

Senior Development Officer (Planned Giving)  
Development Office

Dear Ms Marceau

***A Eureka Moment in Planned Giving: A First Proposed Residuary Bequest for Implementation of Specified Parts of the Sydney University Strategic Plan***

I was very grateful for the illuminating free presentation for Will Awareness Day at Sydney University which Christine Page of David Landa Stewart made on the topic Wills and Estate Planning on 23.8.12. Through her presentation I realized much more clearly than before, how important good quality estate planning may be not only for the dying person and any family, institutional or other beneficiaries of the will, but also from many other community development perspectives that are not purely commercial, like mine.

Outside defence and related portfolios, the public world is largely focused on preparing for life rather than death. Although arranged largely in secret, the individual death appears likely to be an even more important source of potential or real income in the future than it has been in the past, thanks in large part to medical science, the need for organs and the related potential of improved communication, transport, education, etc.

The need for more sustainable land, construction and property management is discussed in related regional contexts later, which are focused locally first, in this discussion of the apparent potential of the residuary bequest for openly implementing the University of Sydney Strategic Plan direction discussed later. The City of Sydney Council concept of Shared Zones appears to provide related potential to improve common lots, to cooperate and compete more effectively than is possible from within feudal structures and their comparatively dysfunctional relations with personal and company tax and insurances. The National Disability Insurance Scheme is ideally addressed in related contexts, as in the attached submissions to local, state and Commonwealth government, discussed later.

Directions of the National Consultation on Financing and Coordination of Global Health Research and Development, conducted by the Department of Health and Ageing are also addressed later in a related international context and in response to the report *Financing and Coordination* of the Consultative Expert Working Group on Research and Development of the World Health Organization (WHO) on which the Department seeks comment. One first notes the report observation that health is ‘one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition’, (p. 2) however, ‘the incentive offered by intellectual property rights fails to be effective in correcting market failure’ (p. 1).

This residuary bequest proposal seeks open approaches to research, development and innovation through implementation of appropriate areas of the University of Sydney Strategic Plan. This is an obvious way of serving the poor, as distinct from exploiting them for the rich, as long as management is open and closely related to meeting regional and individual need.

The productive possibilities in this life, (never mind the next) that were raised by Christine Page's talk on wills and estate planning, plus the invitation to make an enduring contribution for future generations with a bequest to the University of Sydney, was for me a Eureka competitive moment. As a woman I naturally share it. I guess many in business and the professions saw this long ago but I have had a relatively sheltered life.

In any cultures, feudally and tribally related or not, there appear to be shared mythic assumptions with hypotheses for testing. For example, we may evaluate cooperative and competitive life (whether openly lived or not and however funded) for their institutional, personal or broader community value. It is typical in construction and many related service industries, to view producer and worker competition as creating the greatest value for the broader communities they may serve. In collegiate cultures, on the other hand, the benefits of professional collaborations, undertaken comparatively openly or not, have normally been seen as being of most benefit to all involved. Gaining cooperative open management direction in coordination with Sydney University Strategic Plan, to be partly implemented via the planned residuary bequest, appears a good way forward from our mutual and common perspectives. I hope it is also Sharia compliant. What is your view?

Planning residuary bequests appears to be a way of assisting and evaluating productivity in regional settings in which a range of donors, projects and their funding sources may be viewed and addressed in a variety of ways which are not necessarily all numerical by any means. TV and radio are there for us, not just IT. Universities should not ignore their potential philanthropic or other power by merely advertising closed, expensive, courses. Surely from philanthropic and commercial perspectives, such closed, cloistered practices are increasing global problems, not solutions, no matter how we loved our Alma Mater. If not leading greener development, Australian academics appear shooting us in the feet. This is discussed again later and is my only reason for proposing a residuary bequest. I spent eleven years trying to implement the bleeding obvious at Sydney Uni. without any success in idiot collegiate cultures, so this planning of a residuary bequest is a final shot.

The University of Sydney Strategic Plan and education are discussed in this context later, and attached. The aim is to blend collegiate professional expectations and competitive professional expectations so as openly to deliver a growing range of services and products better to future generations, starting with the poorest first. This production and related research direction is the reverse of both the elite and normal university and market operations. Legal research and education directions are addressed later in this context. However, openly planned and shared management of place based projects appears to be a necessary direction to tap markets better in our global, regional and local economies. Let us openly explore and certify the quality of work performance on location to treat rapid loss of biodiversity and resources which are the outcomes of unsustainable development.

