



29/06/98

**Legislative Council**  
**Drug Misuse And Trafficking Amendment**  
**(Ongoing Dealing) Bill Hansard**  
**Extract**

**The Hon. Dr A. CHESTERFIELD-EVANS** [5.16 p.m.]: Honourable members, ladies and gentlemen: I should like first to congratulate you, Madam President, on your election as President of the Legislative Council. I hope that the friendly relationship we have maintained over some years will continue. I thank the Australian Democrats for electing me as their representative in this Parliament. I am proud of our policies, which are formulated by our membership and give substance to our values. Those policies are about a society that gives a fair go to all and are ecologically sustainable in the long term. We want to be inclusive of all in society and to examine all issues, as did my predecessor the Hon. Elisabeth Kirkby. For this broad experience I expect to draw on the institutional memory of her capable staff, whom I have inherited.

I am an occupational health physician. I started life at the right schools, which taught me a healthy distrust of the elite, of whom some put their own ease ahead of the good of those for whom they are theoretically responsible. That lesson has stood me in good stead. I studied medicine and first went into surgery as that seemed to give the most rapid results. But in surgery I was fighting at the last ditch. Tobacco-caused disease especially horrified me, where heroic surgery was undertaken to try to save broken human beings whose lungs, hearts, arteries and bodies were wrecked by smoking.

At that time corner stores were principally recognised by their livery of tobacco advertising. I remember telling an old fellow whose leg I had amputated that if he did not stop smoking he would lose the other leg. He said to me, "All you doctors go on about smoking. If it was as bad as you said it was, why hasn't the Government done anything?" He assumed that governments would act in the interests of the whole community rather than vested interests, if it were necessary. He died early, arguably due to his faith in governments! I recognise that prevention is better than cure and that the environment in which one lives and makes decisions determines the quality of life for the average citizen.

I tried to talk representatives of political parties into acting on tobacco-caused disease. Disillusioned with the result of this effort, I took up a spray can with the BUGA UP group, which stood for Billboard Utilising Graffitiists Against Unhealthy Promotions. BUGA UP had a model of advertising as one-way communication which worked to maximise the profits of advertisers with no regard for the social consequences of their actions. Tobacco advertising is now banned, but I doubt this would have happened if I had tried to achieve that result through conventional political process. The Democrats eventually introduced this legislation.

**Reverend the Hon. F. J. Nile:** The Christian Democratic Party introduced it.

**The Hon. Dr A. CHESTERFIELD-EVANS:** Thank you, that is correct. The tobacco industry, though more discredited than ever, has stopped efforts to achieve unpolluted indoor air, and the current New South Wales Government has even cut the Quit campaign to a level of 25¢ per person per year - an appalling record. That is despite the fact that marketing through movies and rock videos has made children's recruitment to smoking rise alarmingly since 1994. The welfare of narrow vested interests overriding the welfare of the many is a problem for preventive health, but it is a problem for all government policy and decisions and an area that I will work to change.

A single health insurer, Medicare, can use its market power to keep costs down and to set preventive priorities. That gives people freedom from the fear of health costs which bedevils the United States of America. Despite the backing of President Clinton the USA was unable to bring in a universal health insurance scheme such as Australia's Medicare because of the health lobby. Medicare in Australia is under grave threat as the Federal Government favours the private system. Federal-State bickering in health is causing part of the damage to the framework of public health because decisions are made on the basis of how costs will shift rather than what is the optimum way to organise the health system.

Page 6736

Governments are elected to provide leadership, services and support to the people, but they seem to have a crisis of confidence. The concept of the common good is under threat. Governments are scared to collect taxes, and they shed responsibility for functions so that they will not have to. "User pays," they cry. Those who cannot pay are neglected and stigmatised, but they will not disappear from the streets as easily as they disappear from economic models. The harvest of social misery from the new meanness of spirit that passes as economic rationalism must be curbed.

It is not possible to deny the laws of economics, particularly with a world market and extreme ease of capital movements. By the same token, these factors should not be an excuse for callously failing to take action for the needs of our own citizens. Governments must be loyal to all Australians, not to narrow sectional interests. They should not boast about surpluses that are achieved by creating misery in the least politically powerful. They must consider a genuine progress indicator as well as gross domestic product. Governments should not let the tobacco companies set the rules on indoor air quality, foreign woodchippers set our foreign policy, the bus lobby set transport policy in western Sydney and the private health providers set our health policy.

As the world becomes global we need powerful and legitimate advocates in the world market. Our governments must fulfil this role. They gain legitimacy from the fact that they are elected and because the decisions they make are understood and approved by the people. If they abdicate this role as an advocate and leader all Australians will be poorer. Yet there is ample evidence that this is what is happening. The sale of public assets should not occur merely because governments are incapable of managing efficiently or are short of cash. No-one sells their home to pay off their bankcard debt. They know that renting the house back will cost more than interest, otherwise buyers would not buy. What they save in interest they will pay in rent to the new owners.

