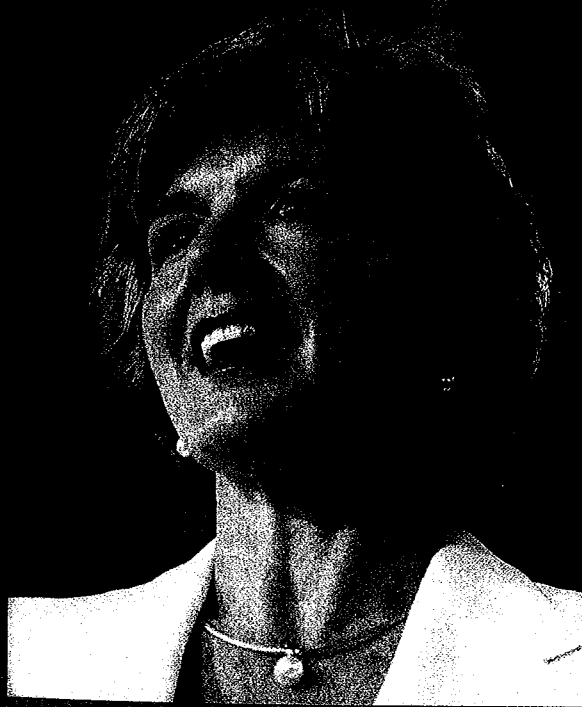




# Liberals & Power

THE ROAD AHEAD

EDITED BY Peter van Onselen



ne year after their devastating federal election defeat, the Liberal Party remains in disarray.

Peter van Onselen, the co-author of *John Winston Howard: The Definitive Biography* and *Howard's End*, has put together a vibrant collection of essays that offers policy analysis, political philosophy and election-winning strategies. They look at Howard's reign and legacy, and craft a narrative for the future.

*Liberals and Power* is compelling reading for anyone interested in a healthy party political system and a robust democratic state.

*Tony Abbott*  
*Janet Albrechtsen*  
*Julie Bishop*  
*George Brandis*  
*Wayne Errington*  
*Margaret Fitzherbert*  
*David Flint*  
*Michael Keenan*  
*Brad Lancken*  
*Robert Manne*  
*Brett Mason*  
*Greg Melleuish*  
*Brendan Nelson*  
*Andrew Norton*  
*Philip Senior*  
*Ainslie van Onselen*

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POLITICS



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**Introduction**

Peter van Onselen

On 24 November 2007 the Liberal Party of Australia found itself in a position it had never before been in. Defeated at the federal election, it was also out of power in every state and territory. The highest ranking elected official was Campbell Newman—the Lord Mayor of Brisbane. A veneer of optimism pervaded former Howard government ministers as the Party entered what would have to be its darkest days at any time since Robert Menzies founded it in 1944. But the road back to government could be a long one, and in the modern age of professional politics the Labor Party will be able to use all the trappings of incumbency to make returning to government that much harder for the Liberal Party.

Much has been written since the election claiming that the Liberal Party should have forced Howard out and gone to the polls with Peter Costello as leader. At one level, John Howard's defeat makes this observation a truism—if defeat is the ultimate failure, Costello could not have done worse. However, it is doubtful whether Costello would have done any better—and entirely plausible that he would have presided over an even larger defeat. It is difficult not to conclude that Howard remained a significant electoral asset to the Coalition, even though his age and longevity in office contributed to voter fatigue with the government. Despite the campaign difficulties the Liberal Party faced, the many constituencies Howard's decision-making had offended over the years, the betrayal felt by sections of the 'Howard barbers' over the WorkChoices legislation and the leadership tensions with Costello, Howard left office with a satisfaction rating near

50 per cent, higher than his party's primary and two-party-preferred vote, and the highest of any defeated prime minister in Australian history.

It may well be that a long-term decline in support for the Liberal Party was masked at the federal level by Howard's popularity. He managed to attract support in electorates held by Labor at a state level with double-digit margins. It is tempting to put the current struggles of the Liberal Party federally down to a honeymoon for Kevin Rudd as the new prime minister, but the truth is that Howard's significant personal vote had been propping the Party up for some time—without it, the Liberals' situation now is far more challenging.

None of this excuses Howard's failure to judge his optimal retirement date: He didn't give the Liberal Party the chance to find out if another leader could replace him and succeed on the government benches. As Howard himself said on election night, it is he who must take responsibility for the campaign failure and, indeed, for the government's defeat. His mantra that he would serve as prime minister so long as his colleagues wanted him to was a flawed construct. By definition, it meant he would depart only when he had overstayed his welcome. In the end, the public had to do the job for the Liberal Party.

One criticism that can be levelled at Howard is that he did not prepare his Party for life after his departure. Incumbency would have helped the Liberals deal with a post-Howard era. By losing an election as leader and leaving behind a team of MPs used to following his every desire, Howard left the Liberal Party at its lowest ebb intellectually and competitively, and out of power in every state and territory.

*Liberals and Power* examines a range of challenges that the Liberal Party faces in the coming years. It draws together some of the finest minds of liberal and conservative thought inside and outside the Liberal Party's parliamentary ranks. Part I offers a frank and deliberate evaluation of the Howard government by Robert Manne, Tony Abbott and George Brandis. Howard government by Robert Manne, Tony Abbott and George Brandis. Manne, one of Australia's leading public intellectuals, is a strong critic of the Howard government, despite publicly admitting to having voted Liberal in 1996. He casts a critical eye over the direction the Liberal Party took

under Howard in the key policy areas of climate change and the war in Iraq. He also examines the 'popular conservatism' of the Howard years, and the damage it has done to the Liberal Party brand. Manne gives a frank assessment of what it would take for him to once again vote Liberal.

Tony Abbott has long been considered one of the foremost thinkers of the parliamentary Liberal Party team. A Rhodes Scholar, one of the key ministers from the Howard government and a close friend of the former prime minister, he is well placed to provide an intellectual defence of the Howard years. He reminds readers of the good the Howard government did, applying a pragmatic yardstick to the government's many achievements. Abbott explicitly rejects the criticisms of the left that Howard played to the lowest common denominator and took the populist route. Senator George Brandis, a senior figure from the moderate wing of the Liberal Party, is generous in his praise of Howard while simultaneously identifying areas of policy he believes the Party needs to re-evaluate. Brandis's essay is courageous in its criticisms and bold in its suggestions for future party direction.

Whatever the policy prowess of the Howard government, the task of developing ideologically consistent policies will be more difficult now that the Liberals are in Opposition. Australian politics has traditionally had a two-party system consisting of the Labor Party on the left and the non-Labor parties on the right. Since World War II the right of politics has been nearly held together by the Menzies Liberal Party. However, the traditional reasons for non-Labor forces to come together may now be waning. As Rudd embarks on 'fiscal conservatism' as a guiding principle to governance, it is sometimes hard to see what conservatives and moderates—liberals—have in common. If economic issues are broadly agreed upon, such as keeping the budget in surplus and maintaining the independence of the Reserve Bank, policy differences between the parties may be sharply defined in the social policy and social justice areas. On such issues Liberal moderates and conservatives often disagree. The essays in Part II show how broad the Liberal Party church can be.

Controversial opinion columnist at the *Australian* Janet Albrechtsen, a long-time Howard supporter, wrote an opinion piece calling for Howard's resignation during the APEC conference in September 2007. Her piece has

since been seen as a defining moment in his downfall. Albrechtsen pleads with the Liberals not to discard the Howard legacy or the conservative traditions of the Liberal Party, which she argues are popular and good for the nation. The remaining chapters in Part II examine the liberal and conservative ideals to which the Liberal Party should adhere. Senator Brett Mason and Professor David Flint respectively put the case for liberalism and conservatism on the non-Labor side of politics. Mason's contribution contextualises liberalism in the Australian settlement, while Flint shows a good deal of optimism as to why conservatives should not be looking at a two-term strategy for a return to government federally. Rounding out Part II, professor of politics and history at Wollongong University Greg Melleuish draws on past successes and failings of the Liberal Party to consider future directions. A leading right-wing academic, he takes the view that political parties find it difficult to build a bridge between good policy and popular policy. However, a party that pursues populism at the expense of its philosophy, he argues, will inevitably lose its way.

A political party can have all the ideas in the world but if it cannot win government it will never get to implement them. Part III examines the all-important race for power, what issues matter to voters and how the Liberal Party can improve its electability in a professional race. Out of power in every state and territory, there are no ministers or ministerial staff and departments that the Liberal Party can rely on for policy development, no influential officials to wine and dine the corporate world for fundraising purposes and no taxpayer-funded advertising campaigns and media units to help promote party messages. In such a climate the Liberal Party needs to think clearly about how it approaches the politics of Opposition. Andrew Norton evaluates the popularity or otherwise of various issues that capture the public conscience, identifying policy areas Labor is traditionally recognised as the better party to administer. He issues a warning to Liberal MPs not to get bogged down fighting battles they cannot win. Brad Lancken has advised Liberal MPs on how to gain maximum benefit when campaigning on the internet. His chapter details the electoral benefits of the internet and also outlines the future trends in its use.