See the related attached discussions about land and heritage protection and state strategic direction in a submission on the NSW Government Green Paper (July 2012) 'A new planning system for NSW'. Unfortunately the latter leaves one wondering what is in practice required, from the government perspective, of anybody involved in institutional

or personal planning, or in practical implementation of planning in regard to any development proposal or development assessment. How does Sydney University relate?

Sydney University is a big organization with a big strategic plan and a big entourage in the Alumni. I guess the same is so for many others jealously guarding any independence for excellent reasons. Some look suspiciously at the Strategic Review of National Health and Medical Research. One assumes Sydney University is highly dependant on effective construction, property management and maintenance and will be even more so in future. Our body corporate management is like that. Is your common being overgrazed and are you the sheep? Whether this is so or not, construction, property and land maintenance arenas appear to involve industries where it would be highly productive to work together more openly to avoid higher housing or related debt, including higher education debt and sudden collapse of business and retirement savings. Australia must avoid the driving US direction. Universities should turn more professional boats around to serve the people.

In regard to the NSW Government Green Paper, The NSW Business Chamber stated:

The lack of clear nexus between strategic and statutory plans leaves NSW highly exposed when attempting to plan for and manage urban growth (p. 36).

The Green Paper writers, the Productivity Commission and others appear to regard strategic plans as vital for government to develop effective direction, based on the current regional aims and practices. The Green Paper states that strategic planning will become the cornerstone of all planning decisions and that they will be prepared collaboratively with local councils and approved by the whole of government (p. 27).

One wonders how any of these general strategic planning directions referred to above are reconciled and grounded in particular environmental practice, open or not – e.g. in Grocon, which is currently in dispute with workers on sites around Australia. Ask Daniel Grollo if Grocon wants to help openly implement the World Health Organization (WHO) Declaration of Alma-Ata. It takes a regionally based, holistic view of development in which primary health care *‘involves, in addition to the health sector, all related sectors and aspects of community development, in particular agriculture, animal husbandry, food, industry, education, housing, public works, communications and other sectors; and demands the coordinated efforts of all those sectors’*. Sustainable development ideally follows in naturally related and planned regional contexts, with career paths also related to better views of merit, from the perspective of the broader public interest in good planning and construction related performance. Evaluate mainly by film and on email?

Besides supporting open approaches to research and development and innovation, the report entitled *Financing and Coordination* of the Consultative Expert Working Group on Research and Development of the World Health Organization (WHO), states that ‘any proposed coordination and funding mechanism should, wherever possible be built on existing institutional structures’ (p. 6). One wonders what these are expected to be in relation to the implementation of national and state plans, the Sydney University Strategic Plan and for any related residuary bequest planning and implementation.

The WHO report seeks funding to be directed so as to promote cost-effective research and development in ways that will also promote subsequent access to technologies in developing countries, in particular using the tools which best meet these criteria, such as open knowledge innovation (p.9). The report states that to strengthen research and development capacity in developing countries, as well as technology transfer to developing countries, there is a need for support to the following areas, (among others):

- Capacity building and technology transfer to developing countries
- The promotion of partnerships and collaborations based on joint agendas and priority setting related to developing country health needs and national plans for essential health research (*How is research to be related to broader community development – openly? Is this the Alma Ata development direction or not?*)
- Funding should be directed in ways that promote capacity-building and technology transfer to the public and private sectors in developing countries (p. 9)

See the ideally related global, regional and local open directions attached in my recent submissions on the state government Green Paper and to the Strategic Review of National Health and Medical Research. Local mythic elements are addressed in a discussion of common and natural law entitled ‘Together at Last in Grocon’s Arms: You’d Better Believe It’ on [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au) along with related directions. Residuary bequests may help anchor strategic plans more effectively in surrounding environments and practices as a result of more open common tweaking (not to be confused with more open tweaking on the common, as so often happens nowadays).