It must be recognised that privatisation is a transfer of assets that the Government does not own but holds in trust for the population. The transfer is from the population to the shareholders. The interests of the two groups are not the same. The costs and benefits from this transfer need to be openly discussed, and not merely with employees. There can clearly be benefits for the population from increased competition, but replacing public monopolies with private ones is a risky policy. A government that cannot manage something that it owns is likely to have even more trouble with something that it does not.

The Government wants to make money by taxing businesses, but its introduction of casinos and advertising for gambling has been quite irresponsible. The gambling tax is significantly related to the taxpayer's degree of gambling addiction rather than income. The Government is letting others persuade people to make the wrong decisions so that they can profit. Yet the Government does not want to acknowledge or accept the welfare and crime consequences of those wrong decisions. The increased concentration of wealth has led to a growing disparity in society. This inequality is growing unchecked and is leading us further from the just, equitable and sustainable future the Democrats want for Australia. Worse than that, it will lead to an increasingly Dickensian existence for those at the bottom of society, and anger and resentment will make our streets unsafe and our politics more extreme.

From 1945 to 1960 there was full employment, defined as the number of registered unemployed being less than the number of jobs advertised. In 1966 unemployment was 1.6 per cent; it is now 8 per cent or 9 per cent. We cannot merely stigmatise unemployed people. It is a problem for all of us and most of all for those who seek to govern. Some market analysts talk of levels of unemployment as desirable, presumably because that keeps a perfect market in the area of unskilled labour, and reduces wage pressure in consequence. Yet many industries have a small number of companies, which allows for supernormal profits. Governments should be the legitimate allies of the people in trying to balance the necessity for reasonable social equity with the need for Australian business to be internationally competitive.

I am not anti-business. Money and profits need to be made. The New South Wales Government cannot stand like Canute and try to stop a world tide. In the end the driver of history is technological change, and those who use it to advantage within the limits of the environment will be the long-term winners. No political or economic figure this century has had the influence over our lives that Edison had with electricity, the Wright brothers with aviation, Einstein with nuclear energy or the inventors of computers. The most important current manifestation of technological change is globalisation. That has had its effect both in terms of the reduced cost of transport relative to the cost of production and in the mobility of capital. Governments must co-operate with industries better. We can be smarter. Governments do not have to play favourites or pick winners to help. Often trends are obvious and merely need to be followed.

Renewable energy is inevitable. We have much gas, yet we import oil. Solar and geothermal power offer great possibilities. Governments must encourage these developments so that our industries can become large enough to compete globally. Working for a better future sometimes means standing up to vested interests. A decent life for all our citizens will not necessarily be achieved through the market, yet is a real social asset which reduces everyone's costs. Social welfare is cheap insurance for us all. There is no point in begging our population to postpone the day when we will either have to be smarter or poorer.

Australia's successes are not always recognised. Our AIDS policy has arguably been the best in the world. When the epidemic struck it was acknowledged that receptive sex and sharing syringes were the major routes of transmission. The unpleasant facts were faced. The issue was not swept under the carpet. It was assumed that sex would remain popular and that drug addicts would continue to use syringes. So education on condoms and replacing or at least cleaning needles was provided. We now have much less AIDS and much lower costs than nations which prudishly advised people not to have sex and to "Just say no" to drugs.

The lesson is here. Facts must be faced and a preventive, long-term view taken. Ten years ago in the USA cocaine sold for \$US60,000 a kilogram. Today, after spending billions of dollars on the war against drugs - \$US30 billion in 1995 alone - a kilo of cocaine costs \$US20,000. Prohibition did not work for alcohol and it is not working for other drugs. Silly rhetoric based on unrealistic behaviour patterns must be discarded. Australians should be told the facts and asked to use their considerable courage and resources to find solutions. We need to know if treating the problem of drugs as a social and medical one will work better than treating it as a criminal one. We need a heroin trial now and a sensible public debate. Naturally I believe the Drug Misuse and Trafficking Amendment (Ongoing Dealing) Act is taking the wrong approach.

The Australian Democrats stand for honesty, accountability and transparency in government. We believe this gives the best chance for public scrutiny and debate. The best solutions are achieved when people are involved in the decision-making process. The Democrats have furthered this and are largely responsible for the parliamentary committee system at both Federal and State levels that lets everyone have an input into major decisions. We want greater emphasis on the common good. We believe in a fair go. This means equality of opportunity and a preventive approach to social policy that helps those less fortunate, rather than hollow and mean-spirited rhetoric about self-help that often becomes victim blaming, makes one look for scapegoats, and provides fertile ground for racism.

