance, are nevertheless significant in their smallness. . In many ways we are a nation with a talent for the obvious. We celebrate a big country, a big sun, big oceans and loud cricketers. Many of us are intolerant of the subtle. Consequently, in assessing whether differences exist between the States we

are inclined to look for blindingly obvious differences. But when we have to deal with the subtler, smaller, softer differences, we are inclined to dismiss them as trivial or simply non-existent.

Finally, there is what might be referred to as the factor of the pathetic. Put simply, everybody likes to be on the side of a winner, and the Australian States have been among the most dedicated of losers in recent Australian history. Over the last one hundred years the States have lost all but the rags of their financial and constitutional independence. Not surprisingly, therefore, there is a strong and accurate perception within Australia that the States are in inexorable decline, and in a nation that values success, they have all the kudos of the serial loser.

THE DIVERSITY OF THE STATES

One may begin on a note that undeniably is light-hearted, but intriguing nonetheless. It is strikingly peculiar that, in a nation supposedly dedicated to the proposition that there is no difference between its States, an overwhelming majority of the national population apparently subscribes with enthusiasm to highly negative stereotypes of the inhabitants of all the States other than that in which they themselves reside.

Thus, to all but themselves, Victorians are arrogant. Queenslanders are slow. Western Australians are rednecks. South Australians are whingers. Tasmanians are either parochial or inbred - depending upon one's degree of charity. Finally, in the case of the New South Welsh, I regret to inform you that you are shallow, uncultured, glitzy and obsessed with money. No one is suggesting that these stereotypes are true or profound, but they undeniably exist.

The second and much more significant point concerning the diversity of the States is obvious, but often ignored. As a matter of brute reality, there genuinely is more to Australia than Sydmeiberra. We need regularly to remind ourselves that the southeastern corner of Australia represents a tiny part of its total landmass, displays an unrepresentative range of climatic conditions, sustains only a very small relative proportion of Australia's indigenous species, and is host only to a very limited number of Australia's indigenous languages. Outside this coastal corner there are, incredibly, millions of people who not only do not listen to John Laws, but have neither a negative or positive opinion about him. For the overwhelming majority of these outlanders it was financially impossible to go anywhere near the Sydney Olympics, and to them, the Melbourne Cricket Ground on Grand Final day represents nothing more than a flickering television image. Things are different out there.

Again, it always is said that Australia is a highly urbanised country, and this often is offered in partial support of our supposed national uniformity. Our degree of urbanisation is undeniable, but outside its southeastern corner, Australia is urbanised in a way different to that which applies in Sydmeiberra.

Australians living beyond the southeastern seaboard do not live in the vast mega-metropoli so familiar to the residents of Sydney or Melbourne but in town-cities like Adelaide and Perth (and even Brisbane) where life undoubtedly is slower, but even more significantly, where citizens are much more intimately connected to a wide range of their co-residents.

Of course, all these points are simply aspects of a single fundamental truth. The incontrovertible truth is that there exists a vast diversity of conditions between the States. This is an uncongenial fact that is extremely easy to ignore if one never leaves Sydmeberra, but speaking as an ethnic Victorian, to stand in the vast Kimberley region of Western Australia is to realise how very wrong one is. There, one's immediate thought is not "This is another place" or even "This is another State" but rather "This is another country".

Taking Western Australia, then, as arguably the best but certainly to me the most familiar example of an "outlying State", it readily is apparent that its character is shaped by many factors that are largely unknown to other Australians. A hard example is comprised in the position of Aboriginal people in Western Australia. Obviously, Aboriginal people are disadvantaged throughout the Commonwealth. However, in addition to their shared disadvantage, the circumstances of Western Australia's Aboriginal people differ greatly from the circumstances of most of the Aboriginal population of Victoria or New South Wales. Compared to, say, Victoria Western Australia has a relatively large Aboriginal population, including a large number of broadly disseminated rural communities which have heroically maintained strong elements of their culture and their law, many of which are located in desert or arid areas remote from Perth. These are facts, important facts, and facts that are highly divergent from any southeastern norm.

