

## TOWARDS A BETTER STATE: POLICING AND OTHER SERVICE ISSUES FOR COORDINATED REGIONAL AND RELATED RISK MANAGEMENT CONSIDERATION FROM TOP TO BOTTOM

Save me from all the trouble and the pain;

I know I'm weak but I can't face that girl again. (Glen Campbell and Kathy Bates?)

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

[www.Carolodonnell.com.au](http://www.Carolodonnell.com.au)

### **Overview of poor risk management allegations in policing and their relevance to the draft Law Enforcement (Powers and Responsibilities) Regulation (2016) under the Act of the same name**

One addresses the Public Hearing into Disability Service Providers held by the Royal Commission into Institutional Responses to Child Sexual Abuse with regard to terms of reference **7, 8;** and **9**. They are discussed later below and supported in attachments. The concepts of duty of care and management of risks to health, safety and peace are addressed in regional and related community, institutional and personal contexts to which Australia has signed up as result of UN membership and direction. Policing is ideally related to this. See Jessica Irvine's article 'We need a revolution in renters' rights' (Sydney Morning Herald, 22.7.16) for housing policy direction.

**Reference 7** relates to the current systems, policies, procedures and practices for 'preventing, receiving, investigating and responding to allegations of child sexual abuse within institutions providing services to children with disability'. This discussion of police procedures is addressed in related regional, historical and institutional contexts to all people living and working within their remit. Allegations of child sexual abuse are like many other allegations of criminal behaviour or civil negligence, potentially harmful to many parties. This is a discussion of duties of care and related recording to protect everybody better.

**Reference 8** relates to the *National Disability Insurance Scheme (NDIS) and to its Quality and Safeguarding Framework as is addressed later*. **Reference 9** addresses related matters.

Comments made here are first also relevant to the draft Law Enforcement (Powers and Responsibilities) Regulation under the Act (LEPRA) and particularly to the detention under Part 9 of LEPRA of **vulnerable** persons—that is, '**children, persons with impaired intellectual or physical functioning, Aboriginal persons or Torres Strait Islanders and persons of non-English speaking backgrounds**'. The LEPRA draft regulation and regulatory impact statement should be rewritten in clear, plain language rather than legalese so it can be understood by most people, police included. The LEPRA safeguards applied to '**vulnerable**' persons (also called **protected** persons) suggest the rest of the community have no rights to similar protections. This appears wrongly confusing at best. The term 'vulnerable' also suggests the persons singled out are not protected, rather than the reverse. This is against Australian national and international direction, as discussed later.

Why use the terms **vulnerable and protected** if these are not normally used in health and other services which are more used to concepts of probability and risk, as distinct from protecting the Shield of the Crown? Lawyers invariably produce a nasty, twisted logic designed to increase confusion and their role in keeping people down, starting with police. This is the first of many confusing and nasty examples discussed later and attached. Each individual must speak for him or herself! (Linda Burney and I still agree on this, I think. That's a fact, Jack. Bugger the rest of you. Joke. Joyce.)

When she was Chairperson of the NSW State Reconciliation Committee and member of the NSW Crime Prevention Council, Linda Burney said she had come to the view that there is no pan-Aboriginal view and that each Aboriginal person must speak for him or herself, the same as anybody else. She also reminded people that when she was a young girl she was a protected species under the Flora and Fauna Act of NSW. The lawyers appear to be taking us back in that direction, as usual, where the cover of protection can be destructive of the land and people. Police are in the front line. Australia will be discussed in relation to its neighbours in order to build on its strengths, as distinct from tearing them down, as Tony Blair did when those who trusted were driven by US lies, again. Support Helen Clark to be the next UN Secretary General as she is more experienced than Kevin Rudd and New Zealand has done a better protective job than Australia of standing up to US forces.

The claim made to the Royal Commission Public Hearing into Disability Service Providers is that expected police procedures for treating suicide, crime, mental illness and the National Disability Insurance Scheme (NDIS) may encourage more harm and cost in being closed, contradictory and adversarial. It seems police have little voice and must struggle mutely and opaquely to be better against the stupid forms which nobody can understand because that is how lawyers like it, Baby. Police apparently have little voice. This is also driven from the top, so if good police are angry, I'm not surprised because I am livid over what I have learned about the lawyers' twisted theory or logic.

