

National Human Rights Consultation Submission

AGWW-7RE7A6

Organisation: Australians' Rights Movement

Submission Text:

<http://sites.google.com/site/australiansrightsmovement/Home>

This is not a submission in support of unhealthy habits. But, something needs to be done to prevent governments from passing legislation that interferes with personal choice i.e citizens do not need or want government to tell them what is good for them!! Queensland is the classic case for repressive and attributional legislation, as the information below will illustrate! All/any legislation that transgresses basic human rights should be subject to referenda prior to introduction!

Believe it or not?! In Queensland [Australia], not only is it illegal to breed Red Pandas, but It is also against the law to eat and drink while smoking,

In Australia it is legal to cull kangaroos for eating grass but it is illegal to cull saltwater crocodiles for eating people!

see:

<http://www.health.qld.gov.au/atods/tobaccolaws/eating/default.asp>.

see also:

<http://australiansrightsmovement.blogspot.com/>

TAKING THE 'NANNY' OUT OF GOVERNMENT!

There are many examples of such 'commonsense-defying' legislative outcomes or processes in Australia, particularly in Queensland and/or Tasmania! Of note is the appalling tobacco legislation in Queensland. These laws claim to have been drafted in response to popular demand. How can that be so when it is almost impossible to find anyone who knows and understands the legislation? However, it might be assumed that smokers and non-smokers would wish to prevent injury to one another with some sensible regulation of allegedly harmful events such as 'passive smoking'. 'Sensible' should have been the key. However, this was not to be the case. Queensland produced a piece of legislation that made it illegal to consume foodstuffs while partaking of tobacco in a designated smoking area. The citizen may drink [but not eat anything] while doing so, but only in the designated area. Not only that, it also made it illegal for any business other than a licensed hotel, restaurant or café, to actually have a designated smoking area. In one movement, this legislature presumed to have the authority to instruct its citizens as to when they might eat and also discriminated against those businesses not licensed to serve alcohol. Many cafes and coffee-shops are unlicensed. As a result, there are very few places where the average citizen might 'have a beer [or coffee], a meat pie and a quiet smoke while sitting peacefully in an outdoor place, in the open-air, [a coffee-shop, for example], well away from non-smokers. Furthermore, the licensed venues [mainly the cafes] have decided in the main not to create designated smoking areas as these reduce the number of tables they have at which citizens may have a meal, thus reducing their take. Well done! Some might say! Just try to explain it to overseas tourists and interstate visitors! And what next? The latest claim is that more than two drinks of alcohol per day will kill us. Tobacco smoke will kill us! So will carbon monoxide and other carcinogens found in vehicle exhausts, home fireplaces and bushfire smoke! To take this further and apply the law uniformly, drivers who pass by an outdoor coffee shop or cafe should be fined for spilling far more nasties onto the patrons and anyone else in the vicinity!

Nowhere else in the whole world [even in Tasmania and Ireland] is it

against the law to partake of tobacco in an outdoor coffee-shop or café, licensed or unlicensed. Nowhere else does the government purport to be able to tell people when they can eat! Queensland is completely out-of-step with personal and civil rights available elsewhere. For a convenient illustration, travel to Tweed Heads on the border of Queensland and NSW and view the differences in freedoms across the street. It is indeed unusual that Queenslanders generally have accepted this intrusion into personal matters.

Other examples of incursions into personal rights include the current nation-wide obesity campaign, the additional tax imposed on 'cooler' alcoholic drinks, the Gold Coast's two-hour parking rules and there are many more examples.

All of this is similar nonsense to the minority belief, reflected in reactive legislation, that crocodiles and sharks are more important than people! So, it is OK to cull kangaroos but not crocodiles?! Do we really need crocodiles in inhabited areas? Is there not plenty of room for them elsewhere?!

Of deep concern is how governments react to the claims of the self-interest groups and bureaucrats who put forward such ideas. Queensland seems to be the most over-reactive of all! Does Queensland really need to go to such extremes? Is it a competition to see who can be the most petty? Where were the elected representatives when the tobacco laws were hurried through the Queensland parliament, no doubt at 4 am on a Monday morning! Who on earth wrote these laws? Was it a hand-picked group of anti-smoking fanatics? They certainly were not drafted by and for the average citizen! Is there not one parliamentarian in Queensland who will stand up for personal freedoms in the face of blind political correctness and amend this legislation?! Where were "you" when it was written?! What are you going to do when the extremists come up with the idea that no-one should smoke anywhere, anytime!?

We are seemingly obsessed with a fear of litigation, not only for legitimate concerns, but especially for some other obscure and often unforeseen circumstance. Perhaps this is the reason governments try to spell out the rules, in minute detail, for every possible scenario that might result in litigation. Unfortunately for its residents, Queensland takes this to the penultimate degree?