Margaret Fitzherbert examines what it takes to win key marginal seats. An acclaimed author of the history of women in the Liberal Party, she concludes that credibility is the key to winning over swinging voters. The final chapter of Part III identifies that women are grossly under-represented in the Liberal parliamentary ranks. In her essay, Ainslie van Onselen controversially suggests that the Liberals follow Labor by formalising the representation of women via a quota system. She uses liberal philosophy to show the policy is one that the Liberals can embrace and one that could well net an electoral advantage.

The challenges the Liberals face are not confined to problems with campaigning, fundraising and organisational reform. They must also come to terms with the all-important battle of ideas. Brendan Nelson, who was elected Liberal leader after the election defeat, canvasses particular policy scripts he would like to see the Opposition pursue. It is a fascinating introduction to a lively debate about the challenges facing the Liberal Party and what it can do to best represent the millions of voters who support it. Philip Senior, co-author of *Howard's End*, traverses a range of policy options including the need for the Liberal Party to preserve its economic credentials at the same time as presenting a compassionate face. In the wake of Howard's departure, Liberals may find the so-called Howard battlers desert the party before the Malcolm Fraser moderates return to the fold.

One policy script that caused the Liberal Party considerable discomfort at the 2007 election was industrial relations. The new deputy leader of the Liberal Party, Julie Bishop, selected IR as her portfolio in opposition. She details how the Liberals will finely balance their ideological attachment to WorkChoices with the electoral reality that they must moderate their position. She is controversial in some of her conclusions.

One of the seats Labor expected to win at the 2007 election was the Western Australian seat of Stirling. Michael Keenan was re-elected to the seat despite Labor's best efforts, and Brendan Nelson promoted him to the front bench. As shadow assistant treasurer and one of the younger members of the Liberal parliamentary team, he suggests the economic areas that he believes the Party should focus on.

To conclude the collection, Wayne Errington analyses the recently forgotten concept of Liberals defending federalism. As Howard's biographer, Errington closely observed the former prime minister's disregard for federalism. He argues that it is a policy script the Party should consider re-embracing albeit with realistic expectations.

There are many people to thank for their assistance in the compilation of this collection of essays. Special thanks to Melbourne University Publishing for taking on the project. When I rang Louise Adler to pitch the idea for this book she said: 'Okay, why not? It is exactly the kind of book we should be doing'. For a self-confessed 'jeffie' to come on board so quickly showed her professionalism as a publisher. Commissioning leading Howard government critic Robert Manne to examine the former government's track record is my attempt to repay the faith.

I would like to thank each and every one of the contributors to this volume for giving up their time to write valuable contributions to the debate over liberalism, conservatism and the Liberal Party. All have taken the opportunity to write thoughtful pieces with new and interesting ideas. I am particularly grateful to my first three authors who have nearly set up the collection with rigorous and critical examinations of the Howard government, allowing the remaining contributors to look to the future and debate party philosophy.

To the politicians, commentators, think-tankers and academics who have contributed to this collection, I know finding the time to write long contributions is difficult. All did so without complaint and in a timely manner. For the record, Malcolm Turnbull was invited to contribute to this collection but ultimately declined. Thank you to my copyeditor, Richard McGregor, for his time and effort in improving my virgin effort at editing a collection of essays—it could not have been easy. Finally, thank you to my wife for again putting up with the disruption that publishing a book can cause. I sold this project to Ainslie on the understanding that editing a collection is less work than writing a book on your own. Soon after that I asked her if she would be so kind as to contribute a chapter. I hope it was worth the effort.

## **Part I**

# **A Retrospective on the Howard Years**

interference by the state creates a dictatorship of good intentions in which government defines the parameters of good decisions and prohibits what it considers to be bad decisions.

Liberal principles are framed to create a fairer Australia. They provide us with the best possible platform for economic growth and they give each and every Australian the opportunity to succeed based on their talents and their work ethic. Although the Liberal Party is politically at its lowest ebb since its foundation by Robert Menzies in the 1940s, the way to win back the confidence of the Australian people is to develop policy platforms that reflect the principles we champion as liberals. We need to strengthen what we believe and then translate it into our policy platform. Australia will continue to be one of the globe's most successful nations if we embrace smaller government and enhanced responsibilities for people and institutions. We will reach our full potential if we can stem the tide of government and allow Australians to take responsibility for their own lives and local institutions. These principles are worth fighting for.

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### Federalism and Liberal Thinking

Wayne Errington

*A nation Australia's size cannot be effectively governed from Canberra, and attempts to inflate Canberra's power have been rejected again and again by the Australian people.*

Malcolm Fraser<sup>1</sup>

*Our Federation should be about better lives for people, not quiet lives for governments.*

John Howard<sup>2</sup>

Quiet governments are the last thing we want. If federalism in Australia has failed, those who have claimed to support it deserve the greatest share of the blame. 'Federalism is taken for granted on the liberal or conservative side of politics and only championed when under perceived threat from federal Labor governments.'<sup>3</sup> While Liberal leaders have preferred to leave the text of the Commonwealth constitution untouched, they have played the leading role, through their extended occupation of federal office, in the way the unwritten rules of Australian politics have evolved. The record of previous Coalition governments on federalism goes to the heart of the credibility of an Opposition that may seek to oppose the new Labor government's attempts to centralise power.

Federalism is important because it can unite liberal and conservative approaches to Australian politics. For liberals, the value of federalism as a way of limiting and balancing power is obvious. Greg Craven argues that



for constitutional conservatives, defending federalism has been a 'traditional pre-occupation'.<sup>4</sup> Yet, for many conservative political leaders, federalism is part of the Australian constitutional tradition but not an end in itself. Conservative leaders weigh federalism against other principles such as nationalism, efficiency and their characteristic determination to win elections. Nationalism has helped the non-Labor parties to overcome some of the ideological fissures on their side of politics, and blunted Labor's class-based appeal. The potential for nationalism and federalism to come into conflict is clear.

Further, championing the rights of states is not of itself constitutional conservatism, since the constitution is almost silent on just what the powers of states should be. Notwithstanding their views on federalism, conservative leaders are certainly not averse to capturing all of the institutions in Australia's liberal polity through elections and appointments to the High Court. Add to this mixture the fact that national political leaders are naturally concerned with national problems, and support for federalism on the part of conservative leaders can easily be trumped by other factors.

While John Howard is often compared unfavourably with Robert Menzies where centralisation of power is concerned (from the point of view of a federalist, at least), the views of Australia's two longest serving prime ministers on the Australian political system are remarkably similar. Malcolm Fraser, while ideologically committed to federalism, found it difficult to put his ideas into practice. Howard, on the other hand, governed in an era of rapid social and economic reform, most of which he endorsed. Notwithstanding attitudes similar to Menzies when it comes to governance, he was for this reason the most centralising of the three longest serving Liberal leaders. Even committed federalists find that the Australian political system discourages adherence to their principles, while nationalists and centralists (and, of course, leaders with few discernable principles at all) sit comfortably in the Australian parliament.

### Federalism in Australia

The Australian constitution represents an 'uneasy combination of two traditions'—parliamentary responsible government derived from Great

Britain, and the United States' constitutionally divided power.<sup>5</sup> Greg Melleuish sees Australian federalism as a continuation of the traditional British balancing act between liberty and power (a balance that the Australian colonies had lacked) rather than an American adjunct to British responsible government.<sup>6</sup> The High Court established in the *Engineers Case* that the Australian constitution was to be read literally, ruling out the implied prohibitions and immunities that had hitherto been used to constrain Commonwealth power. Craven thus portrays Australian federalism as 'declining steadily towards its grave from the moment of its birth'.<sup>7</sup>

Harry Gibbs noted that Australian federalism had become more centralised than any other comparable system.<sup>8</sup> We might wonder whether Australia is still a federation at all, if one defines federalism—as Galligan does—with each tier of government 'sovereign in limited fields and neither of which is subject to the other in certain core areas'.<sup>9</sup> Vertical fiscal imbalance (the term itself implies a hierarchy of governments) has ensured that the Commonwealth continues to increase its power over the states. Australia's level of vertical fiscal imbalance is the highest in the world, with the Commonwealth in 2003–04 raising about 78 per cent of total government revenue while being responsible for only 65 per cent of total government expenditure.<sup>10</sup> Some commentators are untroubled by vertical fiscal imbalance. Jonathan Pincus argues that centralising taxation at the Commonwealth level reduces unhealthy tax competition between states.<sup>11</sup>

