

Letters

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Samuel's charity raises basic issues

Robin Hood was just another violent thief until he came up with a spin for his thieving of "taking from the rich to give to the poor". In a complete role reversal, the thief thereby becomes the hero, and the Sheriff of Nottingham the villain.

Now Graeme Samuel, chairman of the Australian Competition and Consumer Commission, is looking for his own Robin Hood makeover by his plans to "extract" charitable donations from wrongdoers ("Forced giving to continue", April 6). As part of this plan, Woolworths has donated \$200,000 to Sydney Children's Hospital in a settlement of a dispute about having sold goods with an incorrect label.

No longer will the chairman of the ACCC be perceived as a policeman with a negative image, but as a major charitable fund raiser. Any unreasonable zeal in his work will be justified as that of a tireless worker for charity.

It might seem churlish to question such charitable work and that, of course, is the brilliance of the new makeover. But it does raise fundamental issues.

First, no one should be encouraged or pressured into confessing by an incentive or threat. Here a person accused of wrongdoing may be given the "alternative" of being "named and shamed" or saying "sorry for glory"

by making a charitable donation. Such alternatives corrupt our legal system and make a mockery of a donation (with its favourable social and tax consequences).

Second, the administrator of the law becomes more and more above the law. It is he who decides when the law should be dispensed in favour of a charitable donation. It is he who decides whether it is an "appropriate" case for such treatment.

Everyone should be equal before law and subject to the same range of penalties fixed by parliament. If there is no penalty prescribed at law, no charitable donation should be "extracted". The fact that a court

may not object to an extracted donation is no justification, but rather of damage to the court's position.

In a short time the chairman of the ACCC will become a latter day seller of "indulgences", with the same adverse historical consequences. In the meantime, perhaps the Commissioner of Tax will be offering those subject to tax audit the option of ending the audit by making a suitable charitable donation.

Richard Gilbert
Chief executive Rule of Law
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Sydney NSW

Mining royalties are legal plunder

West Australian Premier Colin Barnett says it is part of BHP-Billiton and Rio Tinto's corporate and social responsibility to pay their way.

These is blatant double talk from the WA premier.

There is no such thing as an iron, gold or any other mine until entrepreneurs explore for minerals then plan and build a mining operation which separates the mineral or element from the rock. All of this human action is organised profitably by the private sector.

Royalties are an additional impediment. They are legalised plunder.

Frederic Bastiat wrote in his book *The Law*: "See whether the [said] Law takes from some persons that which belongs to them, to give to others what does not belong to them" and his further determination was to "abolish this [said] Law".

All Australians and overseas punters are free to invest and buy equity in a privately run mining company if they so desire, before and or after a discovery and thus participate in the wealth creation.

In many cases the legal plunder, or royalties, render the operation non-viable, and so destroy jobs, production and profits.

Mac Nichols
Madora Bay WA

Board makeup

In 2020, business leaders, like David Gonski, may reflect on the initiatives which led to the productive, prosperous and fair society that we will enjoy at that time. Gonski's essay in *AFR BOSS* (April 9 issue) described an ideal company board in 2020 as having 50-50 male and female representation as well as a range of ages and backgrounds. If they do, the recent "Women to Watch" issue, with its instructive article "Proven Methods" by Catherine Fox on approaches which have worked in the past and the



...and arbitrary age discrimination limits