

Even when Mick Young's account of his peccadillo is accepted he remains guilty of nauseating hypocrisy. It is for that he should resign, not because he breached a customs regulation.

If enough people see Mr Young's embarrassment as a likely consequence of an over-regulated society at the end of the day we may say he has inadvertently served us well.

The Government induces people to do things which they would never do voluntarily - like pay customs duty - by requiring them to fill out forms accurately. This saves the authorities the need to snoop into every suitcase, every home, car, business, fowl house, surgery, etc. But they must make random checks, and back those checks with penalties.

Since Mr Young, a responsible and presumably intelligent man, could unintentionally make a false declaration, we must ask whether the form filling process itself is not at fault. Were it not for his hypocrisy the Minister's offence should be seen as quite minor. He did no violence to any person, whether he violated property is at least debatable, and by reasonable canons a case can be made that the law he offended was unjust. Yet without severe penalties and police state powers to prevent smuggling, Australia's whole industry protection system breaks down.

Politicians who impose their will, by law, on others must always resort to documentation, penalties and ultimately police. It is the clearest double standard to defend Mr Young on the ground that his offence was inadvertant or trivial but to support a law, like Medicare, which imposes draconian penalties on citizens who fail to fill in forms accurately.

When a General Practitioner refers a patient to specialists, on pain of \$10,000 or five years gaol he fills out a little form, a referral slip. His first problem is that the referral slip supplied to him by the Department of Health is not consistent with section 10(3)(d) of the Health Insurance Regulations. The GP may not have absorbed the detail of an Act and attendant regulations over an inch thick.

His next problem is that, not being as well versed as the specialist in the patient's problem, he does not always know whether he is referring the patient for "An Opinion", "Immediate Treatment" or "Continuing Management of Present Condition" yet 10(3)(d) says the GP must choose.

The next problem is that the referring doctor is not always able to specify which doctor in a practice will see his patient, particularly if the case is moderately urgent.

If the Health Department, with time on its side, could not get it right it is not surprising that rushed GPs often get it wrong. Medicare cannot function without departmental officers who are policemen by another name anymore than the government can favour protected industries unless some of the Mick Youngs are caught.

It is surely not intended to charge every doctor who makes a Paddington Bear type error with an offence carrying \$10,000 penalty. Departmental officers must decide who is to be prosecuted, or bullied with the threat of prosecution. Bullying is worse since it does not invite the scrutiny of the courts. The principle of certainty before the law is abandoned because that principle cannot be reconciled with Medicare. The Doctors' circumstance is deplorable but it is not unique as evidenced by Mr Young and his bear.