A number of factors have influenced this trend towards centralisation of power. The High Court, purportedly an umpire between the Commonwealth and the states, 'represents a major design flaw in the constitution'.<sup>12</sup> The Commonwealth appoints High Court judges and has the exclusive right to propose referendums for constitutional change. Not much neutrality there. The rapid introduction of a disciplined party system hobbled the role of state representation in the Senate. The constitution specifies Commonwealth powers, but not those 'residual' powers of the states. To proponents of federalism, those state powers have indeed become just a residue on Australia's body politic. As Campbell Sharman has pointed out, however, the centralising trend has been far from uniform, accelerating and slowing depending on High Court decisions, and changing perceptions

of national needs during times of conflict and peace, prosperity and recession.<sup>13</sup> Indeed, not all observers see the dominance of the Commonwealth as an aberration. The idea of 'cooperative federalism' posits that the framers of the constitution, Alfred Deakin in particular, were fully aware that the Commonwealth would emerge with financial, and consequently policy, dominance. Under this formulation, 'the states were never sovereign'.<sup>14</sup>

The historical pattern of centralisation marks a contrast with the Australian public's defence of federalism on the few occasions on which it has been asked. If Australian federalism is in terrible trouble in a legal sense, it is alive in a political sense.<sup>15</sup> Australians seem comfortable with the notion of divided power, whether in their choice of state and federal governments from different political parties or through the election of a Senate with a government minority. By contrast, the idea of 'muddling through'<sup>16</sup> is anathema to contemporary public administration, in which efficiency and reform are the catchwords.

The states still have important roles. Our contemporary obsession with economics should not blind us to the fact that their power to legislate criminal law, although not immune to Commonwealth action, gives the states considerable influence in our daily lives. Indeed, all levels of government have become more important in the lives of their citizens.<sup>17</sup> Due to the lingering political salience of state governments, tied grants are usually a matter of inter-governmental negotiation rather than Commonwealth fiat. Even supporters of cooperative federalism recognise, though, that vertical fiscal imbalance leaves room for states to evade accountability for service delivery and gives them little scope for policy innovation.<sup>18</sup>

However one describes the current state of federalism, it is important to bear in mind that Coalition governments have played a significant role in getting us to this point. While some federalists contrast the attitude of Howard towards federalism with that of Menzies, the facts show a consistent trend since the 1920s of centralisation of power in the Commonwealth. If contemporary Liberals are looking for federalist role models, they are difficult to find among the most successful Liberal Party leaders.

### **Menzies, Fraser and Howard on Federalism**

Defenders of federalism, such as Greg Craven, like to cite Menzies as a fellow traveller:

[He] comprehended that federalism was not just a regrettable historical reality of Australian government ... it was an organising principle of government designed to protect those qualities of freedom, balance, community and difference dear to liberals and conservatives.<sup>19</sup>

That's not how John Howard remembered his hero:

Menzies' political genius lay in that basic affinity with the aspirations of the Australian people. He understood the priority they placed on jobs, on raising living standards, on home ownership, on high economic growth, on a sense of national unity and on opportunities for their children that were greater than they themselves had experienced. And he developed priorities in national policy making and a role for national government that enabled those aspirations to be achieved.<sup>20</sup>

Menzies would appear to be a durable political ghost—federalist, nationalist and pragmatist. Having failed in 1937 as attorney-general to win constitutional referendums, including a proposal to bring civil aviation under Commonwealth power, Menzies' failed attempt to ban the Communist Party was his only foray into formal constitutional change as prime minister. In opposition, Menzies used federalist arguments to attack Labor's plans for postwar reconstruction, which were the subject of a series of referendums expanding Commonwealth power, and all of which save one were voted down:

The way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to everyone exactly the functions he is competent to fulfil. What has destroyed liberty and the rights of men in every government which has ever existed under the sun? The generalising and concentrating all cares and powers into one body.<sup>21</sup>

Always the pragmatist, Menzies supported a 1946 referendum on social services. Liberal prime ministers have always supported the welfare state in spite of their appeals to individualism. Opposition rhetoric, however, is not the true test of a political leader's attitude to public administration.

Menzies was a responsible-government man first and foremost. While committed to halting the growth of central government (as an anti-socialist as much as a federalist principle), Menzies did little to solve the problem of vertical fiscal imbalance. The Keynesian paradigm of economic management, which Menzies accepted, provided little incentive to solve this problem. At a special premiers' conference in 1953, agreement on a formula for returning some income taxing powers to the states proved elusive. While Federal Assistance Grants to states remained untied, the number of Specific Purpose Grants increased from the early 1950s.<sup>22</sup> These grants were often the initiative of state governments wrestling with growing infrastructure demands but tight budgets. The Commonwealth had also developed an advantage over the states in inter-governmental relations through its superior data collection and technical expertise. By the time of Menzies' retirement, significant Commonwealth roles in water, electricity, industrial and agricultural research, housing, transport, education and health had been established. Under successive Coalition governments, tied grants increased from 21 to 32 per cent of states' revenue.<sup>23</sup> Whitlam's version of New Federalism represented an acceleration of a clear trend.

Reflecting on his record, Menzies underlined his pragmatism:

I am a Federalist myself. I believe as I am sure most of you do, that in the division of powers between a Central government and the State governments, there resides one of the true protections of individual freedom. And yet how true it is that as the world grows, as the world becomes more complex, as international affairs engage our attention more and more, it is frequently ludicrous that the National Parliament, the National Government, should be without power to do things which are really needed for the national security and advancement.<sup>24</sup>

Menzies charted a course between in-principle support for federalism, the penchant for nation-building that has proved irresistible to any prime minister, and opposition to the perceived socialism of his opponents. Given the

limitations of the document itself, and its interpretation by the High Court, and without a national conservative party that would explicitly defend federalism, Australia's constitution could head in only one direction. As Malcolm Fraser was to discover, the prime ministership of Australia is a difficult vantage point from which to promote federalism.

Fraser was a strong leader who in office centralised power at Commonwealth level within the Department of Prime Minister and Cabinet. Yet he was also a firm believer in limited government, including federalism. He was explicit in reminding the Liberal Party that 'a federal system of government offers Liberals many protections against those elements of socialism which Liberals abhor'.<sup>25</sup> Federalist institutions brought Fraser the prime ministership. Gough Whitlam's advocacy of responsible government could not prevent the Senate blocking supply to his administration.

Fraser believed that 'a real decentralisation of power is required if people's needs are to be met in ways most sensitive to those needs'.<sup>26</sup> He was aware that vertical fiscal imbalance stood in the way of any genuine redistribution of power within the federation, and that state governments had learnt to hide behind this problem as a means of escaping accountability. Under his New Federalism package, states received a fixed share of Commonwealth income tax, although they had no influence over just how much income tax would be raised. The intent of New Federalism was also to increase the value of untied state grants by decreasing the value of specific purpose grants, which had grown steadily for two decades. A short-lived Advisory Council on Inter-Governmental Relations was also established. The Fraser government's failure to achieve this goal says something about the inevitability of centralisation under the Australian constitution. Even under a committed federalist such as Fraser, if Commonwealth policy goals conflict with abstract concerns such as federalism, the latter come off second best. The goals of New Federalism were undermined by larger concerns about economic management. The federal budget had little room for fiscal largesse for the states; moves towards financial deregulation reversed Fraser's early efforts to reform the Loans Council; and Fraser's own concerns in policy areas such as the environment and Aboriginal affairs ensured a good deal of centralisation.<sup>27</sup>

Fraser's reluctance to involve the Commonwealth in the Franklin Dam issue was a forthright application of federalist principles ahead of electoral considerations.<sup>28</sup>

It would be a dangerous course indeed for the Commonwealth to attempt to wrest power from the states by mere accession to international conventions. My government will not seek to change the balance of our federal system by subterfuge.<sup>29</sup>

On balance, however, events conspired to make the Fraser years a pause rather than a reversal in the centralising trend. Fraser warned of the importance of federal institutions in protecting the principles of limited government from Labor proposals. Looking at the issue from the opposite perspective, Coalition leaders, while opposed to formal constitutional change of a centralist nature, have been perfectly willing to consolidate and build upon the centralising programs of Labor governments.

Australian federalism, then, had been greatly weakened long before John Howard came to power. Throughout his career, Howard promoted Australian nationalism over 'state parochialism'.<sup>30</sup> His political philosophy was nationalist, not federalist. His education at the law school of the University of Sydney contributed to this outlook. An advocate of responsible government (selective though that advocacy may have been when it came to ministerial responsibility), Howard was quick to claim a mandate for his election victories and weaved a narrative of Australian nationalism that proved compelling to its target audience. His mantra of the 'national interest' in everything from foreign policy to industrial relations was important to his success because his government departed from Australian conservative orthodoxy in so many ways. Howard's departures from federalism should be seen in this light.