Money is not the answer to reducing these problems as much as better intelligence and treatment. One assumes the comments made later apply equally to the Australian secret service (ASIO), Australian military intelligence, New South Wales Special Branch as well as other state police and emergency services, etc. (ASIO did a great job on my file, which began when I was eighteen and which I saw in Canberra recently. I was most impressed by its accurate and empathetic discussion. It was begun in Brisbane when I was protesting against the US war on Vietnam. As Foucault also pointed out, the point of the law or professional standard is ideally not to compare people against it, but to assist them in their own versions of development. Give up the lists and ticks? Follow the ABC SBS television and quality press direction as usual in opening up better regionally. Rachel Lander's recent book 'Who Bombed the Hilton?', is gripping, scholarly clear and convincing about a slightly later period, before Amnesty was established. She ought to be in pictures. Tim Anderson is crap.)

Duty of care and data approaches to members of the public, such as those pioneered in Australian Medicare and WorkCover portfolios seem the way forward, as police have long been expected to keep the peace. The key to this role, like the key to health, is more clear information, rather than

less or confusing information. Policing should be conceptualised as a service, not the ultimate closed feudal game driven by lawyers and mates. Recent murder of police in Texas is addressed in related regional contexts to argue against Australia's continuing US client status and its outdated and wrong suppositions. Are sporting and other professional or community associations here run mainly for the people behind the counter on the assumption that they represent key stakeholders? I often fear so in the Sydney University Sports and Fitness (SUSF). On the other hand, when a Sydney University security guard called the Newtown Police to take me out of the SUSF on Sunday, at least six of them showed up. I am a 5foot 3 inch woman of sixty-nine and was alone. What does this say about police and penalty rates? Is this system rotten to the core, starting with the Sydney University colleges? I don't know. Ask VC Michael Spence and Gary Sturgess for a start. He is the NSW Premier's Chair.

Mutual discussion and surveillance are the only ways I know to combat brotherhoods or mafias. One wonders about police and community associations in related regional contexts, as discussed below. In Norway, being of Viking heritage, mass murderer, Breivik, tried another route. Kill him.

### **The modern international context in which all Australian police increasingly operate (Can it meet the challenge of opening up to its own and others' scrutiny? Not with lawyers?)**

One first notes institutions must allow allegations to be made to hear them, and to hear such allegations may also increase the number made. Surely this must be a call to open up and connect institutions so allegations can be dealt with early and in mutual learning environments rather than more punitive ones. Ideally these may also operate more broadly, to inform each other. However, I guess for anybody to be involved in investigating the *risk of harm, or actual harm* to children in any environment is fraught with difficulty and danger for those who involve themselves in the exercise, especially, perhaps, in country towns where communities are comparatively close. Aboriginal women, for example, have only been willing to discuss domestic violence in recent years in my experience. How is this best addressed? (Try media.)

The justice and caring systems are not well established as court roots are prescriptive, ignorant, punitive, adversarial and uncaring for any but lawyers. Learning environments are open. Punitive environments are closed but characterised by subterranean or unrecognized sado-masochistic relations. Some are discussed later from Freudian and Jungian perspectives aligned with Australian attempts to improve service quality. Good service administration principles were identified from democratic and scientific demand, by Weber, Popper and Szasz. They are implemented in embryo in Australian Medicare and WorkCover schemes. Read about this direction in the lectures given at Sydney Uni. under the Teaching sidebar [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au) Regional and personal histories are also provided on site.

Duty of care principles are discussed later and recommended for linking with police services. One wonders how the Computer Operational Policing System (COPS) ideally relates to this. I guess that nothing can change court operations and that this is the greatest obstacle to better community management and data gathering. Is this so? How do such matters ideally

interact for effective regional and personal treatment and related data capture? The draft Young Offenders Regulation is addressed in this management context later and attached.

