# Debunking 3 turkeys (and 1 Swan)

It's a moot point whether it is any use wasting more time arguing with those close-minded, prohibitionist, morally superior zealots infected with a wowserism that won't allow consenting adults to freely choose what they do without state interference.

…unless, of course, what you 'freely' select is an activity patronised by the politicians in power who have become so arrogant that they think the right to choose our own peccadilloes is their right, not that of the individual Australian.

I refer to smoking. The opening paragraph may seem as if it relates to some nefarious activity, sex with minors (or even with politicians – what a horrible thought!). But no, the Pliberseks, Roxons and Gillards of this world have continued their crusade of smug political righteousness, of removing reasonable personal pleasure from people, repeatedly targeting the much maligned, roughly one-fifth of the population who smoke, who already pay through the nose due to the revenue greed of these three turkeys and one Swan.

I include below, for the benefit of future generations, scanned copies of the belated reply sent from Minister for Health T Plibersek in response to my representations on tobacco reform (a.k.a. social control of adults who choose to enjoy an expensive, highly taxed, legal product), together with a link to my initial correspondence for ready reference.

Before we throw a leg over this hobby horse, I'd just like to re-state this basic point: the product, tobacco, is legal: it is SO legal that the three turkeys and Treasurer Swan tax it, making about 30 times more revenue than the health costs (see http://www.theaustralian.com.au/national-affairs/opinion/do-gooder-laws-nothing-but-a-drag/story-e6frgd0x-1226546770389, 3 January 2013).

If any of these politicians had principles or moral courage, they would mount a referendum on banning tobacco completely, making it illegal and thus forgoing the tax revenue. But they don't: they persecute easy targets – those perceived to be "weak" and "ostracised". Isn't that what bullies do? Isn't that the type of behavior the proposed new anti-discrimination legislation is meant to stop? Why are the turkeys acting as bullies on the one hand, and mouthing pious platitudes about stopping bullying on the other? Did someone mention the word "hypocrites"?

As any fair-minded Australian person can see, the Plibersek response totally fails to address the substantive issues raised and offers no evidence for the bald assertion that 'plain' packaging will be effective. There is no basis to make such a claim as the packaging was introduced prior to any valid independent studies on the issue. There are still no such studies and available evidence indicates that plain packaging is in fact quite unlikely to be effective. Illegal drugs, for example, come in foil and plastic bags, which is very plain packaging, but that has not curtailed drug use. Cigarette packets are already required to be concealed at the point of sale, so what's the purpose of 'plain' packaging? The approach of the anti-smoking lobbyists treats the need to base public policy on due process and scientifically valid studies as an afterthought at best, because they "know" better. When you're a fundamentalist zealot – religious, health, jogging, vegetarian – it's your way or no way at all. Actually the stated aims of anti-smokers and their lobby are prohibitionist, much like the US temperance leagues. The many members of the public affected by tobacco control measures should not have to go searching for the justifications for introducing

such illiberal intolerant restrictions. The objective rationale for the measures should be clearly referenced by those proposing the restrictions.

The Preventative Health Taskforce could hardly be described as an objective source, given their role is to devise additional means of coercing the population into behaving in a manner which they, the PHT, deem 'healthy', and of course building another intrusive regulatory bureaucratic empire. Likewise, the Cancer Council Victoria are an anti-smoking lobby group, reliant for public funding on circulating exaggerations and falsehoods about issues such as the dangers of sidestream smoke.

The various Cancer Councils, ASH and other anti-smoking cultists are by no means impartial. For the Minister to cite them as conclusive sources justifying such intrusive tobacco control measures is evidence that the health zealots have co-opted the political process, and that many if not all tobacco social control measures are ideologically motivated, arising from a pathological obsession with cigarettes, talking up the dangers to obtain continued public funding for their junk propaganda.

***Now for a ban on the great outdoors***

However, my renewed motivation to keep speaking out arises from an article in the Canberra Times (http://www.canberratimes.com.au/act-news/an-election-promise-to-count-on-outdoor-smoking-bans-coming-20130107-2cd3y.html) stating that the recently re-elected ACT ALP Government will ban smoking outdoors in various additional locations, including private property such as clubs and bars where it should be the decision of the owner and patrons whether or not to accept any claimed risk of sidestream tobacco smoke.