Indeed, the realities surrounding Aboriginal people seem to constitute a basic differential truth between States like Western Australia (and possibly Queensland) and the States of the southeastern bloc. Put bluntly, in Western Australia, it is not possible to ignore Aboriginal people, either as individuals or as a social phenomenon. This simply has not been true for many European Australians living in States like Victoria. There, while one knows that Aborigines exist, and while one now intellectually knows that reconciliation and land rights are important issues, there is no necessary occasion to see, meet, speak to or engage with Aboriginal people, who therefore are too often treated as concepts or issues rather than human beings. In Western Australia, however, one must encounter Aboriginal people within one's own life on an everyday basis. What this means is that, for good or ill, the character of a Western Australian partly is that of an individual who has had to take personal account of Aboriginal people, whether as racist or reconciliator.

Of course, some of the most profound differences between seemingly similar communities are often the most subtle. Pursuing this vein of the subtly significant, one of the most fundamental relationships possessed by a human being is with their country, using "country" in this sense not as some abstraction of the nation state, but much more profoundly as denoting the very particular physical place in which one lives and which in turn lives in one. In

Australia, at the most trivial level, this notion of country involves very real differences in the every day life of Australians from different States.

Thus, to dwell quite literally on the surface, it is a plain fact that climatically privileged Western Australians and Queenslanders tend to wear less clothes than Victorians. Similarly, Western Australian and Queensland children tend to swim more and better than their Victorian and Tasmanian counterparts. To Western Australian children, those cuddly bush staples of Australian children's literature, the platypus and the koala, utterly absent from any Western forest, are as immediately relevant as the tiger and the hippopotamus. A Victorian may kid herself that she lives in a "big country", but a Western Australian or a Queensland really does. Not surprisingly, Western Australians have a profoundly different idea of distance to Victorians and New South Welshmen.

Nearer the core of the matter, one encounters within Australia pastel-hued differences that nevertheless arguably represent genuine divergences in State aesthetic. One of the most subtle of these falls into the category of what might be described as "atmospheric memory". To human beings, memory is one of the most powerful of all forces, serving to locate them within the ever-changing mist of time and circumstance. Very often, memory is attached not merely to a perception of time, but to an intense feeling of place and surrounding. Thus, as a Melburnian, I have always been aware that Victoria's most delightful season is autumn, a time when one, like Keats, quite seriously could talk of mists and mellow fruitfulness. Yet the harsh reality is that Western Australia has no autumn, and therefore its people share no romance of autumn.

Similarly, I always have been struck by Donald Horne's observation that in his garden, his grand father had planted his memories around him. This thought seems very effectively to express the idea of the intimate relationship between individuality and the creation or adoption of a personal landscape, whether through the manufacture of an artificial entity such as garden, or through an emotional commitment to a natural landscape. Coming myself from Victoria, my childhood is filled with recollections of daphnes, daffodils, fuschias, and forget-me-nots. Yet having valiantly attempted to plant these memories around me in Perth, they quite unforgivably have died. Plants are far more honest organisms than people, and they are inclined to testify biologically to the truth that Western Australia and Victoria are indeed very different, in much the same way that the misplanted crops of the early settlers bluntly informed them that they were in the Antipodes, not Surrey.

Of course, no discussion of matters such as these would be complete without mention being made of that great Australian obsession, sport, where difference reigns supreme. It is, for example, true that Australia is notionally "united" by a single cricket team, but as anyone who follows the game will know, selection to that team in the first instance continues to depend on a player's performance in the competition among the States, and there rarely would be a significant period of commentary during the broadcast of test match where reference was not made to the State origin of this or that

Australian cricketer. An even more obvious point of State division is football. The “southern” states of Victoria, South Australia, Tasmania and Western Australia play the code of football employed by God and his Archangels, while the “northern states” – New South Wales and its dupe, Queensland – futilely scratch away at rugby league. Naturally, this division between codes is supplemented by manic state rivalries within those codes. To behold forty thousand Western Australians spontaneously maintaining absolute silence when a Victorian team goals at Subiaco Oval is to witness one of the world’s great phenomena of concerted mass inaction, inspired utterly by a passionately held sense of difference.