***The Power of the Residuary Bequest: Competitive Hypothesis or Case from a Chimera (My diagnosis)***

Partly as a result of what Australians have learned about health and disability insurance, investment, international financial policy and its implementation over the past fifty years, Australian government has overseen stable, debt free, full employment policies since the US lead the world into global financial crisis in 2008. Australians and their institutions, like those in many countries and cross border regional communities in the global village, must now understand and work together with ideal social and environmental directions of major and minor trading partners and many other communities. As a PBS Newshour viewer, I can tell you that Mitt Romney wants an energy independent America. He also wants to give every child a choice and a chance. He wants to forge new trade agreements and to champion small businesses which create jobs. He wants to cut the deficit and put the US on track to a balanced budget. I do too! (Excuse me while I go out and vomit. This was the only vaguely policy moment in a sea of US emotion. Jesus, the US is nuts.)

Yet as Australians, our people may now appear easily left behind because of earlier and successful development of economies of scale in US English speaking communications, as well as behind Asia in related manufacturing economies of scale, and so behind both continents in any related financial developments. (Without well planned direction,

Australia is fast headed for this Banana Split Republic, destroying non-human life and helping make people fat, as in Pixar's world of 'Wall-E', the beautiful, eloquent movie.)

See the alternative direction in the attached submission to the Strategic Review of Health and Medical Research. It suggests open goals and related projects for developments managed by women and small or large businesses to assist more communities. We may powerfully help society by openly investing in the more productive death. I also hope to plan it for myself as I found the end of life in the movie 'Soylent Green' comparatively unattractive. From the Christian view (a heritage I do not enthusiastically embrace) the development of a more productive death recognizes and celebrates God's fact that all must die before having the chance to sit with Him in Paradise. This is a new opportunity. Today, we may get many better and broader deals, conditions and environments for all by openly planning our deaths so that we can race our institutions against our offspring to achieve our mutual goals up until and beyond our death. (Are we on the same page?)

In my case, this means I now make my first will leaving everything I own, which is basically the value of a couple of Sydney houses, and no debt, to my daughter, Jessica. She is the only person with a claim on me. I then make plans with you, as the Senior Development Officer, Planned Giving, to make a second will, which makes a residuary bequest to Sydney University. The purpose of the bequest is to openly implement the Sydney University 2011-2015 Strategic Plan, in some areas and related open projects discussed broadly later. Some of its particular goals are discussed in this context too.

As I understand it from the Bequest Office publication entitled 'Making an Enduring Contribution for Future Generations', a residuary bequest is '*all, or a portion, of the residuary of an estate*'. I guess one need not specify a particular portion yet. Two portions may serve as final unknown prizes which ideally sharpen the productive race our bequest planning and my looming death generates between my daughter and Sydney Uni.

This planned giving of a residuary bequest for open implementation of areas and projects which also implement the Sydney University Strategic Plan aligns the interests of the potential donor and the potential recipient of any size of residuary bequest better, while the former (i.e. me) travels closer towards planned death, of which I often speak. My daughter will have incentives to look after me well. Sydney Uni. will strive hard to implement my wishes through the strategic plan. (Did I mention the pie in the sky?)

Margaret Thornton's 'Privatising the Public University: The Case of Law' is discussed in comparative UK and US contexts later. In any legal or related education, Thornton and many others appear to need a lot of help reaching markets if they want to make the tertiary institution any more than a more 'elite' producer of higher quality product, let alone a better philanthropist, manager or student server. That such aims exist beyond the interests of the college is debatable because the easiest ways of achieving them have been available but untapped for years, via radio, TV and videos. Before the gigantic promise of the technological revolution came along to drive us, Britain's Open University was one of few that took up the obvious advantages of comparative openness for most people.

When the global financial crisis came in 2008 and government stepped in to steady the economy, how many deaths and fires might have been prevented by a video on insulating roofs safely, given away free with every Fairfax newspaper? Academics and other teachers often appear frightened of the obvious in regard to quality. Why not turn yourselves around and open up? Ask Fairfax how they choose their academic mates for occasional publication. I've wanted to know that for years as the public run is so much wider with Fairfax than with that an academic normally gets out of any academic journal. How are they chosen and why? We need to know much more about each other.

### ***The supporting case for this planned residuary bequest***

Anyhow, after hearing Ms Page, I now address my estate planning from an ideal global, Australian, institutional and related regional perspectives and directions. One also notes the financially reforming power of death, which is a new and exciting thought for me. To operate from purely commercial, secret perspectives appears unwise today from more practical points of view, which want to get things done. This is because the expectation of commercial in confidence procedures also appears to mean the client or customer being increasingly tied and divided by more 'expert' mandated services and expenses instead. These may also appear irrelevant to a specific case and its satisfactory resolution from perspectives other than those which are making the money for providing their supposed services. (Are they maybe just taking your money, from your perspective?)