The medical diagnosis, however, as seen in the commonly used Diagnostic and Statistical Manual of Mental Disorders, tends to reify behaviour spuriously for medico-legal and insurance purposes. More minded approaches to the whole person and the environment are needed by all parties, as Mead and Szasz pointed out, or we all end up with guns and drugs. The divided nation faces its terrors in the fantasies it compulsively recreates.

Sado-masochistic or harmful contradictory relations may be recognized, for example, in the US where many appear convinced that guns in the home protect their family from intruders. US Statistics show, however, that guns in the home are far more likely to kill members of the family rather than intruders. Sarah Ferguson pointed out on 'Four Corners' on ABC TV that a gun in the US home is 43 times more likely to kill a member of the family than an intruder. In 'How Australia Compares', Tiffen and Gittins also show the US homicide rate is greater by far than that in similarly developed countries (p.224). The US military and related forces also outstrip those of most of the world combined. US residents are killing outsiders and each other, with the advantages going to gun sellers and conscious users, in growing numbers. The same people call this a fight for protection and freedom. Self-delusion may be self-destructive. If a black former soldier in Dallas decided to shoot and kill police I am certainly not surprised. He was probably protesting, in the way he was taught, against a system he saw as corrupt which he was part of and which had lied to him since birth. I too couldn't live in that horrible place of killing other people who might or might not be guilty of anything, because I needed work. Australian police should reject this US direction leading us all. Tell Christopher Pyne and the new Ministry under Malcolm Turnbull, Bill Shorten and others.

In Australia, more intelligence rather than more guns is the way forward to protect people, because more guns lead to more violence. The nation saw John Howard leading in this earlier when guns buy back was linked to an increase in the Medicare levy, presumably to instil this relationship in the public mind, albeit in the comparatively confusing fashion of the times. In armed and adversarial conditions, silence or apparent absence of disturbed or accusatory emotion may be the biggest supports for oppression. It is this knowledge which led to the enactment of Australian anti-discrimination acts, to reflect the requirements of the International Declaration of Human Rights, after the holocaust of WW2. Legal capture has reified relations to traditional norms of legal control in which trust in the law, secrecy and lawyers are expected to be automatic, rather than openly evidence based. Australia cannot escape its international relations in practice and so government policy and systems should reflect this in Australian and related regional interests, rather than driving wrongly.

Following its English feudal origins and alliances the Australian system remains constructed on a perverted adversarial logic, which also demands a 'fair fight' as if people are equals in court. Information is addressed in many contexts later to argue that more, rather than less, knowledge is ideally preferred by anybody seeking modern and evidence-based, rather than feudal operations. This includes those undertaking the Public Hearing into Disability Service Providers and those who are expected to judge and provide some real world answers which will make more sense to anybody caring, not just lawyers and their symbiotic attachments. The court and lawyers usually frustrate approaches to managing risk effectively because they increase it by dealing wrongly from a feudal start and in many secret associations, professional or not. A key point of this submission, therefore, is the need for more open rather than legally privileged operation for most democratic, scientific and professional service in any state considered democratic – i.e. fair and inclusive. This is discussed later.

A copy of China Daily's 'China Watch', inserted in major Fairfax newspapers in July 2016 contains the article entitled 'How the system works'. It describes how the Central Party Schools offer training and education to many students at a variety of levels in China, and discusses related debates about authority and 'testing truth' which have taken place since the Cultural Revolution and Mao Zedong's death. It states that in May 1978, the debate led to the publication of a commentary entitled 'Practice is the Sole Criterion for Testing Truth', in Guangming Daily. This *'sparked a fierce national debate aimed at freeing the minds of the Chinese people from personality cults to inculcate a solid foundation for the subsequent economic reform and opening-up'*. Is the NSW Police force ready for such discussions? They don't publish in foreign newspapers like this for nothing. Tell it to Miranda Tapsell?