Earlier in this lecture, I light-heartedly posited the existence of State stereotypes. Similarly, it is difficult not to accept that particular prominent personalities only could have emerged in their home States. For example, how could Sir Joh Bjelke-Petersen be imagined other than as a Queenslander? Again, could Jeff Kennett have lurched to eminence on the political scene anywhere other than Victoria, with that eclectic mix of arrogance, third-grade aristocratic hauteur, gung-ho business rapacity, genuine State patriotism and an appalling haircut? Going further back in our history, Menzies was, profoundly, desperately Victorian; Evatt fundamentally New South Welsh; Downer unmistakably a South Australian; and Deakin and Isaacs too hyperactively self-assured to be anything other than from Victoria. Barton was just too fond of pleasure to hail anywhere but from Sydney.

There are, of course, arguments against the existence of genuine difference between the States. One is that as between the behemoths of the Australian Federation, New South Wales and Victoria, there exists no real degree of State divergence, on the grounds that any palpable difference arises rather between the great cities of Melbourne and Sydney than between their host States. Yet the reality is that both these States are so dominated by their respective capitals that they closely resemble City States bestriding their associated hinterlands, so that the difference between the capitals to a very large extent is the same thing as the difference between the States.

Another argument against the diversity of the States is to that our nation’s true line of division runs between the city and the bush rather than between the States. However, the existence of an additional line of division among Australians hardly constitutes a refutation of State diversity. In any event, there is a very significant correlation between this urban-rural divide and the diversity encountered among the States. One of the things that makes Queensland as an entity so significantly different from small, highly urbanised Victoria, and from rather larger but still highly urban New South Wales, is the existence and influence of its vast and varied rural districts and associated provincial towns, while the immense rural expanses of Western Australia operate to similar effect.

Probably the most common retort to the assertion of any significant degree of diversity among the States is that because their boundaries are “artificial”, they have no real as opposed to merely constitutional existence. In the first place, this argument tends to assume that boundaries between national and

sub-national entities typically are rationally determined, and that such an exercise is a pre-condition to the development of a distinct degree of identity. This hardly is the case, as most Europeans and South Americans would testify. Secondly, it ignores the salient fact that the boundaries of the Australian States, however imperfect in their inception, have had around a century and a half to develop validity. Victoria, for example, mercifully separated from New South Wales in 1850, and thus has had one hundred and fifty one years in which to practice its role as a distinct political and social community. This is a period significantly longer than the life-span of many nation states in a constantly changing world, and certainly is far longer than the duration of the average national constitution. Finally, attacks on the adequacy of State boundaries do not reflect the reality that, while some of their features are highly artificial, most are perfectly plausible. Broken Hill conceivably could be in South Australia. Broome is as surely in the West as Launceston is in Tasmania.

Similarly overstated is proposition that the marvels of modern technology have so shortened physical and psychological distances between the States that they effectively have dissolved State boundaries and State differences. Perhaps the most lauded example of modern technology that is put forward here is that of speedy air travel between the States. This argument might have a certain plausibility, until such time as one lives in Western Australia, and appreciates precisely what “fast” air travel over the vast continent of Australia actually means, with profoundly incompatible time zones, schizophrenic weather conditions and hopelessly tangled connections. What seals the issue is the sagging realisation that, in the supposedly unified Australia of the twenty-first century, it actually is not even possible to fly direct from Perth to the alleged national capital of Canberra. Of course, the whole argument must be moot to the vast bulk of Australians who are not part of the social elite to whom air travel is an almost daily occurrence.