My main personal interest is in greener and more sustainable development more broadly so that biodiversity is not wiped out by uncontrolled human expansion and so that social needs are more effectively met, preferably starting with those poorest. UN direction is generally followed on [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au). In his book 'Screw Business as Usual', Richard Branson quotes Elder Ela Bhatt, of the Self-Employed Women's Association of India, who said:

If our goal is to build a society where everyone's basic needs for food, clothing and housing are fully met, and where the full potential of every human being is realized, we will need a radically different approach (Branson, 2011, p. 311).

For the purposes of any joint estate let us hypothesise that this approach is broadly, openly oral and in writing or film, etc. so we can all assess quality service, product and management outcomes from any individual or apparently expert perspectives, depending on the need. From this perspective, Christine Page from David Landa Stewart gave a highly illuminating talk on estate planning as we saw how any will may also be fulfilled on Earth, for example by helping to implement Sydney University 2011-2015 Strategic Plan, in relation to the aim of Engaged Enquiry: Local and Global Partnerships, etc. etc.

The Australian Film Television and Radio School logically shares many related interests and now my next door neighbour is a French film maker who made a great fishing documentary called 'Canning Paradise'. Start Shared Zone and project management, as City of Sydney Council also appears to allow for in the Footpath Gardening Policy.

If one does not teach in real situations there is a grave danger of misleading people. One also hates to see so much talent in universities go to comparative waste from a practical point of view which seeks to solve problems, more than hear or give sectional critiques. For Christ's sake make physics more attractive. Build something useful and explain it.

We common folk learn to consume from what we see on TV. On the other hand, more specialisations may in many cases help to produce more costly disability, so that the various specialists can get to work on researching their problem and clients to get ahead. Instead of this, we need administration where services are openly delivered and tested in practice to guide production further. For example, it took the loss of my first tooth at 64 to realize I have never cleaned my teeth thoroughly in my life. Vague professional talk of 'gum disease' and which specialist might 'cure' it appears a costly professional smoke screen thrown up far too late. It certainly was in my case. Clean all food out of all teeth and gums very well with a pipe cleaner after every feeding. TV should not be driven by advertisers and producers in the main, as simple truth is very easily lost in favour of professional manipulations which may depend on many mutual delusions or narrow understandings. (Is this related to anxiety, dumbly playing along or controlling anger?)

Strategy 13 is to 'prioritize international engagement on a regional basis to support the effective development of university-wide partnerships and networks'. The Hoc Mai, Australia Vietnam Medical Foundation Annual Report 2011-12 suggests more committed support may be found in both countries for improving health and communication in comparatively poor populations, not just comparatively rich ones. One wonders what intellectual property related to Hoc Mai Foundation teaching, research and development activities exists and how relevant it may be for other countries. More broadly one wonders what intellectual property Sydney University or others have that may be useful for development in poor environments.

My daughter and her Australian born partner from a Vietnamese family background recently bought a house with a loan from me and other family support. This also allowed me to close my Unisuper account, in favour of this more stable investment which helps me plan my life and death in a better way for all involved. We may all develop better through more effective design and planning of our residuary bequests.

Encourage the VC and his friends to openly lead sensible giving. Strategic Plan Strategy 14 is to 'develop and implement a coordinated university-wide framework for local and rural community engagement'. Local and rural community engagement will be much broader and more effective if related skills and services can be openly engaged outside the institution as recommended and necessary. Strategy 14 © is to 'identify a sustainable number of projects that include opportunities for education and research activities (in consultation with external groups) that will directly engage local residents, students, staff and alumni'. Strategy 15 is 'to deepen our engagement with a supportive network of alumni and friends'. 15c. is to develop a university-wide volunteer program including recruitment management, training and recognition for volunteers. How is this managed?

Regions can do better if developments are open and also opened up more broadly to more open partnerships beyond the institution because all are thereby more informed. The University of Sydney White Paper states the Sydney University Senior Executive Group:

...will agree with the divisions what, if any, learning and teaching resources should be developed on a university-wide basis for example to meet the needs of particular groups such as international students (p.30)

What does anybody suggest? How is it to be done? Could I have a look?

