



# Australian Adam Smith Club (Melbourne)

President: Timothy Warner, Editor: Mannie Gross, P.O. Box 950, Hawthorn, 3122

Liberty is the only thing you cannot have unless you are willing to give it to others.  
*William Allen White (In the Emporia [Kansas] Gazette, October 24, 1940)*

## Fiona Patten on Australian Sex Party – Defender of Civil Liberty?

**The Adam Smith Club will host a meeting on Wednesday the 30<sup>th</sup> of September, 2015  
at Bohème Restaurant Bar, 368 Bridge Road, Richmond.**

Fiona Patten is the founder and leader of the Australian Sex Party and a Member of the Victorian Legislative Council for the Northern Metropolitan region. Before being elected, she was best known as the CEO of Australia’s national adult goods and services lobby group, the Eros Association. She ran a number of high profile campaigns in this role, many of which saw off bans on adult material, restrictions on sexual behaviour and a focus on the real villains involved in sexual abuse. Frustrated and deeply disappointed with the lack of social change on censorship, drug law reform, euthanasia and gay marriage, she set up and registered the Australian Sex Party in 2009 with a strong focus on civil libertarian and personal freedom issues. She became the first political leader to call for a Royal Commission into child sex abuse in religious institutions.

Attendance is open to both members and non-members. Those desiring to attend should complete the attached slip and return it to the Club no later than the 28<sup>th</sup> of September, 2015. Tickets will not be sent. Those attending should arrive at 6:30pm for dinner at 7:00pm. The cost is \$45.00 per head for members and \$50.00 per head for non-members (see next page for explanation of arrangements and for electronic booking details).

**Enquiries to Hon. Secretary, mob. 0403 933 786  
or email: [asmith@adamsmithclub.org](mailto:asmith@adamsmithclub.org)**



*detach and return*

The Secretary,  
Australian Adam Smith Club (Melbourne),  
PO Box 950, Hawthorn, Victoria 3122.

Please reserve ..... place(s) at \$45.00 dollars per member and .....place(s) at \$50.00 per non-member for the September 30<sup>th</sup> meeting of the Australian Adam Smith Club. I enclose the amount of \$..... in payment for the same.

NAME (please print): .....

ADDRESS: .....

.....

SIGNATURE: ..... TEL: .....

## LAISSEZ FAIRE ON THE WEB

This newsletter has an address on the web: <http://www.adamsmithclub.org/laissez.htm>. The Club's web site can be found at <http://www.adamsmithclub.org/>.

### ELECTRONIC PAYMENTS

By popular demand, the AASC now offers electronic booking and payment to dinner meetings. Bookings can be made by emailing the number of members and non-members attending to [twarner@adamsmithclub.org](mailto:twarner@adamsmithclub.org); a reply email from the club will then be sent with a link to PayPal where the payment can be made by Mastercard, Visa, AMEX, Diners or PayPal Account. Bookings made after Friday 25<sup>th</sup> of September will not be accepted online. FEES - a \$2 card fee will apply for the transaction.

## HISTORY

"Who controls the past controls the future. Who controls the present controls the past."  
*George Orwell*

Henry Ford is remembered in history as the founder of the Ford Motor Company. It also records him as having expressed the view that "History is bunk". Hearing this comment and its attribution, one could be forgiven for forming an impression that Henry Ford was a person who lived for the present and perhaps the future but had no interest in the past. This would be an error however since Ford in fact had a great deal of interest in the past and did much to preserve it. What he was protesting about was what he saw as its focus on kings and generals, wars and battles, politicians and military heroes, rather than on the benefactors of mankind, such as the inventors and producers. In this regard, he would no doubt be pleased that it is in history he is noted as a pioneer of the motor car industry.

Today the teaching of history has been and is being confined to an ever smaller role and the content of what is taught being ever more determined, such as for it to become a marginal subject. This is to be regretted. A wide and comprehensive knowledge of history is an essential part of any education. To understand and function well in the present, one needs a knowledge of the past, and not necessarily just the officially approved version; such issues present themselves as to whether the Industrial Revolution was a boon or a bane to mankind, was Abraham Lincoln the wise and benevolent president he is nowadays held to be or rather a tyrant and destroyer of much that was great about America, and what, if any, is the significance to the world today that much of Europe was once invaded and occupied by Muslim invaders from North Africa and the Near East and then driven out. Perhaps answering these or similar questions are what the poet Alexander Pope had in mind when he wrote that "the proper study of mankind is man." *DBS*

### VENUE ARRANGEMENTS

For the September 30<sup>th</sup> dinner at Bohème Restaurant Bar, there will be a two course dinner (main & dessert, followed by tea or coffee). The restaurant is fully licensed (no BYO). A separate (upstairs) room has been reserved for the dinner meeting. We hope these arrangements do not cause inconvenience and we welcome your feedback. Please note that because the Club must provide final numbers of attendees to the restaurant on the 29<sup>th</sup> of September, **we are unable to admit anyone to the dinner who has not notified the Club of their attendance by Monday 28<sup>th</sup> of September.**

# Laissez Faire

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## FREE ENTERPRISE HONG KONG CONTINUES TO PROSPER

I have visited Hong Kong on numerous occasions. Previously, I've almost been knocked down by executives rushing from one place to another, doing whatever incredibly important thing it is that they do.

This time, people were friendly and helpful, especially young people, most of whom speak three languages – English, Mandarin and Cantonese. Even the police were polite and helpful. When we visited Aberdeen, the fishing port on the south of Hong Kong Island, many people helped us with directions and information. The trip to Aberdeen was not only a pleasure trip. It is one of the few places on Hong Kong Island where people still work with their hands. The trawlers go out every morning and return laden with fish, which are sold at the wholesale fish market in Aberdeen.