The Howard government is purported to have undertaken 'the greatest centralisation of power since World War II'.<sup>31</sup> This centralisation encompassed such areas as gun control; a steady stream of intervention in schools on everything from curricula to flagpoles; university management; federally funded technical colleges that duplicate state provision; numerous interventions in the laws of the territories; a national system of industrial

relations; road funding allocated directly to local government; and many smaller initiatives aimed at national uniformity. His government's revamp of environmental legislation was an exception, drawing the ire of environmental groups for returning some powers to the states. Yet, on the issue where greater Commonwealth intervention would arguably be both more efficient and accountable—health—the Howard government's rhetoric was not matched with action.

The substantive difference between Howard and his Coalition predecessors was the breathtaking pace at which his notionally conservative government legislated. Between 2000 and 2003, the Commonwealth Parliament passed the same volume of primary legislation as it passed in the sixty-nine years from 1901 to 1969.<sup>32</sup> At nearly a hundred pages of legislation per sitting day, such a volume was an affront to parliamentary process regardless of its effects on federalism. Howard's experience also showed how the expectations on conservative governments had shifted since Menzies' day. Howard found himself caught between a business lobby and financial commentariat calling for constant economic reform and a public weary of more than two decades of little else but economic reform. The proactive nature of the Howard government came about partly because of the way media coverage of politics had changed since Menzies' day. Howard knew that if he didn't set the political agenda with his preferred issues, then someone else would fill the vacuum. The result was a conservative government that wanted to be seen to be continuously solving problems and coming up with new ideas.

Howard added economic efficiency to the list of reasons for brushing aside federalism. WorkChoices was the best example:

The desire to have a more national system of industrial relations is driven by our wish that as many businesses and employees as possible have the freedom, the flexibility and the individual choice which is characteristic of the Government's philosophy in the area of workplace relations. And this can only be achieved at present by removing the dead weight of Labor's highly regulated State industrial relations systems.<sup>33</sup>

Such rhetoric would be more convincing had that legislation and its explanatory provisions weighed in at less than a thousand pages. Howard acknowledged his departure from Menzies on this issue. He recalled 'Menzies praising the [old] system's contribution to peace and productivity'.<sup>34</sup> Given Rudd Labor's victory in 2007, the centralisation of the system may be the only part of the Howard industrial reforms that endures.

The Howard government inherited revised arrangements for the Council of Australian Governments that left the premiers in a weak position. Howard defended his record on federalism by pointing to the revenue stream for the states provided by the Goods and Services Tax (GST):

Through the introduction of the GST, the Government has delivered the most important federalist breakthrough since the Commonwealth took over income tax powers through the exercise of the defence power during World War II.<sup>35</sup>

Directing GST funds to the states was often portrayed as a political necessity for the Howard government, ensuring voters that the new tax (or the 'new tax system', as the expensive government advertising put it) would ensure a reliable source of funding for schools and hospitals. That, indeed, was an important aspect of the government's sales strategy for the GST. It also solved a crisis in state taxation brought on by a High Court judgment on excise. Yet Howard has shown a career-long interest in solving the problem of vertical fiscal imbalance. He must be one of the few politicians to talk about it in his maiden parliamentary speech.<sup>36</sup>

Were it not for the introduction of the GST, the Howard government's record would have been one of acceleration of existing trends. The inter-governmental agreement on tax reform allows the states to spend GST revenue however they wish. With the important exception of New South Wales, the states are financially better off under the present arrangements, even after the abolition of numerous state taxes, than they would have otherwise been.<sup>37</sup> Some have argued that the logic of the GST will see the Commonwealth withdraw from direct involvement in policy areas such as health and education.<sup>38</sup> There seems little prospect of that happening under the present government.

With the High Court enabling a consistent centralist drift in the distribution of power in Australia, Menzies and Howard were able to act as constitutional conservatives and as nationalists. Where the Howard government is concerned, 'far more than its Coalition predecessors, political pragmatism and policy objectives determined the attitude of the government towards the states'.<sup>39</sup> The difference between Menzies and Howard is only partly due to their differing attitudes to federalism and to the uses of government power more generally. In contrast to Menzies, Howard's unique blend of populism and ideological zeal left few areas of government endeavour untouched. Howard showed a willingness to legislate prodigiously, both to bring about a preferred social and economic environment and to set the political agenda. Menzies and Howard shared an outlook of constitutional conservatism. The dominant role of the Commonwealth had been established before either assumed the prime ministership. In this light, their weak attachment to federalism, and the direction, if not the pace, of Commonwealth intervention of their governments is unsurprising.

Leaders such as Fraser, who value federalism as an end in itself, can only hope to stem the tide of centralisation. Federalist political leadership may in this light be more effective coming from the states. Yet the record of Coalition leaders referring (or promising to refer) industrial relations powers to the Commonwealth in the interests of party unity suggests that here, too, federalism is being swamped by other concerns. Fraser's New Federalism floundered due to the difficult economic circumstances that Australia then faced. The Howard government faced fewer fiscal constraints than its predecessors, having guaranteed the states access to GST revenue, and enjoying a healthy budgetary position. Malcolm Fraser's government has been all but expunged from the memory of the parliamentary Liberal Party, other than as a catchword for wasted opportunities. While contemporary Liberals bristle at the thought of a 'unity ticket' between John Howard and Gough Whitlam,<sup>40</sup> Fraser's warning that even a seemingly benign centralisation of power simply clears the way for future Labor governments to legislate as they see fit should resonate with them more strongly now, with Labor in power.

The Howard government's combination of longevity with an activist approach to government probably makes the claim of Craven and others that it was the most centralist in some decades an accurate one. Howard's approach to federalism should, however, be seen as a pragmatic one—dealing productively with premiers in areas such as water resources and anti-terrorism, and making an effort to ease the problem of vertical fiscal imbalance. The Rudd government looks set to continue this approach, appealing to nationalistic sentiment and marketing the centralisation of power as common-sense solutions to the bickering and blame-shifting that seems inevitable in a federation.

Federalism is one of the few political philosophies that can unite liberals and conservatives. To liberals, the value of a system of government that divides power within and between tiers of government is obvious. To conservatives, the value of federalism in protecting the existing constitutional, social and economic order should also ring true. Yet Australian conservatism has drifted towards a radicalism and centralism that mirrors the governing philosophy of its parliamentary opponents. Under the guise of nationalism, any government program seems to be justified.

Craven argues that conservatives have become distracted from the fight to defend federalism by, among other things, the rights agenda of the Brennan High Court.<sup>41</sup> More problematic, given the political rather than legal nature of Australian federalism, is that federalism has never been a core concern of Australian conservative leaders. Pragmatism and nationalism have always trumped federalism where Australian political leaders are concerned. Liberals and conservatives who value federalism would most profitably turn their attention to the current trend for governments of all types to reform every institution within their grasp. The Howard government's complex and centralist industrial relations legislation illustrates the contradiction at the heart of contemporary Australian conservatism. More and more state intervention has been justified in the name of freedom and efficiency. This has had a corrosive effect not just on federalism but also on the very idea of limited government.

From Opposition, the Coalition should treat with scepticism any attempts by the Rudd government to further centralise power. The early signs are that Labor sympathies will not prevent state governments from

grumbling about their lot, but that the Commonwealth's financial advantages will ensure that it sets the agenda in federal relations. Federalists should be realistic about what can be achieved when the system so readily accommodates the centralisation of government activity. Centralising the health system, for example, may prove popular. Rudd is unlikely to attempt to change the text of the constitution to achieve his reformist ends. The Howard government has shown him that he doesn't need to.

