

Hi Lucy

As an old woman and former shorthand typist, English teacher, public servant and academic I greatly enjoy your columns in the Australian Financial Review with breakfast in bed in the morning. (Such is life, as we say in Oz. Now I am free, as I said to the Commission yesterday.) I can see why Wan Long, the founder of Shuanghui, is your linguistic pin-up boy when he states '*What I do is kill pigs and sell meat*'. Would we could all be so crisp and to the point. I am sending you my statement below and related policy attachments in case you or your colleagues might take an interest in such colonial matters. I think it was Paul Keating who said that if the British Commonwealth didn't exist we wouldn't have to invent it but since it is there we might as well use it. He could often be crisp.

Cheers and go further,
Carol

THE REGIONAL MESSAGE SUPPORTED BY A CRITICAL ANALYSIS OF THE PRODUCTIVITY COMMISSION (PC) DRAFT REPORT ON INTELLECTUAL PROPERTY (IP)

Carol O'Donnell, St James Court, 10/11 Rosebank St., Glebe, Sydney 2037
www.Carolodonnell.com.au

MICHAEL ROW THE BOAT ASHORE: THE KEY MESSAGE TO THE COMMISSION

The Productivity Commission (PC) Intellectual Property (IP) Analytical Framework in Chapter 2 is wrong. In this draft report the PC makes the empirical case against its own wrong and market driven theoretical approach to seeing patents as tools for achieving more general wellbeing. Following its recommendations would add to general confusion and cost. **One focuses on abolition.**

The chief PC IP finding is that the costs associated with Australian IP arrangements are born by Australian consumers largely for the benefit of overseas rights holders. Despite its informative overview of a huge and ancient topic which long predates the development of the welfare state, the PC remains driven by an outdated focus on law and lawyers rather than conditions on the regional grounds which produced the lot, including its own productions, over time. All real change is local?

Our key example of intellectual property is ourselves. Yet the PC ignores the Australian Law Reform Commission (ALRC) and (NHMRC) Report entitled 'Essentially Yours: The Protection of Human Genetic Information in Australia' (2003). The PC also appears largely unaware of the ALRC Issues Papers on Gene Patenting and Human Health. Ignoring these vitally connected documents in PC analysis appears wrong for welfare. Investigations should assist more inclusive linking of community interests on particular ground. The PC appears unwilling to help much beyond a lawyer's interest.

Seize your IP back today. It is ideally yours to do with as you will, depending on the nature of the contract. Why not give it freely if you want to? Surely we are not confined to giving away money.

Clearly there is value created outside markets which may only see people as human resources, expensive or cheap. This reality appears largely lost from the PC analysis, devaluing its recommendations, although not its valuable fact and opinion finding, which show Australia is a captive of others sectional rights. More openness and freedom of choice and assessment are

required for raising standards, which may be socially and personally diverse. I was encouraged to read how the plant breeders' rights system works in an apparently leading rationale and practice.

The PC IP draft report shows patents and copyrights act against Australian interests because they deliver feudally designed and delivered, purely financial, growth preferences. These are highly open to corruption to the extent they are carried out in secret associations that all are expected to trust. Frankly, after the global financial crisis of 2008, you can pull the other one. Learn, ask and expect an answer. If you don't understand what 'feudal' means, ask the Chinese Communist Party. Open up.

As the PC IP draft report shows, patents and copyright may be less like an effective property right than fetters on better ways of being and doing things through other contract designs to promote more open Australian and other regional content, knowledge and action. Check it out openly with aborigines and anyone else declaring an open interest. Surely the individual should have a choice? (Do you think the natives are too ignorant, perhaps?)

The analytic framework used in a lot of copyright, patents, acts and by the PC appear obsolete in cases where the development of industry or organizational planning and state welfare services have led to a more realistic and broadly inclusive concept of the service state, than is conveyed in many IP protection acts and in their theoretically related state institutions, of which the PC appears part.

In its discussion entitled 'Who holds patents in Australia?' (p. 169) the PC recommends, along with others, that the innovation patent system should be abolished (p. 209). After reading the report, and judging the leadership likely to be provided for open cooperation and competition in areas of Australian broadcasting, universities and colleges, plant breeders' rights, construction and health care, one wonders why stop?

The objective of the innovation patent system (IPS) is apparently to promote innovation by Australian small and medium size enterprises. The PC states that small and medium enterprises would be expected to be major beneficiaries from abolishing the IPS. Would further abolition be difficult? Would it be easier to design more open and rational service delivery contracts on openly shared bases? I'll plan and you can bet if you like, and then we will see who comes out ahead in a rational system. One may not get what one bargained for, but one is sure to get something rather than nothing. Where do you see the children in this welfare state? As producer or consumer goods, for example? (Or as something a lot more peculiarly shattered by your mobs in secret?)

As a government funded body, the PC should not oppose rights, which are ideally universal and interests, which are normally the sectional motors of history. Based on this set of wrong premises the PC report is wrong from beginning to end, only thinking of money and lawyers as usual.

PC anxiety about 'balancing' the rights of patent holders against others is driven by the concept of opponents in court, primed for a fair fight, until the scales of justice tip. Balance is better conceptualised in terms of the spinning dancers or athletes who may historically fall in an open

arena and be openly helped up. One must recognize their fall to help them up. How is this best done? The Public Hearing into Disability Service Providers currently being conducted by the Royal Commission into Institutional Responses to Child Sexual Abuse will need wide advice on the Quality and Safeguarding Framework under the National Disability and Insurance Scheme, for example.