The final argument in denial of State diversity is the comprehensive one that it is logically inconceivable within a modern Australia that citizens have not abandoned their State identities in favour of a single, undifferentiated national allegiance. Yet within many societies, citizens have one, two or more dimensions of social identity, which are in no sense mutually exclusive. Thus, it is perfectly possible for a resident of San Antonio to be an American, a Texan and an Hispanic American, and for each of those identities to reinforce the other. This hardly should come as a shock in Australia, where multiculturalism has shown us that it is perfectly possible to be Australian and Irish, Australian and Vietnamese, Australian and Italian, and Australian and anything else. Why, in heaven’s name, can someone not be an Australian, Lebanese and a Queenslander?

A DEFENCE OF THE STATES

As creatures of diversity, the States may be defended on both aesthetic, and constitutional and functional grounds. Very briefly, in terms of aesthetics, it already has been demonstrated that the States are indeed diverse, and the

assertion now is made that civic diversity is a force for good within the nation state. Self-evidently, the richness of many national cultures and characters around the world has depended significantly upon the contributions of their diverse regions. Or to put it another way, much of the eccentricity of nations depends upon this interplay of internal diversity, and that in a homogenous world, we all are in desperate need of eccentricity. This proposition surely would ring true to a citizen of France, Italy, the United Kingdom or the United States.

It is indeed curious that at a time when we rightly celebrate multiculturalism for the sheer variety that it brings to human life in Australia, so many of us are so desperately nervous of admitting to the existence of any degree of diversity in the States. Moreover, at a time when so many of share a deep nervousness of the creeping lava of Los Angeles popular culture, and its ghastly, supra-national homogeneity, we surely should cherish any element of our own national diversity.

Turning to a constitutional and functional defence of the States, one should commence with the brutal fact that Australia is intrinsically and irreversibly federal – that is, a society inextricably organised around the existence of State communities. Obviously, this reality flows in a purely legal way from the Constitution, but in a far deeper sense, the sheer fact of Australian federalism would not change were the States to be abolished tomorrow. The reason for this is that virtually every element of Australian life is configured upon the existence of the States, and this would not change were the States themselves to cease to be as legal organisms. On the contrary, everything from football to kennel clubs, education, dioceses of churches, distribution of newspapers, and the organization of political parties would continue to follow the old State boundaries. The fact is that after one hundred years of federation, the Australian political and social genius is a federal genius. Indeed, it is worth pausing for a moment to imagine what precisely the abolition of the States would be likely to achieve as a matter of administrative and political reality. The blunt answer presumably would be a federal bureaucracy greatly enlarged to take up all the old State functions, organized upon State lines.

This conclusion is not affected by the fact that the Constitution itself, considered purely as a vehicle for the protection of the States, undoubtedly has been something of a dismal failure. This diagnosis is made notwithstanding the undoubted fact that the Founders collectively were ardent State protagonists. Here, there is an idea abroad, that those who wrote the Australian Constitution embraced federalism only because they faced no practical alternative. Yet the best of the Founders – Barton, Deacon, Griffith and O'Connor – also were actuated by high considerations of principle, guided by the far from pedestrian writings of Jefferson, Madison, Hamilton and Bryce. This principled basis for Australian federalism and its component States, is as valid today as it was in 1900.

In the first place, we need to understand federalism as a geographic analogy to the principle of the separation of powers. Just as the analytic separation of powers prevents any one individual or organism from gaining total hegemony across the different components of our constitutional apparatus, so federalism ensures its own cohesive set of checks and balances on a geographic basis. The fundamental result of federalism thus is that no person or institution simultaneously can achieve political, social or even intellectual suzerainty over every portion of Australian society at the same time.

Moreover, in functional terms, the inherent effect of federalism is that whenever extreme measures are advocated anywhere in Australia – including Canberra – there will exist elsewhere a strong, organised, policy critique of those measures. Undeniably, the operation of such a process is expensive, time-consuming and (in some senses) inefficient. Yet much the same may be said for the separation of powers, judicial independence and democracy itself. Given our unquestioning and entirely appropriate respect for such concepts, it is striking how intolerant many of us are of our one great constitutional check and balance that has had the misfortune to be expressed in a regional, rather than a national idiom.