One thing is certain. Most people seem to resent the growing floods of one-eyed legislation emanating from the noisy minority lobby groups through our bureaucracies into government legislation. There is a growing anger over government interference in our personal lives.

One might only hope that when we become a republic there will be an opportunity for the people to "wake-up" to rule by self-interests in favour of rule by the people and for the people. It could make for a good election issue in the coming years and we hope it does!
NOW, the Queensland Government is looking at banning smoking in public altogether!!

Some Liberty, Equality and Fraternity would be nice!! We are sure many would vote for it!!

The Organiser,

Australians' Rights Movement

APPENDIX

LETTER FROM QUEENSLAND GOVERNMENT DEFENDING THEIR LEGISLATION

Tobacco smoking is a proven risk factor for a range of fatal and debilitating diseases and conditions including lung cancer, at least 13 other cancers, cardiovascular disease, stroke, and chronic obstructive

pulmonary disease. Each year, smoking causes an estimated 3,400 deaths in Queensland. In the first quarter of 2008, an estimated 46,554 bed days in Queensland public hospitals were for smoking-related conditions. The social and economic burden that tobacco smoking places on the Queensland community is estimated at more than \$6.3 billion per annum.

The Queensland Government is implementing a multi-strategy tobacco control plan to help bring down smoking rates, and comprehensive tobacco laws are an important part of this plan. As you note, Australia's toughest tobacco laws are in place in Queensland, and include a range of smoking bans for indoor and outdoor public places. These laws are reducing the public's exposure to environmental tobacco smoke, contributing to a culture that supports smokers trying to quit, and discouraging young people from taking up the habit.

It is important to note that the outdoor smoking bans are not all about exposure to environmental tobacco smoke. The laws are also about supporting social change and creating an environment where non-smoking is the norm.

Recent research conducted in Central Queensland with over 1,200 Queenslanders confirms that the gradual implementation of anti-smoking legislation in Queensland is changing social beliefs regarding acceptable smoking practices. The majority of respondents agreed that the smoke-free laws are likely to create a healthier environment and that they encourage smokers to consider their smoking behaviour. There was strong agreement that it is right to have smoke-free laws for public places.

Furthermore, a recent review of Queensland's smoke-free laws seeking feedback from the public reflected very high levels of public support and calls for laws to go even further, particularly in public places.

A recent national survey shows that Queensland's smoking rates are at their lowest ever, with a drop from 19.8% in 2004 to 17.2% in 2007, equal to 37,567 fewer Queenslanders who are daily smokers. This is the largest drop in smoking rates anywhere in Australia and is an encouraging sign that our tobacco control efforts are working.

RESPONSE TO QUEENSLAND HEALTH'S CLAIMS THAT THE LEGISLATION IS GOOD!!

The fact that Queensland is the only place in the world that can tell people when not to eat is a serious matter. Such laws could never be implemented in most European countries for fear of outright rebellion. I guess those people have had to fight for their freedoms and are indeed most reluctant to give them back. If you have ever been to Europe you would know what I am talking about. Unfortunately, your figures do nothing for me as I am a Health & Safety Researcher and also teach statistics at University. Unlike most of the lay people out there, I know that correlation does not mean causation. In fact, almost everything we do can be correlated with the risk of death. I could easily set up a similar piece of research as yours with 1200 people and have it show entirely different levels of significance for probably the same factors. Do you know that manual-handling injuries alone supposedly cost our nation \$48 billion dollars a year?!! Do you know that bushfire smoke and vehicle exhausts are risks?! But what does it mean? We could spend all our waking moments calculating what every risk in life cost, but for what purpose? To balance the budget?! In a democracy, we should be concerned with providing balance, allowing individual freedom of choice, be there risks involved or not. Social engineering has many dangers, as history has proven over and over. What are we doing here? What sort of "healthy" Australian Master-Super-Race do we want? What other comprehensive laws are we going to need to ensure that everyone reaches a particular health standard? Whose standards?! What about other standards that someone else thinks might be a good idea for us in the future?

Sadly, it is all too much! The real problems are not the risks involved in anything but those relating to litigation costs. Laws are written to

protect governments and others from being held monetarily accountable for members of the public. There is a way out of this. Try some legislation that places personal responsibility at the heart of all situations of risk. If a person is silly enough to smoke or go hang-gliding then that is his or her problem, not yours; and he or she has no right to sue anyone for damages resulting from injury. We have swallowed this litigious culture from the USA. Let us have some sensible legislation and get rid of it!

Well, I suppose my only options are to start a "French" - style revolution here, move interstate or go and live in Europe!? Mmmmm! I could handle Venice or Vienna, or maybe Monaco!!?? What about you

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