### **Expectations placed on the treatment of behaviour deemed mentally ill or disabled and related suicide responsibility**

The traditional legal and feudal, rather than democratic and scientific forces in Australia formerly regarded suicide as criminal. More recently, any apparently related speech or action has been seen as mentally ill behaviour. One argues for the necessary allocation of more personal responsibility for action. This should not always be considered the result of some chemical imbalance in the body, as this medical norm often treats it wrongly with drugs and through medico-legal insurances systems. It is alleged this combined Christian heritage and related diagnostic view is often wrong, socially dysfunctional and feudally controlling. For example, as an old and rational person who is not going to get better, I want the state to help me to die when I tire of living a life that I've enjoyed a lot and found rewarding. Seriously, I don't know how these young people do it. Have they no fear of not succeeding, which has happened to men in my family twice? As a woman who has fought successfully for the state supported right to independent judgment by women all my life, I find this potential state capture at the end, in pain, gaga and incontinent or not, to be highly obnoxious. Government and police should question their practices in related regional and international lights. These are legacy, industry and cost-related matters which eventually face us all in regard to waste.

In an Australian incident of injury leading to suicide, a recent 7.30 Report on ABC TV addressed the marriage of police, Andrew and Gabrielle McDonald, which ended in the suicide of Ms McDonald after work-injury and stress, leaving her husband with care of two children. As a result of her injury Ms McDonald had conceived herself as a burden to police, but did not wish to leave the force, taking her own life instead. Police turned out in force to march down the street together at her funeral. Mr McDonald now seeks damages in court as a result of his allegation that the police force failed to protect his wife from harm. The concept of duty of care is addressed in related contexts later, with the duty of care of police ideally being compared to those of the health, safety or social worker. I think Ms McDonald should have left the force rather than taking her own life. When I was young I felt a burden to my husband so I left him. This is a normal thing to do in relationships in my book. Other action might be seen as comparatively sado-masochistic – involving mutual self-destruction. For a modern multi-cultural nation, Australians appear to be following Christian traditions wrongly. This is perhaps most problematic in the context of police as they are supposed keepers of the peace.

In this local regional context one notes that the United Nations (UN) Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care provide general regulatory and funding legitimation for a broad range of treatments for mental problems. They were adopted in 1991 and state that ***every patient has the right to treatment in the least restrictive environment and in the least restrictive manner, and that every patient shall have the right, so far as is practicable, to live, work and receive treatment in the community*** (Singh 2001). ***The assumption is a person ideally makes their own decisions as far as practicable, like another adult.*** This also has major implications for the construction and management of housing. Police know a lot. How well is this information tapped? Not well I guess, compared with the City of Sydney Council.

Australian health ministers endorsed the above '***least restrictive treatment and environment principles***' in the UN Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care in the national health policy and plan of 1992. However, the principles were not formally adopted into Australian legislation nor scheduled to the Human Rights and Equal Opportunity Commission Act. This apparent lack of government confidence in the traditional legislative and related adversarial court processes, at least in regard to claims of discrimination or other injury on the basis of mental disability, is noteworthy. The Universal Declaration of Human Rights does not address responsibilities (e.g. for community safety) so it is also noteworthy that ministers think rights should be balanced by responsibilities for all. This is the flawed Australian and regional context for developing good community services, including policing.

No doubt police often find themselves catering to the needs of those who are mentally disabled by drugs which may be illegal, or who are disabled temporarily or chronically, on a continuing basis, for other reasons. In this case one must surely treat the police as being like disability service providers, often catering to the needs of mentally ill people, whoever they are and for whatever reasons their behaviour appears to be disturbingly removed from the expected occupational or related community norms. Might they consider themselves to be better off elsewhere and can this be fixed up? The potential for more effective service

coordination in the context of the National Disability Insurance Scheme (NDIS) is discussed later. One assumes this ideally relates to Medicare, WorkCover and related service policy and planning direction, reflected in related data capture. (Since SUSF and Newtown police banned me from SUSF at Sydney Uni. I do yoga, for example, but miss the music and videos on TV. As a self-sustaining retiree who hasn't seen a doctor in years I am pretty cheap.)