In this connection, it sometimes is suggested that the abolition of the States and their replacement by regional governments would dissolve the alleged inefficiencies of the States, while preserving intact all virtues of the federal dimension. In fact, any such step would utterly destroy the geographic separation of powers dimension of federalism. Thus, in order that sub-national governments may constitute restraining centres of power and influence, they must enjoy a certain “constitutional mass”. What this means in effect is that they must at the very least be free of the threat of abolition by any overweening central authority. This is the case in Australia, where the States could only be abolished by a referendum to amend the Constitution, which would in fact have to be passed not only by a national majority but also by a majority in every State. Regional governments ordinarily are not so constitutionally secure, and a central government typically will possess the power to dismiss a regional administration or even to reconstitute a region itself. This is one reason the concept of regional government has been so appealing to successive Commonwealth leaders.

A further claim for the States centres around their role as guardians of popular democracy. The essence of this claim is that the States as governmental systems necessarily are much closer to their regional populations than any national government, thus better understanding the problems and conditions of their territories, and being more responsive to the desires of their populations. The degree of physical proximity between State administrations and their populations necessarily advantages them in this sense over their national counterpart. Thus, in contemplating the position of a State like Western Australia within the policy matrix of the Australian federation, two hard questions need to be addressed. First, why would Canberra understand the issues of Western Australia? What knowledge of local conditions does Canberra have? What insight can it claim? Above all, what interest does it even have in such matters?

The second fundamental question is even more stark. If Canberra did happen to understand the issues of Western Australia, why would it care what the population of that State thought about those issues? Political logic dictates that to Canberra, issues concerning Western Australia should be resolved according to the wishes of the majority of the Australian people as a whole, not the wishes of the people of Western Australia. It thus is a simple fact, wholesome or otherwise, that State governments will in general terms be closer to and more representative of State populations than the national government. A useful test of this is to imagine the position of the smaller States within totally unified Australia. What capacity would the populations of Western Australia or South Australia have to make their voice meaningfully heard on issues that were highly particular to their State, but highly contentious nationally?

Of course, the proximity of State governments to their populations necessarily carries with it costs as well as benefits. Some would respond to the proposition that the States are conceptual bastions of popular democracy with horrendous accounts of the gerrymanders presided over in Queensland by Sir Joh Bjelke-Petersen. Yet while the late Queensland gerrymander undoubtedly muted the voice of the people of Queensland, the abolition of Queensland would by definition silence that voice as the means of expressing the views of that State's population as a distinct, independent, organized collectivity.

A more contemporary spin on the notion of the States as popular democracies would be to conceive of them as communities, groups of people with common bonds, based partly upon mutual interests, but also upon some deeper feeling of shared identity. One thing that has become very clear in Australia over the past ten years is that Australians desire community: they are intensely nervous of being reduced to undifferentiated economic units of a depressingly rational whole. Australian governments increasingly are finding that to treat these desires as irrational –whether in the context of shires, schools or hospitals - is a fatal error. In short, people desperately desire connections that operate below the mega level of a shared common citizenship in some remote nation state, and the States are a fundamental part of this feeling. This is particularly true in the outlying States where it is not physically possible for Australians to fully partake in a Sydmeiberran version of Australian identity.

There also is something to be said for the idea that the States serve as useful social laboratories, experimenting with a range of policy options before any one is held to have proved itself worthy of adoption on some wider level. Of this tendency, there are some unlikely but telling examples. Thus, the current mandatory sentencing debate, with the unwelcome attention that it has attracted to Western Australia and the Northern Territory, is in the long run less likely to illustrate the capacity of "rogue States" to adopt inappropriate policy initiatives, than the capacity of our federal system to isolate and demonstrate the inutility of such measures before they are more generally adopted.

There also exist innumerable positive examples where the successful initiative of one State is adopted by others, or even by the Commonwealth. For example, in the field of justice, the Commonwealth has just re-organized its system of tribunals in line with Victorian reforms. In terms of “work in progress”, the law regarding the thorny social issue of prostitution embodies a variety of approaches among the States. One or an amalgam of several eventually will prove superior, and be absorbed on a wider basis, with each State having due regard to its own special circumstances.