What is valuable cannot always be measured. I want to speak of the bond between people, an intangible and unmeasurable entity that is the glue that holds society together. The bonds to another human being give the reason for living. The social capital of relationships between people is much undervalued and this is mostly the case when people's relationships are tenuous. A fragile de facto relationship is a "family" and may be even more important for the children of it than a stable, traditional extended family is for children who have many role models and much support. Support is needed for those families that are most vulnerable and for relationships that are most marginalised.

The effects of alcohol, gambling or inherited poor role concepts will visit their misery on the next generation if preventive social action is not taken. Increasingly the school is becoming the social work department and the child-minding centre while it is being squeezed for resources. The whole of society is responsible for the production of the next generation, not merely those who have custody of them at a point of time. Efforts in family support will make for social harmony, just as surely as ignoring social problems will lead to social misery. Those who are critical of welfare or affirmative action need to ponder the cost of the alternative.

If children cannot be helped they become school truants, then teenage gang members, and finally adult

gao inmates. Sexual assaults in prison are said to affect one quarter of all inmates. Reform gets harder and harder. The answer is not more punishment in the university of crime. It is not a question of whether we can afford support and education for our children; we cannot afford ignorance and bitterness in our adults. We must be sceptical of trickle-down models of economic behaviour. We do not want gated suburbs as social inequity grows in a sea of fine rhetoric. We do not want a situation where a legal system wins dubious precedents for a few individuals but where whole populations are disfranchised by economic and social forces. Yet this is the way Australia is going and this is why the simplistic solutions of One Nation are getting a sympathetic hearing amongst the rural unemployed.

Page 6738

The Industrial Revolution in Britain created social dislocation and made many people poor, particularly in rural areas. People turned to crime to survive and many were transported to Australia for minor misdemeanours. The convicts, when given a new start, did very well and their descendants are some of the most respected people in Australia. We must look to our historical models rather than moralistic hysteria to solve the social problems of unemployment and drugs that are leading to crime. We must be clear what we are talking about with unemployment. We are not talking about a shortage of jobs; a huge number of things need doing and people need help. We do not have a market mechanism to pay them. So, the problem is not a lack of jobs, it is a lack of money within a definition of priorities.

New solutions are needed. There are three stages of knowledge: those who know, those who do not know, and those who do not know that they do not know. Sadly, many of our political leaders are in the third stage but confuse it with the first. A less charitable explanation is that they are in the second stage but lie about it. I do not have all the answers for New South Wales, but if one does not have an answer it is better to admit this and define the problems as clearly as possible. Then a real effort must be made for the population to help in the debate. This requires an actual commitment to open information: policies and reports available on the Internet; departments producing options in user-friendly formats; encouragement of involvement from schools and public groups, and full use of the committee system of Parliament. Open and transparent government allows intelligent discussion of problems and a feeling of success as solutions are found.

Unfortunately, the New South Wales Environmental Planning and Assessment Act is quite the other way. Decisions will be made by a small elite that lobbyists are likely to influence more than ever. In order to encourage openness in public administration I will introduce as my first private member's bill the Protected Disclosures Amendment Bill. This legislation will, if passed by this Parliament, protect whistleblowers from retribution and detrimental action when reporting maladministration, gross incompetence or corruption. The other bill I will follow through is the De Facto Relationships Amendment Bill. This is a vital moral issue. It is about the right to plan and make a will for a partner irrespective of the partner's sex. It is about strengthening relationships between people. It is not about the narrow view wherein morality is equated with telling people how not to conduct their sex lives.

The fiasco of planning is seen at east Circular Quay. Since the Prime Minister has declined to pay the large cost of redressing the folly, it will remain a monument to the lack of planning in Sydney. We must save our harbour foreshores from the tenant developers of the Department of Defence, and improve the solutions at Walsh Bay and the Conservatorium. The most cursory glance at the Australian dollar shows a long-term trend of falling against the US dollar since the 1890s. Yet our governments bicker and blame the other parties. The perception is that politicians are fiddling while Rome burns, are not telling the truth, and are looking after themselves as the country's problems fester due to a lack of intelligent discussion.

In the republican debate it is necessary to redevelop and redefine Australia's government. It may be better to have two levels of government, Federal and local. But there are a few points I would like to make. Firstly, Australia's constitution was a compromise as the States did not want to give up their powers and there was an overwhelming necessity to have a single national government. It is simply not enough to abolish arms or functions of government to save money. We should not strive for cheap government; we should strive for good government. Despite all the convenient rhetoric about government getting in the way of business, countries with smaller governments do not necessarily do better in the long term. Governments without the resources to make good decisions will not help their countries.