The ACT Govt website also makes ridiculous unsupportable statements such as '…there is no safe level of exposure to tobacco smoke', which I expect means a remote sniff will cause one to become deceased or get cancer on the spot. That is, of course, a blatant lie, but nothing is beyond the pale for the ruddy-faced realigners of the right to live your life as you want.

No scientific or health justification is offered for yet another move to control social lifestyle choices. Research, admittedly done by a layman, indicates there is no independently-assessed, statistically valid correlation between sidestream smoke and illness, even indoors. Many people have been brainwashed by the crusade against smoking into believing sidestream smoke is toxic. This officially supported fear-mongering is contradicted by the objective evidence (studies finding otherwise have invariably been commissioned by big pharmaceutical companies, with a patchy sales axe to grind, and other self interested parties to 'prove' a predetermined outcome).

This social control in the guise of public health is continuing and recently saw a reduction in the duty free allowance to two packets (not ‘up to 250 grams’, or about 10 packets, as previously) in contradiction of Australia's voluntarily-assumed obligations under the UN New York Convention on Tourism, January 1967. Customs seemed unaware of the need to formally lodge a “reservation” to this treaty obligation, the basis for all duty free passenger concessions, until it was pointed out, but to the government the old-fashioned ‘rule of law’ just seems to be a minor impediment to doing whatever the executive feels like, with no public consultation. (It is interesting to see, on this CLA website, that the Chief Justice of the High Court has spoken out about what extra rights Australians might actually have – that have not been spelled out – because of the fact that we have ratified international conventions and treaties).

But back to smoking by consenting adults in private. In common with many other public policy issues, the response from Minister Plibersek confirms that the current government treats citizens with contempt, because we are viewed as unable to take personal responsibility. This authoritarian approach has no place in the liberal democratic society Australia claims to be, and the ALP is quite out of touch with the level of community resentment caused by paternalistic anti-smoking and similar measures (mandatory scanning at airports, for example, instead of the option of a pat-down search). In general, the government has evolved a "We Know Best" approach to every social issue…whereas Australians should be free to make their own individual, personal choices.

Their failure to encourage tolerance rather than discrimination is one reason they are likely to be reduced to a well-deserved rump at the next election. The intolerance is selective though: try discriminating against homosexuals, political apparatchiks or any other 'acceptable' group, and you will get very short shrift.

***All parties treat the free choice of Australians with contempt***

Regrettably, the so-called Liberals have also totally failed to stand up for individual lifestyle choice. I am considering writing to the Liberal ACT Senator G Humphries about this, pointing out that reinstating balance and perspective in tobacco control would be a potentially attractive point of difference. I note too that although the Katter Australian Party claims repeal of nanny state rules and regulations is a key aim, they do not mention tobacco control, which affects millions of law abiding citizens every day. The Greens state *"Active and passive consumption of tobacco smoke is a demonstrated health risk and is a significant cost to the community and health",* failing to mention the rivers of gold flowing from tobacco revenue which considerably exceeds costs to the public health system. They support corralling smokers in government-approved outdoor 'social leper' zones.

Chief Nanny (the political is personal) Roxon can grandstand all she likes about fighting Big Tobacco (with public funds of course, while other major national issues like a Bill of Rights are ignored) but she fails to realise that the end user (smoker) is the one who pays the 70c-in-the-dollar excise and taxes. Of these people, very many are low income earners who are becoming increasingly alienated every time they fork out $20 for a packet of cigarettes which elsewhere in the world would cost much less (e.g. about $2 in Greece, $1.80 in Argentina).

These comments may be valuable from the civil liberties perspective, and someone has to continue to speak out, so please use them to update the original CLA post (http://www.cla.asn.au/index.php/resist-the-apostles-of-wowserism?zoom_highlight=wowsers).

Perhaps the Hon T Plibersek should have expanded on her reply, saying "…helping, which means forcing, people to give up smoking, by imposing severe fines for smoking anywhere but locations approved by the State, and encouraging others to stare at them in disgust and tell them to move if they smoke on public streets, after being banished from outdoor smoking areas" [underlined words added]… This would have been more honest.