## Notes

## 3 John Howard and the Australian Liberal Tradition

- 1 Robert Menzies, 'The Revival of Liberalism in Australia', in R Menzies, *Afternoon Light: Some Memories of Men and Events*, Cassell, Melbourne, 1967, p. 286.
- 2 John Howard, *The Liberals*, ABC Television, 1995, episode 4.
- 3 Omitting Menzies' period of service in the Victorian parliament 1928–34.
- 4 Wayne Errington and Peter van Onselen, *John Winston Howard: The Definitive Biography*, Melbourne University Press, Carlton, 2007, p. 216.
- 5 Kim Beazley, House of Representatives, *Debates*, 27 September 2001, p. 31 682.
- 6 Paul Kelly, *The End of Certainty: The Story of the 1980s*, Allen & Unwin, Sydney, 1992, pp. 1–16.
- 7 *ibid.*, p. 7. See also Geoffrey Sawer, *Australian Federal Politics and Law 1901–1929*, Melbourne University Press, Carlton, Vic., 1956, pp. 47–8.
- 8 John Stuart Mill, *On Liberty*, ch. 5.
- 9 JA La Nauze, *Alfred Deakin*, vol. 1, Melbourne University Press, Carlton, Vic., 1965, pp. 106–7. See generally Stuart Macintyre, *A Colonial Liberalism*, Oxford University Press, Melbourne, 1991, for the intellectual world and values of the late nineteenth-century Victorian liberals.
- 10 On Griffith, see George Brandis, 'Griffith and Early Colonial Liberalism in Queensland', in Michael White and Aladin Rahemtula (eds), *Sir Samuel Griffith: The Law and the Constitution*, Lawbook Co., Sydney, 2002, pp. 111–23; on Kingston, see Margaret Glass, *Charles Cameron Kingston: Federation Father*, Melbourne University Press, Carlton, Vic., 1997; and on Inglis Clark, see Richard Ely, 'Inglis Clark's Religious Liberalism', in

R Ely (ed.), *A Living Force: Andrew Inglis Clark and the Ideal of Commonwealth*, University of Tasmania, Hobart, 2001, pp. 113–39.

- 11 'The non-Labour members were usually classified as "Protectionists" or "Freetraders", since tariff policy was the most important issue on which they could be divided ... the conservatives constituted the right wing of the Freetraders'; Sawer, *Australian Federal Politics and Law*, p. 15.
- 12 In 1906, the free traders adopted the parliamentary name 'Anti-Socialists'.
- 13 This was the position of Bruce Smith in *Liberty and Liberalism*, Longmans, London, 1887. This neglected work, written by a NSW Free Trade politician who was subsequently elected to the first federal parliament, is the only major book on liberalism written in Australia in the nineteenth century. Smith, described by one contemporary as 'the one man in the House who understood political economy', was an ardent opponent of Deakinite 'welfare liberalism'. However, his political career did not flourish because of his enmity towards Reid, whom he considered a charlatan: Martha Rutledge, 'Smith, Arthur Bruce (1851–1937)', *Australian Dictionary of Biography*, vol. 11, Melbourne University Press, Carlton, Vic., 1988, pp. 637–9.
- 14 George Melleuish, *A Short History of Liberalism in Australia*, Centre for Independent Studies, Sydney, 2001, makes this case. This development has been paralleled by the rise in influence of the Sydney-based Centre for Independent Studies, which by the time of the Howard government had overtaken the Melbourne-based Institute of Public Affairs—for most of its history, although not recently, a bastion of Deakinite orthodoxy—as the centre right's pre-eminent think-tank. In 2005, the CIS republished Smith's *Liberty and Liberalism* (see note 13) as part of its revisionist campaign to reclaim the mantle of early liberalism from the Deakinites. See also Melleuish's introduction to the CIS edition on the differences between the Melbourne and Sydney liberals.
- 15 Julian Leeser, 'McMahon, William (1908–1988)', *Australian Dictionary of Biography*, vol. 18, Melbourne University Press, Carlton, Vic., forthcoming. I am grateful to the author for supplying me with an advance copy of this article and for elaborating on this theme in our private conversations. On McMahon's policy differences with McEwen, see also Alan Reid, *The Gorton Experiment*, Shakespeare Head, Sydney, 1971, pp. 168ff, and Peter Sekulcs, 'William McMahon', in Michelle Grattan (ed.),

- Australian Prime Ministers*, New Holland, Sydney, 2000, p. 318. The only other post-Fusion NSW non-Labor leader, Joseph Cook (1913–14), was also a Free Trader.
- 16 Paul Hasluck, *Sir Robert Menzies* (The Daniel Mannix Memorial Lecture, 1979), Melbourne University Press, Carlton, 1980, p. 25.
- 17 Alan Martin, *Robert Menzies*, vol. 2, Melbourne University Press, Carlton, Vic., 1999, p. 8.
- 18 *ibid.*, p. 10.
- 19 Hasluck, *Sir Robert Menzies*, p. 25.
- 20 See Judith Brett, *Robert Menzies' Forgotten People*, Melbourne University Press, Carlton, 2007, for the fullest treatment of the social milieu evoked by the 'Forgotten People' talks and the values they reflect.
- 21 Robert Menzies, *The Forgotten People*, Angus & Robertson, Sydney, 1943, p. 10.
- 22 *ibid.*, p. 28.
- 23 Robert Menzies, 'Our Liberal Creed', in Thomson, Brandis and Harley (eds), *Australian Liberalism: The Continuing Vision*, Liberal Forum, Melbourne, 1986, p. 63.
- 24 In a seminal article published in 1957, Samuel P Huntington makes the distinction between the two senses in which the word 'conservatism' is used in political discourse: as a self-sufficient ideology and as a relative political position: 'Conservatism as an Ideology', *American Political Science Review*, June 1957, pp. 454–73.
- 25 And, in the case of domestic aviation, a statutory duopoly in which one of the players was a government-owned enterprise.
- 26 Martin, *Robert Menzies*, vol. 2, pp. 530–1.
- 27 Hasluck, *Sir Robert Menzies*, pp. 25–6.
- 28 Menzies, *The Forgotten People*, pp. 11–12.
- 29 *ibid.*, p. 13.
- 30 *ibid.*, p. 126.
- 31 *ibid.*, p. 13.
- 32 Paul Hasluck, *The Government and the People 1939–1941*, Australian War Memorial, Canberra, 1952, appendix 3 and in particular p. 588; Martin, *Robert Menzies*, vol. 2, pp. 81, 576–7; Arthur Fadden, *They Called Me Artie*, Jacaranda, Brisbane, 1969, pp. 97, 99–100; Alan Martin, 'Mr Menzies' Anti-Communism', *Quadrant*, May 1996, pp. 47–56; and conversations with John Nethercote.

- 33 Martin, *Robert Menzies*, vol. 2, pp. 468ff.
- 34 *ibid.* pp. 388–99.
- 35 The depth of Menzies' feeling for universities is revealed in his little-known lecture 'The Place of a University in the Modern Community' (The Commencement Address, Canberra University College 1939), Melbourne University Press, Carlton, 1939, which was delivered only six days after he first became prime minister; and in 'The Universities' (addresses upon the award of honorary doctorates by Queen's University, Belfast, and Bristol University April 1941), in R Menzies, *To the People of Britain at War from the Prime Minister of Australia*, Longmans, London, 1941, pp. 78–82.
- 36 Compare John Howard's remark that 'this nation made a great cultural error a generation ago when we embraced uncritically the notion that the highest path of success for a young person was to go to university': address to Menzies Research Centre, 11 April 2005, p. 6.
- 37 Heather Henderson, 'On Great Prime Ministers', *Quadrant*, April 2008, p. 2.
- 38 Tom Frame, *The Life and Death of Harold Holt*, Allen & Unwin, Sydney, 2005, p. 134.
- 39 Harold Holt, *The Liberal Tradition in Australia—Alfred Deakin: His Life and Our Times* (The Alfred Deakin Lecture, 1967), Alfred Deakin Lecture Trust, Melbourne, 1967.
- 40 Ian Hancock, *John Gorton*, Hodder, Sydney, 2002, pp. 402–4.
- 41 Frame, *The Life and Death of Harold Holt*, pp. 160–1; and Kelly, *The End of Certainty*, p. 4.
- 42 Mark Lopez, *The Origins of Multiculturalism in Australian Politics 1945–1975*, Melbourne University Press, Carlton, Vic., 2000, p. 440. Note the key role of Fraser's 27-year-old adviser Petro Georgiou in bringing Fraser to this position.
- 43 Personal recollection of the author.
- 44 Errington and van Onselen, *John Winston Howard*, pp. 36ff.; and conversations with Christopher Pupplick.
- 45 Carrick's blend of pragmatism and orthodoxy is apparent in his essay 'The Liberal Party and the Future', *Australian Quarterly*, June 1967, pp. 36–44.
- 46 House of Representatives, *Debates*, 26 September 1974, p. 1912.
- 47 Thus leapfrogging Ruddock, who, although elected to parliament a year earlier, was to wait twenty-three years for ministerial office—ironically, under Howard.