Lately there has been discussion of abolishing this House. Queensland has no upper House and does not seem conspicuously better off without it. Upper House members cannot be held to ransom by pressure groups as are some members of the lower House who represent marginal seats. The Democrats want a wider discussion of the functions of government and a policy of re-empowering the people. The rise of Hanson has occurred because some people distrust politicians and want solutions. She seems aware of the problems and appears to want action on these problems more than the old parties do. Her solutions are simplistic, intolerant and dangerous, but her rise is a symptom of the lack of honest discussion of problems and the dearth of solutions. The country has a leadership vacuum, as Hugh MacKay has pointed out. Politicians are perceived as not knowing what to do in the face of global changes and not willing to admit their ignorance and ask for help. Having raised the Hanson issue, I feel it is necessary to debunk her nonsense. My predecessor, Lis Kirkby, noted that Hanson has stated:

Page 6739

I am fed up to the back teeth with the inequalities that are being promoted by the Government and paid for by the taxpayer under the assumption that Aborigines are the most disadvantaged people in Australia.

A few facts will give the lie to the Hanson nonsense that Aborigines are not disadvantaged. The death rate for Aboriginal children is three to five times higher than that for white children. Aboriginal women are 10 times more likely to die in childbirth. There is a shortage of schools in remote areas, and 5.1 per cent of indigenous children will not go to school at all, as opposed to 0.9 per cent of non-indigenous children. Only 33 per cent of Aboriginal and Torres Strait Islander children complete year 12, as opposed to the national average of 77 per cent. Aboriginal people are 17.3 times more likely to be arrested and 16.5 times more likely to die in custody than non-Aboriginal Australians. An affirmative action program is needed. Disadvantaged groups need help. If Aboriginal people can retain their pride, their leaders and some identity as a race, that will help us all in the process of achieving equality of opportunity in Australia.

The winner-takes-all mentality, where humankind takes the whole planet and destroys other species, needs a more holistic and long-term view. Such a view was implied in the Aboriginal concepts of interdependence with the land, and is more compatible with a conservationist position. The idea of support for the community rather than an emphasis

on individual rights is certainly compatible with ideas of the importance of the common good. And the idea of reconciliation should be eminently compatible with the Australian idea of a fair go. The Democrats are committed to the process of dialogue that the Wik decision started and not its watering down at either a Federal or State level.

I am concerned about the abuse of power - both government power and personal power. It is the infliction of the will of one person on another. Consistent with this, the Democrats favour gun control. Guns give the owner the power to kill another human being with a movement of one finger. There are many ways of killing another person, but few as certain as guns. Farmers need guns to control feral animals. Others want to use guns as a sport. I am not against this right per se, but gun availability leads to use. It is true that few gun owners cause any harm.

However, there must be one law for all and if guns are available, some who lack self-control will be dangerous. So the many suffer for the few. But most Australians do not own guns and they risk their lives if unstable people have access to guns. It is not possible to sort out who is dangerous with a gun and who is not. Certainly as a doctor who has to decide who is fit to drive, I am aware of the personal danger of taking a privilege from people in this society. I am reluctantly forced to conclude that guns should be available as needed and of the type that are needed. If some must modify their sport so that society can be safe, that is a price we should all ask be paid.

In terms of conservation, the polluter takes short-term personal benefit for long-term diffuse harm. This must not happen and the Environment Protection Authority must be adequately resourced to keep control of this problem. But at times the habits and practices of many in society are causing environmental degradation. We are all using too much energy and making too much greenhouse gas. Some people are using too much water and affecting salinity of the land. It is necessary to have leadership and to put in place policies that address this. It is not enough to merely take symbolic actions.

I have been struck by the fact that whenever I have written a press release as a doctor on a medical matter, such as tobacco or health insurance, the media have treated me with some respect. However, when I speak as a politician I am immediately suspect. The irony is not lost on me that on the day I get the title "the honourable" I am regarded by the public as dishonourable. What will our society look like 20 years after the Olympics? Where is the 2020 vision? I want the Democrats to be a major force shaping that society. The old assumption that the government of the day would control both Houses is now gone, and that has been our success.

Parliament is no longer a rubber stamp. The Democrats have been a big part of that. But it is also part of the growing awareness that there is more to life than the old adage, "In the end it has to be one of the old parties." The old parties' share of the total vote is declining, as was shown so graphically in Queensland recently. The Democrats are going to continue to try to keep politicians honest. We will continue to put in the ideas that governments eventually become brave enough to implement, a decade or so later. But more than that we will move forward to take our place as a major force in Australian political life. Finally, I thank the House for the opportunity to speak early in my parliamentary career.