***Would one waste one's time by expecting any good to come from lawyers?***

On Will Awareness Day I read a letter in the Australian Financial Review (AFR), from a former assistant commissioner in the Australian Tax Office, who apparently ended up teaching law in Canberra before retiring. It referred to Margaret Thornton's 'magnificent' book, 'Privatising Public Education: The Case of Law' so I went to Glebooks to see if I would buy it. The most I could find about its contents was in Googling an informative review by Huw Morris, who appears to have fingers in many legally related pies at the University of Salford, Manchester, as discussed later.

However, the bottom line for Sydney University is what The Harvard Library Director said in 'Harvard backs open access to cut journal bill' (AFR, 30.4.12):

We all face the same paradox. We faculty do the research, write the papers, referee papers by other researchers, serve on editorial boards, all for free.....and then we buy back the results of our labour at outrageous prices (p. 30).

He should worry? Margaret Thornton's UK publisher charges 85 pounds for her book in hard cover and 75 pounds to buy the e-book. Who is going to pay so much money for a pig in a poke, with the exception of the captive student who buys another prescribed text?

In comparison, I had months earlier gone to Glebooks, perhaps to buy the Love Kourlis and Olin book, 'Rebuilding Justice – Civil Courts in Jeopardy and why you should care', from the Institute for the Advancement of the American Legal System. I had seen the first author interviewed on PBS Newshour on SBS TV. I could buy this through Glebooks for \$24 and it only took a short while to arrive after I ordered it. This Institute for the Advancement of the American Legal System product and suggested direction, from a land where one may vote for judges, is discussed later. However, the collegiate system in Australia, in which the lawyer may increasingly appear king of a heap, appears constantly bottling information up comparatively darkly and expensively to support growing numbers of closed and subordinate professional enclaves that may or may not have more positive practical relevance for any but themselves. Will Awareness Day appeared to open up more practical investment directions, but one naturally wonders.

Morris panned the book 'Privatizing Public Education: The Case of Law', which apparently mourns the replacement of direct state funding of higher education from

general taxation by systems of deferred student payment which has also encouraged commercial discourse to infuse every aspect of life in law schools. Morris indicates that Thornton's book voices the discontent of practicing legal academics in 40 law schools where 'learner earners' apparently 'choose educational products by reference to the reputation of a university, rather than by judgments about what they might learn'. Morris makes the obvious point that 'If we want to maintain the public university, perhaps we need to find ways to let the public into the comment and critique'. An obvious way is to help people give each other more information, filmed action, related debate and certification of practice which is relevant for daily living, rather than having media that is largely driven by advertising and related financial, commercial and professional interests.

According to Love Kourlis and Olin, Lord Harry Woolf, former lord chief justice of England and Wales, oversaw rewrite and unification of the rules of civil procedure in the late 1990s. He recognized that 'the key problems confronting the English civil justice system were cost, complexity and delay resulting from unchecked adversarial practice' (p. 132). A US Judge is later quoted as saying 'the adversarial system is as bad a system as you could design for family litigation' (p. 150). He stated it entrenches opposition, takes away responsibility for resolving the conflict, creates the illusion of winners and losers and provides no capacity to plan change effectively for the future. The practice of law in any arena does not seem essentially different from this. The legal structure apparently does nothing to encourage understanding or empathy cheaply or at all, as it does nothing serious to facilitate more honest writing, inquiry and accountability in any of its written expressions or representations. Being feudal, lawyers make resolution hard.

There is little in Love Kourlis and Olin's work to indicate they think that systemic control by lawyers is anything other than what lawyers want and what Americans should have. In my view, the US TV program format 'Judge Judy' deserves to be built on more widely and at higher levels of educational development, as well as with provision of more plain English information on websites, written explanations, etc. Lawyers drive a great many of the problems of complexity and cost which plague the rest of society but they typically maintain court rule as the only legitimate antidotes to the same problems, so they can make even more in new adversarial, secret, wordy practice, calling in more expert mates. Besides international Judge Judy, this proposal recommends the general directions in the following articles I wrote for the journal of the Australian Institute of Public Affairs, also on my website at [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au) consistent with strategic planning above.

From the Constitutional Past to the New Educational Ideal, *Public Administration Today*, Issue 12, Oct.-Dec. 2007.

A healthier approach to justice and environment development in Australian communities and beyond, *Public Administration Today*, 9, Oct.-Dec. 2006

I look forward to any initiative you take in regard to this residuary bequest proposal.  
Yours truly,

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