- 48 Errington and van Onselen, *John Winston Howard*, p. 68.
- 49 David Barnett, *John Howard*, Viking, Melbourne, 1997, p. 74.
- 50 *ibid.*, pp. 153–5; Errington and van Onselen, *John Winston Howard*, pp. 67–9.
- 51 Barnett, *John Howard*, pp. 92–3, 134; Kelly, *The End of Certainty*, p. 49; and conversations with Paul Kelly.
- 52 Kelly, *The End of Certainty*, p. 102.
- 53 John Howard, cited in Patrick O'Brien, *The Liberals: Factions, Feuds and Fancies*, Viking, Melbourne, 1985, p. 32.
- 54 *ibid.*, p. 31.
- 55 *ibid.*, pp. 31–2, 86.
- 56 John Howard, cited in Kelly, *The End of Certainty*, pp. 259–60. This period is described at length by Kelly at pp. 95–123 and 252–70; its antecedents are described at pp. 34–53.
- 57 *ibid.*, p. 261. The papers of the conference were subsequently published as *Arbitration in Contempt*, HR Nicholls Society, Melbourne, 1986.
- 58 Previous lecturers had included the Victorian Liberal politicians Holt, Fraser, Peacock, Philip Lynch, Tony Street and Sir Rupert Hamer, as well as the Queenslander Jim Killen.
- 59 John Howard, *The New Challenge of Liberalism* (The Alfred Deakin Lecture, 1986), Alfred Deakin Lecture Trust, Melbourne, 1986, pp. 4–5.
- 60 John Howard, address to the 'Australia Unlimited' Roundtable, 5 May 1998, p. 4.
- 61 George Megalogenis, *The Longest Decade*, Scribe, Melbourne, 2006, p. 195.
- 62 Menzies, *Afternoon Light*, p. 288.
- 63 See, for instance, John Howard, 'A Fair Australia' (Third 'Headland' Speech), 13 October 1995, p. 7.
- 64 John Howard, address to 47th Federal Council, 4 July 1999.
- 65 Errington and van Onselen, *John Winston Howard*, p. 70; and conversations with John Howard. In 1984 he described his support for the Sex Discrimination Act as his 'one semi-filtration with small-"1" liberalism and socialism': O'Brien, *The Liberals*, p. 31. Presumably he was speaking tongue-in-cheek.
- 66 John Howard, 'The Australia I Know' (The Weary Dunlop Lecture, 1997), 11 November 1997, p. 10.

- 67 John Howard, address to the Menzies Research Centre, 11 April 2005, p. 6.
- 68 John Howard, Australia Day address, 26 January 2001, p. 2.
- 69 John Howard, 'A Sense of Balance: The Australian Achievement in 2006', Australia Day address, 25 January 2006, p. 5.
- 70 See, for instance, Tony Abbott, 'Beyond Ideology', speech to Young Liberal Movement National Convention, 6 January 2001; and 'A Conservative Case for Centralism', *The Conservative*, September 2005, p. 4.
- 71 John Howard, 'Building a Stronger and Fairer Australia: Liberalisation in Economic Policy and Modern Conservatism in Social Policy', address to 'Australia Unlimited' Roundtable, 4 May 1999, pp. 6–7.
- 72 John Howard, 'The Role of Government: A Modern Liberal Approach' (First 'Headland' Speech), 6 June 1995, p. 7.
- 73 Howard, *The New Challenge of Liberalism*, pp. 6–7, emphasis in original.
- 74 *ibid.*, p. 10.
- 75 Stephen Parker and Rodney Fopp, 'The Mutual Obligation Policy in Australia: The Rhetoric and Reasoning of Recent Social Security Policy', *Contemporary Politics*, 2004, pp. 258–69; 'The Obligation is Mutual: Discussion Paper on Mutual Obligation', Catholic Social Services Australia, Canberra, 2007.
- 76 John Howard, inaugural Prime Minister on Prime Ministers Lecture, 3 September 1997, pp. 2–6.
- 77 Menzies, *The Forgotten People*, p. 28.
- 78 Howard, 'Building a Stronger and Fairer Australia', p. 7.
- 79 John Howard, 'Politics and Patriotism: Reflections on the National Identity Debate' (Fourth 'Headland' Speech), 13 December 1995, pp. 5–6.
- 80 Howard, 'The Role of Government', pp. 3–4.
- 81 John Howard, 'The Liberal Tradition', in Alan Gregory (ed.), *The Menzies Lectures 1978–1998*, Sir Robert Menzies Lecture Trust, Melbourne, 1999, pp. 322, 326.
- 82 Howard, Australia Day address, 26 January 2001, pp. 2–3.
- 83 Howard, 'Politics and Patriotism', pp. 4, 12.
- 84 Howard, 'A Sense of Balance', p. 5.
- 85 All categories identified, without qualification, by Menzies in *The Forgotten People*, pp. 11–25.

- 86 A position common to liberal and libertarian philosophers: see, for instance, Mill, *On Liberty*, ch. 1; John Rawls, *A Theory of Justice*, Oxford University Press, 1972, pp. 3–4; compare Robert Nozick, *Anarchy, State and Utopia*, Blackwell, Oxford, 1974, p. 31.
- 87 A point made by FA Hayek in 'Why I Am Not a Conservative', the famous postscript to FA Hayek, *The Constitution of Liberty*, Routledge & Kegan Paul, London, 1960, pp. 397–411.
- 88 Menzies, *The Forgotten People*, pp. 13, 126. 'The Revival of Liberalism in Australia' was Menzies' description of the role of the Liberal Party.
- 89 John Howard, closing address to 47th Federal Council, p. 3.
- 90 John Howard, closing address to 49th Federal Council, 14 April 2002, pp. 5–6.
- 91 John Howard, address at the launch of *The Menzies Lectures 1978–1998*, 27 October 1999, p. 3.
- 92 Howard, address to the Menzies Research Centre, 11 April 2005, p. 1.
- 93 Best expressed, perhaps, in his address to the *Quadrant* 50th anniversary dinner, 3 October 2006.
- 94 Howard, 'Building a Stronger and Fairer Australia', p. 3. Megalogenia, *The Longest Decade*, makes the same point.
- 95 Howard, inaugural Prime Ministers on Prime Ministers Lecture, 3 September 1997, p. 2.
- 96 Howard, address to 'Australia Unlimited' Roundtable, 5 May 1998, p. 7.
- 97 John Howard, address to the Council of the Economic Development of Australia Annual General Meeting, 1998, p. 7 (Q&A).

#### 4 Romanticising Australian Conservatism

- 1 David Marr, 'Pray the Passionless Messiah Is Not Channelling Brother Grim', *Sydney Morning Herald*, 26 November 2007.
- 2 Kevin Andrews, 'Uphold Beliefs and Our Policies', *Australian*, 17 December 2007; Concetta Ferravanti-Wells, 'Libs Must Recapture Home Ground', *Australian*, 19 December 2007.
- 3 John O'Sullivan, *The Pope, the President and the Prime Minister*, Regnery Publishing, Washington, DC, 2007.
- 4 John O'Sullivan, 'The Gipper Lives', *Australian*, 23 January 2008.
- 5 Geoffrey Howe, 'Mrs Thatcher's Demon Bowler', *Observer*, 28 January 2007.

- 6 John Sergeant, *Maggie—Her Fatal Legacy*, Macmillan, London, 2005, p. 105.
- 7 David Frum, *Comeback—Conservatism that Can Win Again*, Doubleday, New York, 2007.
- 8 Peter Saunders, 'Why Capitalism Is Good For the Soul', *Policy*, vol. 23, no. 4, summer 2007–08, pp. 3–9.
- 9 *ibid.*, p. 3.
- 10 *ibid.*, p. 4.

#### 5 Did You Ever See a Liberal Dream-Walking?

- 1 With apologies to the late William F Buckley jr.
- 2 Paul Kelly, *The End of Certainty: Power, Politics and Business in Australia*, Allen & Unwin, Sydney, 1994.
- 3 See <[www.u2station.com/news/archives/2002/09/pono\\_on\\_oprah.php](http://www.u2station.com/news/archives/2002/09/pono_on_oprah.php)>.
- 4 See <[www.dirsalon.com/story/books/review/2002/07/16/amis/](http://www.dirsalon.com/story/books/review/2002/07/16/amis/)>.
- 5 Also attributed to Thomas Jefferson and Patrick Henry.
- 6 Benito Mussolini, quoted in Mark Mazower, *Dark Continent: Europe's Twentieth Century*, Penguin Books, London, 1999, p. 14.
- 7 When pressed by an ABC interviewer in November 2007 over whether Labor was still a left-wing party, Kevin Rudd managed to avoid a straight answer: 'I'm not interested in arid debates about left, right, centre, up or down'.
- 8 Robert Conquest, *The Dragons of Expectations: Reality and Delusion in the Course of History*, Gerard Duckworth & Co., London, 2005, p. 13.
- 9 *ibid.*, p. 20.
- 10 Peter Saunders, 'Why Capitalism is Good For the Soul', *Policy*, vol. 23, no. 4, summer 2007–08, p. 3.
- 11 Nick Cohan, *What's Left? How Liberals Lost Their Way*, Fourth Estate, London, 2007.