Fortunately, in common with many other measures, the smoking bans and related legislation seems not to be accompanied by any actual enforcement funding: it is just intended to show that the politicians have "done something" (and what about the children!). Unfortunately, in the

context of the war against Big Tobacco (no, it is war against the rights of "wayward" smokers, who plainly need "correction" for their wrong decisions) the propagandists have given de facto authorisation for any meddling busybody to assume the role of self appointed anti-smoking vigilante and go out of their way to remonstrate with smokers.

I note too that the demonstrably unsuitable first law officer Chief Nanny, Tricky Nicky Roxon, claims in relation to the draft Human Rights and Anti-Discrimination Bill (p. 10, The Australian, 10 Jan 2013) that it is not acceptable to taunt another, even if people laugh; or to bully someone because they are different; or to humiliate a person because they are gay (I assume this last was meant in the context of homosexuality, not of general happiness).

Under the current regime, it is of course only acceptable to behave in such a boorish manner towards smokers, with the State officially encouraging you to do so.

We seem to be marching onwards to the Stalinist situation where any product the all-knowing State deems unacceptable can legally be obliged to use plain packaging. Would it not be more reasonable if the government had to prove in the High Court that the trademark itself, which they obliterated with gruesome images, causes harm? Of course they could prove no such thing.

*I DIDN'T COMPLAIN WHEN...*

*First they came for the smokers,*
*Then they came for the drinkers,*
*Then it was people eating onion chips,*
*Followed by those watching video clips.*

*Soon the goons will surveil how we're voting*
*And we'll all be goners if it isn't ALP.*
*What else they'll pick on I don't know…*
*But there'll be no-one left when they come to get me.*

– apologies to Martin Niemoller: http://en.wikipedia.org/wiki/First_they_came...

– CLA member, Canberra ACT who works for the government…and wants to keep his job

CLA Civil Liberties Australia Inc. A04043
Box 7438 Fisher ACT Australia
Email: secretary [at] cla.asn.au
Web: www.cla.asn.au

*** SEE attached letters, below

# Gai Brodtmann MP

MEMBER FOR CANBERRA

You contacted my office regarding the Australian Government's tobacco reform measures.

I wrote to the Minister for Health, Tanya Plibersek regarding your concerns.

A copy of the Minister's response is attached.

Thank you for raising this matter with me. Please do not hesitate to contact my office if you require further assistance.

Yours sincerely

Gai Brodtmann MP
Member for Canberra
4 August 2012

JB

205 Anketell Street Tuggeranong ACT 2900 | **Tel:** 02 6293 1344 | **Fax:** 02 6293 1068
**Email:** gai.brodtmann.mp@aph.gov.au | **Web:** www.gaibrodtmann.com.au

**The Hon Tanya Plibersek MP**
**Minister for Health**

Ms Gai Brodtmann MP
Member for Canberra
205 Anketell Street
TUGGERANONG ACT 2900

120624/3
21 Jun '12

Dear Ms Brodtmann

Thank you for your representations of 4 May 2012 on behalf of [redacted] regarding the Australian Government's tobacco reform measures.

I note [redacted] comments on the Government's tobacco reform measures, including the introduction of plain packaging. As you are aware, helping people to give up smoking, and minimising the chance of them starting, are major priorities for this Government. The plain packaging of tobacco products, as part of a comprehensive suite of tobacco control measures, will contribute to efforts to reduce smoking rates in Australia.

Since [redacted] letter to you of 29 June 2011, on 1 December 2011, the *Tobacco Plain Packaging Act 2011* (the Act) received Royal Assent. The Act requires all retail tobacco products in Australia to be sold in plain packaging by 1 December 2012.

If [redacted] would like further information about tobacco reform, he may be interested to view the research evidence regarding the efficacy of plain packaging set out in the reports of the Preventative Health Taskforce, which are available at www.preventativehealth.org.au.

In addition to the Preventative Health Taskforce reports, [redacted] may wish to access a more recent summary of the evidence, such as the Cancer Council Victoria's 'Plain packaging of tobacco products: a review of the evidence', which is available at www.cancervic.org.au/plainfacts/browse.asp?ContainerID=plainfacts-evidence.

Once again, thank you for writing.

Yours sincerely

Tanya Plibersek

**Tanya Plibersek**
18.6.12

Parliament House
CANBERRA ACT 2600

Telephone: 02 6277 7220
Facsimile: 02 6273 4146