

AN OPEN LETTER TO THE ROYAL COMMISSION INTO CHILD PROTECTION AND YOUTH DETENTION SYSTEMS

As a result of the recent ABC TV Four Corners program on mistreatment of youths at the Don Dale Juvenile Detention Centre in the Northern Territory, the Prime Minister announced a Royal Commission on this and related matters. This open letter addresses the following Royal Commission terms of reference to give the obvious answer, (although I am not against many far riskier and more costly corrections measures also being proposed):

- **Cultural and management issues that may exist within the Northern Territory youth detention system**
- **Whether more should have been done by the Northern Territory Government to take appropriate measures to prevent the reoccurrence of inappropriate treatment**

From the Northern Territory Government website I note that Chief Minister Adam Giles, thanked the PM, the Attorney-General and Indigenous Affairs Minister Nigel Scullion for agreeing to broad terms of reference which look at historical and cultural issues in addition to the current situation. Adam Giles had said earlier that he was "shocked and disgusted" by the details of mistreatment outlined in the Four Corners program, and also announced that John Elferink, the Territory's Corrections Minister, had been sacked. He said:

"I want the royal commission not just to look at the corrections system in the NT, I also want it to look at child protection in the NT. I want it to look at some of the root causes of the reasons why children are entering the youth system in the NT. This is not a blame game, this is recognising that there are children who are being neglected, unloved, getting into trouble, causing trouble in the streets and finding their way into our detention facilities."

(I have shortened Northern Territory to NT in his quote.) After the terms of reference were established Mr Giles also said, '*There are too many people in Northern Territory prisons*'.

There are too many people in Northern Territory prisons because there are too many children being born to individuals in families which also clearly appear incapable of supporting them properly. This increasing problem applies particularly in rural and remote Australia. Key evidence related to this is addressed later below and attached.

Reduce the number of damaged people by targeting high risk individuals, defined partly as those who have shown themselves, by having had two children already, that they are incapable parents. Stop these highly damaged people producing more children and so probably ruining the lives of many more people. People with aboriginal roots are over-represented in this small but very high risk incapable group. In the modern era, where having two children is the norm, it cannot surely be said that preventing the damaged and damaging from having any more is a harsh punishment, as distinct from kindly common sense based on examination of the welfare of children and society, which includes those most comparatively disadvantaged.

For the key evidence for this position see the attached submissions to the Public Hearing into Disability Service Providers held by the Royal Commission into Institutional Responses to Child Sexual Abuse and to related NSW inquiries into child protection and policing systems relevant in particular to young offenders and police. The way for aboriginal or other people to close the gap between aboriginal and non-aboriginal Australians is for certain aboriginal or other demonstrably high risk and high stress individuals to have fewer children than the norm, rather than more, as at present. At the time of writing I concentrated on the interests of women and broader communities, rather than on the damaged males who are also fathers.

Too many children, especially in rural and remote Australia, for example, are born to key high risk individuals (male or female) who have shown themselves incapable of caring for children. This appears to be highly relevant in the Northern Territory. Yet the comparative disadvantage of aboriginal people in comparison to other Australians appears highly unlikely to be reduced in geographic and related climates, such as Australia, in which nobody appears publicly prepared to face and state the bleeding obvious and its implications.

After key high risk individuals (male or female), identified by their past performance, have produced two children, stop them from producing and ruining the lives of any more.

This family planning directed to high risk individuals was recommended broadly first as a result of comparing the 'Statistical Overview of Aboriginal and Torres Strait Islander Peoples in Australia' (on the website of the Australian Human Rights Commission), with findings in 'The Global Burden of Disease: a comprehensive assessment of mortality and disability from diseases, injuries and risk factors in 1990 and projected to 2020', published in 1996 by the Harvard School of Public Health on behalf of the World Health Organization and World Bank. (See this discussion attached.)

Researchers for 'The Global Burden of Disease found the ten major risk factors contributing to disease in each region were: **malnutrition; poor water supply; sanitation and person/domestic hygiene; unsafe sex; tobacco use; alcohol use; occupation (that is exposure to hazards through work); hypertension; physical inactivity; illicit drug use and air pollution.** In Australia indigenous people in rural and remote populations appear to experience all these risks more highly than others, except air pollution (?). Risk also appears to be growing through comparatively rapid indigenous population increase in spite of the fact that the most frequently reported stressors in the past year for Aboriginal and Torres Strait Islander people were death of a family member or close friend (46%). To care for children to the expected modern standard appears to be an added community stress which nevertheless may provide additional funds for alcohol consumption. (It occurs to me that from this community welfare perspective, gambling would be less destructive.)