#### 6 A Successful Conservative Party Ready to Rebuild

- 1 By ideological, I mean a belief that is not part of and alien to the values held by mainstream Australians. Marxism and various postmodern beliefs are examples. It will be said that the two liberal political traditions best expressed by Burke and Mills are ideologies. I would argue that they are an application of Australian values to politics and government.

- 2 Letter from A Grenfell Price to Robert Gordon Menzies, 13 April 1942 cited in AW Martin, *Robert Menzies: A Life*, vol. 1, Melbourne University Press, Carlton, Vic., 1993, p. 400.
- 3 Brendan Nelson, House of Representatives, *Debates*, 13 February 2008.
- 4 It may be argued that Kevin Rudd's taking of the power to decide on the ministry rather than the caucus electing it is evidence that deal-making has ended. The evidence suggests otherwise. The representation of the factions is little different from how it would have been with an election.
- 5 Attempts have been made to copy these but without success. Private enterprise is inherently different from government administration—as it should be.
- 6 Robert Menzies, radio broadcast, 22 May 1942, <<http://home.vicnet.net.au/~vicorp/part2a01.htm>>, accessed on 18 February 2008.
- 7 The federal entity was defined as 'one indissoluble federal Commonwealth under the Crown'.
- 8 Charles Maurice de Talleyrand-Périgord, the aristocrat, bishop, diplomat and politician who served successively Louis XVI and the Catholic Church, the Revolution, Napoleon I, the restored king Louis XVIII and, after the July Revolution, Louis-Philippe.
- 9 *Australian*, editorial, 25 February 2008.
- 10 For example, the alleged use of land valuations to favour CBD landowners over small business in Sydney.
- 11 Gough Whitlam, cited in Alex Mitchell, *Australian Financial Review*, cited in the *Australian*, 3 March 2008.
- 12 Katherine Betts, 'People and Parliamentarians: The Great Divide', *People and Place*, vol. 12, no. 2, pp. 64–83.
- 13 Kim Beazley snr, cited in Bill Hayden, 'Working Man's Friend', *Australian*, 29 January 2008, <<http://www.theaustralian.news.com.au/story/0,25197,23123026-13243,00.html>>, accessed 19 February 2008. Hayden qualified this: 'That may have been a bit harsh in the circumstances, but there was a kernel of truth in there'.
- 14 For a vigorous critique see John Stone, 'Kyoto the Fraud: How Australians Are Being Conned', *National Observer*, no. 75, summer 2007–08.
- 15 Paul Sheehan, *Among the Barbarians*, 2nd edn, Random House, 1998, ch. 7.
- 16 David Burchill, 'Haunted by Hasty Populism', *Weekend Australian*, 7–8 June 2008, <<http://www.theaustralian.news.com.au/story/0,25197,23822842-5013871,00.html>>, accessed 21 July 2008.
- 17 Betts, 'People and Parliamentarians'.
- 18 ALP National Platform and Constitution 2007, 'Respecting Human Rights and a Fair Go for All', ch. 13, para. 158, <[http://www.alp.org.au/platform/chapter\\_13.php#13immigration\\_a\\_link\\_to\\_australias\\_future\\_growth](http://www.alp.org.au/platform/chapter_13.php#13immigration_a_link_to_australias_future_growth)>, accessed 19 February 2008.
- 19 The greatest achievement of the last Labor government was not in accepting the inevitability of floating exchange rates, or its privatisations too often driven by venality; it was its superannuation scheme.
- 20 Had such a system been in force in the Conservative Party at the time, Margaret Thatcher would probably not have been chosen over Edward Heath.
- 21 Viscount Bolingbroke, *On Parties*, 1735, p. 108.
- 22 *New South Wales v. The Commonwealth* (2006) 231 ALR 1; see also Julian Leese, 'Work Choices: Did the States Run Dead?', *Proceedings of the Samuel Griffith Society*, vol. 19, 2007, pp. 1–22. While deregulation of the labour market is desirable, the 'big bang' approach was unwise. It would have been better to have adopted a graduated approach, first repealing the so-called unfair dismissals law, which was seriously inhibiting employment by small business.
- 23 David Flint, 'The High Court's Workplaces Decision: Implications for Our Federal System', *National Observer*, no. 72, autumn 2007, pp. 33–43.
- 24 The principal tasks should be to:
  - ensure 'vertical fiscal balance', so that the states would be responsible for collecting most of their income and answering to their voters as to how they spend it;
  - list those powers where state laws are to prevail. The absence of such a list allowed the High Court to launch and maintain its long adventure in forcing centralism on a reluctant nation;
  - cap the extent of the external affairs and corporations powers to the other shared powers;
  - ensure that minimum bureaucratic overlap occurs in relation to powers the exercise of which is effectively shared; and

- ensure the states are directly involved (and not just consulted) in determining the membership of the High Court. Why not, for example, allow each state chief justice or a nominee to join the bench as 'ad hoc' justices in federal disputes?
- 25 David Flint, *Her Majesty at 80: Impeccable Service in an Indispensable Office*, Australians for Constitutional Monarchy, Sydney, 2006, p. 36.
- 26 Edmund Burke expressed this principle succinctly in a speech in 1774: 'Your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion [sic]: *Speeches at His Arrival at Bristol*, 1774, cited in Anthony Jay (ed.), *The Oxford Dictionary of Political Quotations*, Oxford University Press, Oxford, 1996.
- 27 Joseph Poprzeczny, 'Australia—A Democracy or Just Another Ballotocracy', *National Observer*, no. 76, autumn 2008, pp. 7–32.
- 28 John Stone, 'Mr Costello's Repeated Budget Failure', *National Observer*, no. 73, winter 2007, pp. 13–24, <[http://www.nationalobserver.net/2007\\_winter\\_stone\\_73.htm](http://www.nationalobserver.net/2007_winter_stone_73.htm)>, accessed 21 July 2008.
- 7 Understanding the Past to Help Shape the Future
  - 1 Paul Kelly, *The End of Certainty: The Story of the 1980s*, Allen & Unwin, Sydney, 1992, pp. 1–16.
  - 2 Bruce Smith, *Liberty and Liberalism*, Centre for Independent Studies, Sydney, 2005 (1887).
  - 3 Edward Shann, *An Economic History of Australia*, Cambridge University Press, Cambridge, 1948, p. 389.
  - 4 Geoffrey Blainey, *A Shorter History of Australia*, Mandarin, Melbourne, 1995, pp. 117–18.
  - 5 Shann, *An Economic History of Australia*, p. 386.
  - 6 WK Hancock, *Australia*, Ernest Benn, London, 1930, p. 193.
  - 7 Bryan Caplan, *The Myth of the Rational Voter: Why Democracies Choose Bad Policies*, Princeton University Press, Princeton, NJ, 2007.
  - 8 Vere Gordon Childe, *How Labour Governs: A Study of Workers' Representation in Australia*, Melbourne University Press, Carlton, Vic., 1964, pp. 71–81.
  - 9 Smith, *Liberty and Liberalism*, p. 296.
  - 10 John Anderson, *Studies in Empirical Philosophy*, Angus & Robertson, Sydney, 1962, p. 311.

## 8 What the Issue Cycle Brings: The Liberals and Public Opinion

- 1 Much of the polling research on which this chapter is based is available on the internet. See Newpoll, <[www.newspoll.com.au](http://www.newspoll.com.au)>; Roy Morgan Research, <[www.roymorgan.com.au](http://www.roymorgan.com.au)>; and for the Australian Election Survey, Australian Survey of Social Attitudes, the ANAP, the NSSS and the Saulwick polls, see the Australian Social Science Data Archive, <<http://assda-nessstar.anu.edu.au>>. This chapter includes polling available up to 6 March 2008. The most cited article is John Petrocik, 'Issue Ownership in Presidential Elections, with a 1980 Case Study', *American Journal of Political Science*, vol. 30, no. 4, August 1996, pp. 825–50. For more recent material, see David B Hollman, 'Trust the Party Line: Issue Ownership and Presidential Approval from Reagan to Clinton', *American Politics Research*, vol. 34, no. 6, November 2006, pp. 777–802.
- 2 Alan Gyngell, *Australia and the World: Public Opinion and Foreign Policy*, Lowy Institute, Sydney, 2007, p. 10.
- 3 For a detailed analysis, see Andrew Norton, 'The End of Industrial Relations Reform?', *Policy*, vol. 23, no. 4, summer 2007, pp. 20–7.
- 4 These were the 1998, 2000, 2004 and 2007 Australian Election Surveys and the 2003 and 2005 Australian Surveys of Social Attitudes.
- 5 The 2003 and 2005 Australian Surveys of Social Attitudes; the 2004 Australian Election Survey.
- 6 On the quality of private school education: the 2003 and 2005 Australian Surveys of Social Attitudes and the 2007 Australian Election Survey. On government school parents: Saulwick polls, 2004 and 2005.
- 7 The Climate Institute, *Climate of the Nation: Australian Attitudes to Climate Change and Its Solutions*, Climate Institute, Sydney, 2008, p. 3.
- 8 The questions were as follows:
  - If the government had a choice between reducing taxes or spending more on social services, which do you think it should do? (1967–79 ANPAS survey; 1984–86 National Social Science Survey; 1987 and 1993–2004 Australian Election Survey)
  - If you had to choose between the federal government increasing social services or reducing taxes, which would you choose? (1974 Morgan Poll)
  - Some people think that the federal government should reduce taxes a lot and spend much less on social services. Others think that the federal

government should increase taxes a lot and spend much more on social services. And others have opinions in between. Where would you place yourself on this scale? (1990 Australian Election Survey)

Where grades of support for taxing and spending were available, in all polls from 1986–87 onwards, responses have been aggregated. Following the practice of other researchers, I have translated the 1984 and 1986 National Social Science Survey 'mildly for' more taxing and spending as equivalent to 'depends' in subsequent surveys. The argument for doing so is that there is a consistently large minority (20–32 per cent) of equivocal respondents who choose this option, so including them in either lower tax or more spending overstates support for these options.