Money talks, and in Hong Kong it uses a megaphone. In the Aberdeen Fishing Boat Harbour, the luxury cruisers are pushing out the fishing boats. The Jumbo floating restaurant, a tourist favourite, is best viewed from the front. Viewed from the rear, the Jumbo is distinctly tatty and greasy. The fishermen fill in time smoking cigarettes, drinking beer and playing cards while dangling a line over the stern, as seamen have done since time immemorial. Shipyards still find space to do business. The sampans will take tourists for a cruise of the fishing boat harbour for a modest fee. They point out things such as the sea eagles that a visitor might miss unaided.

Hong Kong consists of Hong Kong Island and the New Territories. Hong Kong Island was ceded to Britain in perpetuity in 1842, after the first Opium War. In 1997, following termination of the lease on the New Territories, sovereignty of the whole of the territory of Hong Kong reverted to China,

Britain had always kept regulations over Hong Kong to a minimum. As a result, Hong Kong

became a Mecca for entrepot business, in particular for goods going into and out of China before China embraced the international economy. Hong Kong was a centre for trade in the Pearl River Delta, including the city Canton.

For all the fact that Hong Kong is just over 400 square miles in area, it remains an economic dynamo. The streets are crowded night and day. Enforcement of what regulations exist is usually neglected. Despite the talk of taipans running Hong Kong, the Gini coefficient is moderate. The Gini coefficient measures the distance between the richest and poorest segments of society. Of course, Hong Kong has some very, very rich people but most of the population is middle class. Using measures such as living space per person shows Hong Kong is a very cramped living environment, but people adjust to their conditions.

Apart from Britain's last gasp attempt to democratise Hong Kong, the territory has always been a Crown Colony. The colonial authorities adopted a laissez faire policy for fear of antagonising China and the local inhabitants. Therefore, it may be somewhat surprising that the people of Hong Kong have taken the bit between their teeth when it comes to democratisation.

For someone who has visited Hong Kong over several decades, I must say I am impressed with the way the people of Hong Kong show their determination to fashion their own destiny. Business and government still function with their usual brutal efficiency, but institutions such as the Peak Tram and the Star Ferry trundle along, they have been joined by other facilities such as the Mid-Levels Escalators. In all, I have found I like this bastion of free enterprise a lot more than I thought I did. *JRB*

# CONSORTING AGAIN

First they came for the Socialists, and I did not speak out -  
Because I was not a Socialist.  
Then they came for the Trade Unionists, and I did not speak out -  
Because I was not a Trade Unionist.  
Then they came for the Jews, and I did not speak out -  
Because I was not a Jew.  
Then they came for me - and there was no one left to speak for me.

*Martin Niemöller*

The Victorian government, with little fanfare, has announced the introduction of new legislation, establishing the offence of what is usually referred to as consorting. In so doing Victoria is falling in line with the other states and territories, which have introduced similar legislation in recent years. The proclaimed reason has invariably been to protect society from the supposed threat of bikie gangs. Necessity "the tyrant's plea," is the justification put forward by the Victorian government for the introduction of the legislation.

A precise definition of consorting varies depending on the specific details of the legislation affecting it. Thus, for example, is it necessary for the persons with whom one is accused of consorting with required to be convicted criminals, or is it sufficient for them merely to be persons of ill repute? Is the act of alleged consorting confined to particular places and/or specific categories of persons, or is it more general? Such and similar differences help distinguish the various state and territory legislation from each other. Nevertheless there is a common core as to what constitutes consorting; it is a criminal offence constituted by being convicted of associating or communicating with a person or persons deemed to be undesirable as determined by legislation.

Consorting, in various forms, has a long history in the Anglo-Saxon world, being used by governments for centuries as a means of controlling and suppressing those elements of society considered undesirable or likely to cause trouble. Such legislation is an attack on some of what have traditionally been regarded as the Rights of Englishmen, such as Freedom of Association, Freedom of Assembly and Freedom of Speech, rights inherited by Australians. More importantly, by assuming that certain suspicious acts are a precursor to the committing of an actual crime justifying conviction and punishment, it rebuts the cornerstone of liberty in all societies; the Presumption of Innocence. In recent years consorting laws have tended to fall into abeyance. They are now being returned with a vengeance.

Although consorting is treated as a criminal offence it is not really a crime in any real sense of the word. Rather it is a pre-crime or a preventive measure, such as formed the content of the 2002 Tom Cruise movie "Minority Report". Those who have seen the movie will know that the concept, as depicted therein, is eventually rejected.

Given the present existence of consorting legislation is there any hope that the law will provide protection against them. Current indications are not good. In October 2014, the High Court rejected a challenge to the validity of the NSW act, ruling that there was no right of Freedom of Association in the Australian Constitution. To the dismay of those who might have believed that the Constitution was absolute, the majority of the justices determined that the legislation was constitutionally valid because it was reasonably appropriate and adapted, or proportionate, to serve the legitimate end of the prevention of crime in a manner compatible with the maintenance of the constitutionally prescribed system of representative government.

It may well be that, if as is likely, the government extends the ambit of consorting legislation outside the field of bikies then rather than on the Constitution, future legal challenges will likely need to focus on the International Covenant on Civil and Political Rights, an international treaty which Australia has ratified, or perhaps, more successfully, on the original source of rights, the Common Law. *DBS*