



FREEDOM IS FAIR GAME IN TODAY'S RULES-OBSESSED CULTURE

We're being swamped by needless legislation foisted on us in the name of fairness

CRAIG EMERSON

OURS is fast becoming a rules-based society. At every turn we are confronted with demands to limit — even deny — our basic democratic freedoms.

Control freaks, with an insatiable urge to rule the lives of others and refashion society in their own image tirelessly work their way into positions of influence and authority so they can indulge their manic obsessions.

Australians cherish the notion of a fair go.

Brilliantly aware of this, control freaks invoke fairness in seeking to impose strictures on others. Take the notion of fair competition. Invariably this is cited as a respectable ruse for conspiring to protect business owners from competition so they can rip off the unsuspecting and powerless for their own financial gain.

Not a day goes by without a demand for the government to write a new law to protect against competition. So-called legal experts wander across the country, their briefcases bulging with proposed anti-competitive laws. The Birdsville amendment, now law courtesy of the Howard government, seeks to impose Albanian-style central planning controls on larger companies.

The Blacktown amendment, requiring big retailers to charge the same prices in all their stores within a 35km radius, would impose rich-suburb grocery and petrol prices on the poor in the name of fair competition. A Senate inquiry report released last week sensibly rejects the Blacktown amendment on the grounds that it would damage consumers.

Undeterred, the same self-proclaimed legal experts have come up with the Richmond amendment to place a maximum limit on the share of a market that any business can have, effectively guaranteeing its rivals a minimum

share.

It's only a matter of time before the government is hectored for refusing to introduce the Walgett amendment to fix home mortgage interest rates, the Cooper Pedy amendment to set retail rents, the Breakfast Creek amendment to set grocery prices and the Come By Chance amendment (yes, there is a NSW town named Come By Chance) to allocate market shares to each grocery retailer, including any hopelessly inefficient ones.

In the nation's capital, the ACT government has generously bestowed a great benefit on favoured grocery retailers, using planning laws to give them a rails run by eliminating most rivals from bidding for new supermarket sites in two selected suburbs. Residents of the democratic socialist republics of Kingston and Dickson will face higher grocery prices as the ACT government chokes off competition in the name of fairness to its grocers of choice.

The Rudd government and the Australian Competition and Consumer Commission will act against business — large and small — engaging in anti-competitive behaviour such as price fixing and rigging tenders.

But business demands for fair competition amount to this proposition: I'm inefficient and I only want to compete against other inefficient businesses.

Demands for new laws and regulations aren't limited to the business world. In our rules-based society, advocacy groups are forever campaigning for new laws to fix each and every perceived example of unfairness, as if enacting legislation is a panacea to society's ills. Intentionally or otherwise, their proposed remedies typically create new and greater unfairness, including for those who they ostensibly seek to protect.

Governments cannot legislate

for happiness.

Perhaps daily life has become so complex that people just want a set of rules to follow to get them through the day. Maybe people feel overwhelmed by the choices they need to make — where to shop, what to buy, what to eat, who to insure with, where to plonk their savings, where to have their children cared for — and are willing to submit if only someone would tell them what to do.

New behavioural economics postulates that, overwhelmed with a vast array of choices, people resort to rules of thumb. But that doesn't mean governments should write new laws to instruct people how to live their lives.

Fairness is fundamental to a decent society but too often it is being misused by control freaks for their own aggrandisement. Governments can help in achieving fairness, through quality education and health care for all and support for the disadvantaged.

But beyond maintaining law and order and protecting basic rights and freedoms, there is a clear and present danger in citizens succumbing to demands for governments to pass new laws to limit choice. Our very democracy is being slowly dismantled by stealth as the control freaks gain the ascendancy.

Freedom is being replaced by dependency, creativity by compliance and happiness by the humorous but haunting refrain penned on these pages by former NSW treasurer Michael Costa: "I'm bald, fat and grumpy; what's the government gonna do about it?"

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