

# GLOBAL FEDERATION

Our sentencing and social repression laws mark us as a people with an eye for the past says Darwin lawyer Julian Johnson

There has been much talk lately of globalisation and federation. The former because of world wide anti-globalisation protests, which even reached the shores of this fair land, the latter because it is the centenary of our federation.

Globalisation and federation make for an interesting analogy.

In Australia in the late 1800's, the six States were virtually six separate nations, each with its own elected government under the Crown. Vested interest and protectionism was rife, each State competing with the other for cultural and economic supremacy. Each had implemented a system of tariffs on trade between their borders as a mechanism of protecting themselves from each other. The employment of Excise Inspectors was an area of growth, and stories abounded of excise excess and, of course, excise avoidance.

Federation was grass roots recognition that such a system was fundamentally inefficient and, ultimately, unproductive. One hundred years ago, federation was driven by the economic and cultural advantages of free trade. And that, so it appears, is the very same driving force that has spawned the European Union, and underlines the push for globalisation.

Our fledgling federation marked us as a people with an eye for the future.

Of course, there were a number of other driving forces behind federation. Interestingly, one of those was immigration or, more correctly, guarding our culture against immigration. In the late 1890's a ship full of Chinese immigrants was refused entry at Melbourne. It sailed for Sydney where 15,000 people came to the wharf to protest the maintenance of a white Australia policy. Such numbers were unheard of in those pre-Bradman days, and the ship of immigrants quickly turned tail, sailing

back to whence it came. We were not then, as now, a compassionate nation when it came to our cultural arrogance.

Cultural cohesiveness has long been the call of those intent upon living in the past. Forward looking though they may have been when it came to federation, by forcing that ship to turn away from our shores our forebears were putting an excise on their culture, turning inwards in the pursuit of protecting their newly federated nation from blackfella's and chinamen



who might take their jobs or challenge their cultural supremacy.

Of course, one hundred years later it's not still like that. Justifiably proud in this centenary of our federation, we can rest comfortably upon our engagement with Asia and our multi-cultural society.

But look more carefully. Here in the Territory, our cultural cohesiveness now manifests itself not in protecting our nation, but in protecting the "northern suburbs" and in "monsterring" those who would threaten the integrity of its leafy borders.

Our response to crime and the drift of countrymen to the city has been the imposition of an excise on our urban borders. Repressive laws and gaol terms mark out our borders with the other States, and law enforcement is an area of growth. Stories abound of sentencing

excess and, of course, sentencing avoidance.

Travelling practising certificates and national competition policies we may have, but our cultural cohesiveness as "Territorians" remains as strong now as it was with our forebears all those years ago.

In his July president's column for *Balance*, Jon Tippett would have us buy a sheep. But jokes aside, have we become so ineffectual in contemporary society, so intellectually dulled by conservatism and monthly billings, that we have to look to personal acquisition of sheep to make our mark as a profession?

At the time of the introduction of mandatory sentencing, organisations such as the Law Society, NAALAS, Territorians for Effective Sentencing and the Uniting Church were at the forefront of considered debate. I went along to some of the meetings, felt the powerlessness of the mood and the weight of the cultural excise that had been placed around our borders. Now the baton, and the acrimony, has passed to NAALAS. While quick to criticise, we watch and wait. And, apart from Jon Tippett's spirited stand, our voice against the so called "anti-social behaviour" legislation was barely audible.

To be insular is easy. The pursuit of comfort, of economic and cultural arrogance, appears these days a commendable goal. But really, shouldn't we attempt to climb above that? It is in opening our minds to the future, in foreseeing contemporary values, that we might make our mark.

Our sentencing and social repression laws mark us as a people with an eye for the past. In this, the centenary of our federation, we should think carefully about that. We will not be remembered kindly one hundred years hence.

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