Since the Four Corners program on the Don Dale Correction Centre in the Northern Territory I have read Kieran Finnane's book 'On Trial in Central Australia – Trouble' (2016), in which

she describes some court cases in Alice Springs addressing violent deaths. She quotes Don Weatherburn, head of the Bureau of Crime Research and Statistics, on the key factors in relation to the onset, seriousness, duration and frequency of involvement in crime. These are: poor parenting (particularly child neglect and abuse), poor school performance/early school leaving, unemployment and drug and alcohol abuse. The data make clear, Weatherburn writes, that Indigenous Australians fare much worse than non-Indigenous Australians in relation to all four which insidiously 'form a vicious circle' (p. 54).

Finnane quotes anthropologist Nicolas Peterson stating that in remote communities, where the basic elements of Aboriginal social and economic organization are still intact, albeit facilitated by welfare entitlements, 'a person's identity is not defined by a career with the demands of working in the market, but as a kinsperson, doing work for kin' (p. 55). In a welfare state such as Australia, public policy towards high risk individuals should not encourage comparative degradation, which may easily occur through increased birth rates by the comparatively irresponsible, violent and incapable, whether consciously or not.

The risk management and life cycle perspectives one adopts on the particular land and its persons, institutions, insurance, fund management and related matters follow the directions of the International Declaration of Human Rights, which Australian government has adapted into or with its earlier law and growing welfare state based on supporting people living inside or outside the market. For mothers or fathers who have clearly had difficulty coping with the role, of whatever origin or for whatever reason, having no more children than two appears the key child protection strategy whether the parent is indigenous or not. In the absence of such an agreed policy measure, the services gap between the rich and poor globally, and between non-aboriginal and aboriginal Australians is highly likely to widen rather than close. Based on available evidence, one regards this as a comparatively obvious economic and political view in the interests of Australian aborigines and future generations.

As Mark Moran writes in 'Serious Whitefella Stuff' (2016) 'In indigenous affairs an analogy can be drawn to a glass floor, a seeming reluctance to move deeper, to develop an understanding of what is actually happening on the ground' (p. 194). He avoids the obvious solution to rising rates of violence, reported crime, addiction, disability and unemployment, which is to openly prevent clearly incapable parents from breeding more than two children.

In discussing Sharing Responsibility Arrangements (SRA) at Ali Curong, north of Alice Springs, Alyson Wright noted '*people were happy to see the SRA projects instigated: the art centre, the Internet café, newly grassed sports oval, and even the market garden. Ali Curong residents turned up in large numbers for the bands and food at the SRA community signing celebration in May 2007. But a dialogue with government around changing individual and family behaviour never occurred. Individuals were not reminded of their 'responsibilities' under the SRA and were not reminded when they were not living up to them (p. 120).* Speaking as a former teacher I have found, however, that you can lead some horses

to water but you can't make them drink. Do not saddle the more responsive group with the pretending latter dragging them down. Will you fine the latter group, for example, then throw them in jail when they ignore the fines? (This way lies more despair and madness.)

According to Moran, mining magnate Andrew (Twiggie) Forrest has questioned current policies for social housing to go to those deemed most needy, recommending instead that allocations should be prioritized to families in employment and those meeting their social obligations, such as sending their children to school (p. 171). I can hardly think of a more important step in sending the right financial incentives to many Australian communities. To allow repeated alcoholic, violent, uncaring or terrified parenting is criminal in my book.

A study of relevant international and national data suggests that in Australia, the health and wellbeing of Australians, including aborigines, now depends on some in high risk situations reducing their rates of reproduction lower than its natural level. This seems the most relevant alternative to the extreme of reverting to the rates of reproduction and infant death which were typical in Aboriginal populations before an increase in the perinatal health care services provided to them began in the 1960s and continued to increase.

From my reading, this recommended action is the only risk management approach guaranteed to succeed in closing the disadvantage gap between indigenous and other Australians. Yet researchers, government and aborigines seem never to mention it.

On behalf of the children, Norwegian mass murderer Anders Breivik and I hate you for your determined avoidance and lies. You are just like those who let us down before, the Nazis.