We need to understand in this context that the sheer area of law and policy under the command of the States gives them a constant opportunity to innovate, and that the products of such innovation may command a wide audience. It is not widely appreciated, at a time when we pore over every international treaty for its Australian implications, that the policy initiatives of the despised Australian States are routinely and respectfully considered by reforming governments in such places as the United Kingdom, Canada and even the United States.

Naturally, the response to these hopeful examples from those who wish to see an end of the States is to ask about atrocities, stolen children, and the denial of land rights and mandatory sentencing. These are weighty issues, if we are to attack the records of the States upon issues of human rights, where does the Commonwealth stand? Who was the author of the white Australia policy? How do we view the Constitution’s own treatment of Aboriginal people? Has our approach to internment of aliens and refugees over the past century been acceptable? These are not cheap shots, but simply make it very clear that the happy notion that the central government of Australia necessarily has a monopoly on political morality historically is fatuous and naïve. They also point us to a fundamental issue. Assuming that no State governments existed, and that a unitary, omni-competent national government decided to implement on a universal basis any of the State policies that they have so reviled, what then would be the position?

THE FUTURE OF THE STATES

Whatever else may be true, the States are not going to go away. The old Labor dream of abolition has faded, if only because of referendum requirements. In any event, as has been argued here, even were the States to be abolished, they would continue to exist in geographic, political and social reality. The real constitutional threat to the States, therefore, is not one of assassination, but of continuing, gradual, debilitating decline.

One interesting question concerns the possible costs that Australia already may have paid for its historical intolerance of internal diversity as represented by the States. Tentatively, our almost pathological antipathy to elements of diversity generated within our own Australian polity seems to make it harder for us to deal creatively with the demands of Aboriginal people for a qualified degree of self-government. The same cry that we are “all Australians, all the

same”, so profoundly hostile to the States, readily is called up against a limited recognition of tribal law, or local indigenous self-government. More certainly, our intolerance of internal diversity has greatly hindered any prospect of union between Australia and New Zealand. Had the Australian States been fostered since Federation, and their constitutional positions substantially maintained, it would have been conceivable that a wary New Zealand might pay the reasonable price of entry into the federation. Yet how could New Zealand now contemplate the prospect of becoming merely another prisoner dragged behind the chariot of the Commonwealth?

Undoubtedly, there will be great changes among the States over the next thirty years, many of which seem adequately predictable. The battle between New South Wales and Victoria for the title of the premier State is at last over, and New South Wales (and its metropolis Sydney) has won. This means that Sydney is and will continue to be the real capital of Australia, and that Sydney and New South Wales will dominate the Australian federation accordingly. Victoria, the historic powerhouse of that federation, almost certainly will decline. Many of its traditional industries are under threat, and Melbourne’s status as the nation’s business capital has waned. Like the deserted cities of the Incas, it seems less likely that Victoria will be sacked, as increasingly forgotten.

Queensland should thrive. It is close to Sydney, richly resourced, and in the leisure age, fashioned by God for leisure. Indeed, Queensland may come to surpass Victoria as a supporting act to New South Wales. Western Australia will continue to be an enigma, basking as a semi-independent grand duchy on the edge of Australia, though if it can ever harness effectively its natural wealth, deal creatively with the horrors of distance, and conquer its own people’s sun-stroked diffidence, the West emerge as the new talent among the Australian States. As for South Australia and Tasmania, they will make even Victoria in the years of its modest decline seem a hive of industry and innovation.

But in ten, twenty, or eighty years, winners or losers, the States never, ever will be the same as each other. They still will be quirky, cranky and diverse. They still, for good or ill, will hold up and sometimes frustrate whatever the transient nationalism of the day lays down as national imperatives. They still will experiment with really good and really appalling policy ideas. Above all, they will continue to demonstrate the marvellous genius of the Australian people, as citizens of the States, for small, insignificant, subtle, rich, enhancing and vital difference. As an Australian, as a Victorian, and - heaven help me – as a half-Western Australian, I rejoice in that reality.