9 I expand on these arguments in Andrew Norron, *Will You Still Vote for Me in the Morning?*, Centre for Independent Studies, Sydney, 2004, <www.cis.org.au/policy\_monographs/pm65.pdf>.

10 The question asked respondents to rate urgency on a 1 to 5 scale, with 1 marked 'not urgent', 3 marked 'fairly urgent' and 5 marked 'very urgent'. I am counting 4 and 5 as urgent.

11 Michelle Grattan and Jewel Topsfield, 'Most Voters Want Action on Warring', *Age*, 7 November 2006.

12 Taverner Poll, reported in the *Sun-Herald*, 17 February 2008.

## 10 Credible Candidates Win Marginal Seats

1 Interview with Chris McDiven, 22 November 2007.

2 Andrew Robb, 'Women in Politics', paper presented to 'Recognition for Women in Australia', Joint Seminar, House of Representatives Standing Committee on Legal and Constitutional Affairs and the Office of Status of Women, Department of Prime Minister and Cabinet, 26 July 1991, p. 1.

3 Interview with Senator Judith Troeth, 13 December 2007.

4 Unnamed Liberal backbencher on party room scrutiny of bills during the Howard years.

5 Robert Menzies, cited in Margaret Fitzherbert, *Liberal Women: Federation to 1949*, Federation Press, Sydney, 2004, pp. 248–9.

6 Malcolm Fraser, 'How to Revive a Party that Seems Stuck in Opposition', *Age*, 11 February 2008.

## 11 It's Time: Women and Affirmative Action in the Liberal Party

1 *Sex Discrimination Act 1984* (Gwith), s. 33.

2 BR Taylor, *Affirmative Action at Work*, University of Pittsburgh Press, London, 1991, p. 9.

3 With special thanks to Janet Wilson from the Commonwealth Parliamentary Library.

## 12 Future Directions for the Liberal Party

1 Robert Menzies, *Measure of the Years*, Cassell, Melbourne, 1970, p. 23.

2 Geoffrey Blainey, *Herald Sun*, 26 November 2007.

3 Menzies, *Measure of the Years*, p. 22.

## 16 Federalism and Liberal Thinking

1 Malcolm Fraser, cited in Peter Groenewegen, 'Federalism', in Brian W Head and Allan Patience (eds), *From Fraser to Hawke: Australian Public Policy in the 1980s*, Longman Cheshire, Melbourne, 1989, p. 240.

2 John Howard, 'Reflections on Australian Federalism', speech to the Menzies Research Centre, Melbourne, 11 April 2005, p. 2.

3 Campbell Sharman, 'A Political Science Perspective', in B Galligan (ed.), *Australian Federalism*, Longman Cheshire, Melbourne, 1989, p. 60.

4 Greg Craven, 'Australian Constitutional Battlegrounds of the Twenty-First Century', *University of Queensland Law Review*, no. 20, 1999, pp. 242–50.

5 Galligan, *Australian Federalism*, p. 6.

6 Gregory Melleuish, 'Federalism and the Crown—The Odd Couple?', *Proceedings of the Sixteenth Conference of the Samuel Griffith Society*, Samuel Griffith Society, 2004, p. 68.

7 Craven, 'Australian Constitutional Battlegrounds', p. 250.

8 Harry Gibbs, 'Federalism in Australia', in Alan Gregory (ed.), *The Menzies Lectures 1978–1998*, Sir Robert Menzies Lecture Trust, Melbourne, 1993, p. 5.

9 Galligan, *Australian Federalism*, p. 3.

- 10 Richard Webb, 'Developments in Commonwealth-State Financial Relations since 2000-01', *Parliamentary Library Research Brief No. 11, 2005-06*, Department of Parliamentary Services, 15 March 2006, p. 13. There is an interminable debate about whether or not GST revenue should be counted as Commonwealth revenue. The figures given include the GST as Commonwealth revenue.
- 11 Jonathan Pincus, *6 Myths About Federal-State Financial Relations*, Special Report, Committee for the Economic Development of Australia, February 2008.
- 12 Greg Craven, *Conversations with the Constitution: Not Just a Piece of Paper*, UNSW Press, Sydney, 2005, p. 79.
- 13 Campbell Sharman, 'A Political Science Perspective', in Galligan, *Australian Federalism*.
- 14 Bradley Selway, 'The Federation—What Makes It Work and What Should We Be Thinking about for the Future', *Australian Journal of Public Administration*, vol. 60, no. 4, 2001, p. 120.
- 15 Gibbs, 'Federalism in Australia', p. 2.
- 16 Melleuish, 'Federalism and the Crown'.
- 17 Andrew Parkin, 'The States, Federalism and Political Science: A Fifty-Year Appraisal', *Australian Journal of Public Administration*, vol. 62, no. 2, 2003, p. 103.
- 18 Selway, 'The Federation', p. 119.
- 19 Greg Craven, 'Betrayal of Menzies—Eschewing Federalism', *Australian*, 1 March 2005.
- 20 John Howard, 'The Liberal Tradition: The Beliefs and Values which Guide the Federal Government', in Gregory, *The Menzies Lectures*, p. 321.
- 21 Robert Menzies, cited in Sharman, 'A Political Science Perspective', p. 59.
- 22 Groenewegen, 'Federalism', p. 243.
- 23 Parkin, 'The States, Federalism and Political Science'.
- 24 Robert Menzies, *Central Power in the Australian Commonwealth: An Examination of the Growth of Commonwealth Power in the Australian Federation*, University Press of Virginia, Charlottesville, 1967, p. 24.
- 25 Malcolm Fraser, cited in Sharman, 'A Political Science Perspective', p. 60.
- 26 Malcolm Fraser, cited in DM White and DA Kemp, *Malcolm Fraser on Australia*, Hill of Content, Melbourne, 1986, p. 155.
- 27 Groenewegen, 'Federalism', p. 250.
- 28 Jenny Stewart, 'The Howard Government and Federalism: The End of an Era?', in G Singleton (ed), *The Howard Government: Australian Commonwealth Administration 1996-1998*, UNSW Press, Sydney, 2000, p. 151. Fraser's reluctance here also contrasts with the Howard government's spurious action to stop a wind power installation in alleged orange-bellied parrot breeding territory. The fact that the installation was caught in the politics of a nearby marginal seat indicates the Howard government's priorities where federalism and vote-winning were concerned.
- 29 Malcolm Fraser, cited in White and Kemp, *Malcolm Fraser on Australia*, p. 156.
- 30 Howard, 'Reflections on Australian Federalism', p. 2.
- 31 Craven, 'Betrayal of Menzies'.
- 32 Access Economics, *Business Regulation Action Plan*, Business Council of Australia, Melbourne, 2005, p. viii.
- 33 Howard, 'Reflections on Australian Federalism', p. 2.
- 34 *ibid.*, p. 3.
- 35 *ibid.*, p. 2.
- 36 John Howard, House of Representatives, *Debates*, 26 September 1974, p. 1911.
- 37 Webb, 'Developments in Commonwealth-State Financial Relations'.
- 38 See, for example, Roger B Wilkins, 'Federalism: Distance and Devolution', *Australian Journal of Politics and History*, vol. 50, no. 1, 2004, p. 100.
- 39 Stewart, 'The Howard Government and Federalism', p. 151.
- 40 Mike Stekete, 'The Centralist Contradiction', *Australian*, 10 February 2005.
- 41 Craven, 'Australian Constitutional Battlegrounds'.

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