Was I ever guilty before of thinking mainly about protecting women and the budget, and not sufficiently about their children, sadly unruly, untaught, violently unwilling or not? Guilty as charged, my lord. Surely none can close any gap if more of these poor children are born. Have you no pity? See related messages to Kevin Rudd and Brendan Nelson below.

Yours truly, Carol O'Donnell

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REGIONAL QUALITY OF LIFE AND RISK MANAGEMENT APPROACHES TO SERVICE

See introductory lectures on these regional place, persons, and activity based risk management approaches under the Learning Sidebar. Assessment examples are based on planning projects for improvement of community wellbeing by better informed work.

In his article 'Be brave, don't run to Nanny in Brussels' in the Australian Financial Review, (23.2.16, p. 44), Boris Johnson pointed out that the European Union (EU) acquired supremacy in any field it touched because it was a plank of Britain's membership, agreed in

1972, that any question involving the EU must go to Luxembourg to be adjudicated by the European Court of Justice. The 'Charter of Fundamental Human Rights' apparently includes such peculiar entitlements as 'the right to found a school' or the 'right to pursue a freely chosen occupation' anywhere in the EU. As Johnson said, the mind boggles as to how this will be enforced. He also pointed out it is not clear why the EU Commission should know the needs of UK business and industry better than officials at UK Trade and Investment or the Department for Business, Innovation and Skills. The drift to the legal fat at the centre may be a drift to comparatively ignorant and expensive confusion, driven by the legal word, not grounded reality. Many Australians want more openly planned and grounded action.

In many peasant, rather than urban, societies and small businesses from which many Australians sprang, children may typically be nurtured in the expectation they will work for and nurture their parents in sickness and old age, as well as keep children. In Australia these family expectations have been modified by population planning and wealth development, including more equal expectations of female and male participation in paid work. This has been accompanied by a reduced number of offspring, higher expectations of paid work and a growing welfare state. Since the 1980s, the responsibility for financial upkeep of the young, unemployed, sick, disabled, single parent or old person in Australia, is often that of carers and taxpayers via government and related funds. This is a huge transfer of responsibility from private to public hands which should be managed better in community interests, at all ages and stages of life, for long term community members or for those more briefly passing through. We seek this in more effectively and openly related social and financial operations.

One can seldom pin-point the beginning of any historical process in the gradual development of duty of care approaches to risk, rather than more feudal operations. However, a more consciously global and regional quality management model began in Australia from following the World Health Organization (WHO) direction and with the national health care scheme which the Whitlam Labor government first tried to establish in the early 1970s. The Governor General dismissed the government through another matter, related to government borrowing outside national norms. Labor also lost the next election, in which its health care scheme was abolished, and then reintroduced as Medicare by the Hawke and Keating Labor government in the 1980s. The Whitlam government also failed to set up its national accident insurance scheme. A National Disability Insurance Scheme (NDIS) is now being crafted, after the development of many government and industry managed schemes for injury prevention, rehabilitation, retraining and national superannuation with more stable age pension support.

In 1993, Hilmer's National Competition Policy was supported by all heads of government. It recognized that competition could have social goals, rather than purely economic ones, broadly following in the tradition of Keynes and Galbraith. Hilmer also extended Weber and Popper's view that bureaucracy requires the progressive extension of more open and rationally planned, inclusive and competitive approaches to governance. These must also reform law, under the increasing pressures of democratic demand. From this perspective openness is the most logical, vital and cheap support for genuine service and avoidance of corruption. Taxation, mandated insurance or other common funds should support national

community goals and openly competitive administration so as to achieve community subsistence, growth and related protection of historic and natural environments more fairly.

Many Australians seek more regionally informed and coordinated strategic planning, with competition to assist it as openly and broadly as possible. This has many communication and data implications for the improvement of any related planning, development, research and fund management which should be better understood. Community and industry-led approaches to development depend first on more reliable and accessible information about identified places and people in them to help all try to achieve their goals. More openly coordinated '*duty of care*' approaches to protecting workers, consumers, communities and their supporting environments are also seen as necessary for more stable, sustainable development in Australian regions and internationally. Direction also depends on more broadly and effectively coordinated and communicated scientific and other approaches to learning, acting and problem solving in more open plain language. This is addressed on site.

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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)

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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 clamming 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 a 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,

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