Instead of the ancient accretions of feudal legislation, a government or other institution ideally starts today from present reality, which is an increasingly integrated world where land and human resources create value, whether or not this is market based and subject to particular commercial and secret family operations on the particular plot, which the PC seems ideally to represent with lawyers. There is no national and regional development planning approach in this PC IP draft report. Instead let strategic plans be better coordinated openly in open contracts to assist organizations and individuals living in related regional contexts. Will this happen with WestConnex?

Plain English and glossaries based on common dictionaries are better than clammings up and encouraging lawyers. They are usually waiting for matters to be judged in court, using confusing information which is privileged to themselves and their closest supporters. The reverse of what they say is often true because they are the upholders of savage men projecting their struggles onto others to destroy them in the process. We ideally open up broadly and research ourselves instead in comparative contexts, to develop better evidence in the fairer service of people and environments which are often highly diverse in reality. As an old woman who has lived a long, happy and independent life, for example, I want the state to help me to die as soon as I wish. Having fled the clutches of misery peddlers all my life I do not wish the nasty keepers of my soul to finally get me, as they are determined to do, by spoiling my life and humiliating me at the end, as they always wanted.

Like government, ideally the PC should not assume all value is created in the market when it may create value through its own linked service provision or create it through government contracts with private sector organisations or others, like universities, churches, charitable organizations, Greenpeace, broadcasters such as ABC and SBS, particular individuals, etc. etc. Effective competition requires the potential for identification and comparison of services and outcomes delivered in any arena. This is impossible as long as the private sector seeks to hide operational data which is considered against the interests of stockholders, as appears comparatively common.

Instead take the sensible and cooperative state, community and industry driven approaches to health and competition already pioneered in all Australian states and territories. The state funded approach is ideally tied to social insurance and key principles for more accurate data gathering for more effective treatment of people in particular environments, risky and damaged or not. Adopt more open regional and strategic approaches to community development and action. Related discussions of child protection and aboriginal health and development start at the bottom. From the United Nation (UN), World Health Organization (WHO) and quality management perspectives, this is logically correct. Do not let it be driven in the medical model, playing into US market hands. (I got bills I've got to pay, so I can work, work, work, every day, etc. Try art? I'm only kidding I think.)

One's view is that Pope Francis should leave the church when necessary to take followers into more open land and building management operations, more consistent with the march of history, the wellbeing of people, and their comfort in distress. This has often been done before and is the

historical trajectory of the Christian church. Never mind George Pell's mate, B.A. Santamaria, what would Jesus do? Mohammed Ali's attitude to children is discussed attached. You read it here first.

The pursuit of one's own small group interests often appear to be thought of as identical to pursuit of community wellbeing. This is not the case. Delivering to one's special band of supporters is not what election to public or much related office is ideally meant to be. This was the lesson learned from understanding the theoretical ramifications of the Hawke Keating accord era and the failures of what went before it. Good regional organization ideally helps markets perform better service.

Like the family, this state is demonstrably productive in many areas. Like co-operation, competition, is ideally seen as an aspect of effective and fair trading, rather than being given an elevated legal seat beside the throne of an old fashioned top God whose view of rights may work against broader interests. Many regional and related shared equity approaches to fund management, which also appear more open and better for development, have already been pioneered in health care and other work. Holding government inquiries into matters of public interest seems a good way for major organizations and individuals to have input to policy and processes in a manner which is also comparatively reliable and cost-effective education for many. What is considered corrupt depends upon the spot and thus also should be open to other inspection and judgment.

This requires more open and direct action, especially in handling disputes, to stop the incursions of lawyers locally. Try film instead. The recorded dialectic of question and response is made more possible today by email and related media and attachments. It ideally takes the place of silence as a response to questions, as silence is ignorance under another name or worse. Failure to respond generates the multiple incursions of lawyers and courts into the markets that their monopolies of client information also represent. This is discussed attached with reference to quality management gained in shared financial and risk management for better data gathering to assist innovation for improved health and for greater fitness and wellbeing in many areas. Work can be more openly and directly expressed in words or pictures in every field, not confusingly and blindly bottled up.

Regional activity should occur in many regional seats to openly integrate strategic planning directions more effectively. For example, Sydney University's [*2016-20 Strategic Plan*](#), details a tripling of the University's investment in research by 2020, a move that Vice-Chancellor Dr Michael Spence said would significantly lift the quality and impact of the University's research. He said students who receive an undergraduate degree from the University of Sydney will possess deep disciplinary expertise, and will also have undertaken courses that equip them with the skills employers tell us they need: digital literacy, cultural competence, ethics and the ability to understand and translate data.

That seems a well- chosen skill set for achieving greater land and personal health and fitness through more open regional cooperation and competition. Dr Spence said that by coupling deep discipline-based inquiry with these core generic skills and experience in problem solving, he was confident that graduates will meet the challenge. Supposedly they will also have an opportunity to work on real-world problems as part of their degree.

Ideally, the Youth Jobs PaTH design outlined in the last budget reports, overcomes the problem of the industrial relations status of the young person – for example as a student, unemployed, disabled, supporting parent, other carer or as another kind of benefit or entitlement recipient, from whatever source. This seems to give more choice and flexibility to many who want it. The recent House of Representative report on small business '**Getting Business Booming**', suggests again to me that **health and fitness** appear good measures for putting particular people in particular jobs in particular environments, whatever they are, and whether the potential occupants are seen in any way as sick, disabled, stigmatized, or just like us. Cheers,

Carol O'Donnell, St James Court, 10/11 Rosebank St., Glebe, Sydney 2037

www.Carolodonnell.com.au (Also known as Lilith the Magic Pudding, Chief Alternative to Faith and Queen of the Monkeys)