**What are the appropriate links between police and other service occupations? Tell us.**

Servicing terms for development, peace and wellbeing must be grasped more broadly or the normal presentation and diagnosis of pain will end up in drugs or surgery, as is commonly the US market direction, letting many off the hook. The medical model allows too many to look away in relief, politely, in pursuit of business, leaving apparent problems to be dealt with through drugs, police and the courts which drive without good data. How do police try talking and writing more openly about matters to fix them before they build up instead?

The proposed '*making of outcome plans*' (sic.) for '*bushfire or arson or graffiti offences*' under the Young Offenders Regulation are discussed in this context, as attached. One assumes this is a model direction for related Computerised Operational Policing System (COPS) data capture about a particular person and their related history and circumstances. This is addressed later in relation to caring and other expectations of the NDIS.

The World Health Organization (WHO 1946) definition of health is '*a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity*'. One starts with the concept of mental health relating to wellbeing, and absence of injury, in order mainly to argue that these welfare principles demand more free and open speech and information exchange, not covering up while calling this necessary for some presumed protection of the weaker party or parties. This is just protecting the institution. On the other hand, it became clear in the global financial crisis of 2008 that Australians may need protection of their relative stability from the large commercial pusher as much as from the other corrupt operator. The Australian government has done this comparatively successfully so far with policy and related action on gun ownership, Medicare and WorkCover insurance, industry superannuation and related funding choices. Land and housing management are equally big issues relevant for more community and individual wellbeing. One wonders whether police have views on matters such as these and if or how they are expressed.

In the 1980s, Peter Wilenski and others drove the human rights, anti-discrimination and equal opportunity culture in key bureaucracies in Australia. Discrimination on the basis of physical or mental disability also became open to challenge in court on the basis of related medical diagnosis and the legal word. This occurs in the context of more powerful and old fashioned Treasury and adversarial thinking engendered in courts and professional associations. This is also the product of US market and legal driving which seeks to reduce everything to price and related words in court.

However, from the indications discussed later and attached in a submission to the Public Hearing into Criminal Justice Issues held by the Royal Commission into Institutional Responses to Child Sexual Abuse, lawyers typically treat police as adversarial liars and treat members of the public facing the police as ideally silent until they get the lawyer's protection. These legal relations appear to be highly disturbing rather than mutually informing or caring.

In 2000, Australia began coordinated health and disability management processes with the development of regional health plans based on population profiles, including socio-economic indicators and a focus on needs of the aged (NSW Health 2000). This is a service context in which all related service provision, (e.g. for crime prevention) may be addressed. Australian governments recognize reducing the supply of motivated offenders requires reduction in levels of community stress. In NSW, coordinated place management, community housing and crime prevention strategies are ideally implemented to achieve this (Standing Committee on Law and Justice 1998 2002). Data gathering, dispute management and insurance are related. Linda Burney was actively involved in this state direction so is a key source on such matters.

The establishment of the Medicare and WorkCover systems provided duties of care and related systems for capturing data to improve treatment and rehabilitation, and to prevent further injury. Older legal thinking is to hand matters to an increasing number of lawyers who appear to think that separating and keeping information secret resembles freedom from corruption. Such secrecy may be engendering more costly ignorance and assault instead. For example, in sensible management, a doctor should not only want to know her own opinion. The more sensible ones she could get quickly and easily to make her think, the better she should like it. Fortunately government has often acted in the latter, more modern manner, through an increasing range of public inquiries gathering a lot of free information from across the country, on cross party lines, about things that matter to Australian direction. In court the letter of the law, administered by lawyers rules, refusing outside opinion as a potentially corrupting influence. Reliable open media goes forward against this top feudal idiocy.

In this context one wonders about the ideal and actual use of the Computerised Operational Policing System (COPS), which is discussed later. The ideal is to plan and implement actions on the basis of the aims of acts with duty of care approaches expected of those involved in work or related communities of interest. This place and person based approach to data collection and use is reflected in the website description of the National Disability Insurance Scheme (NDIS) discussed later. It ideally allows for effective variations or challenges to normally expected treatments and relations. Police appear stuck with exercising earlier Shield of the Crown approaches requiring secrecy rather than broader and better intelligence, under which police also appear to suffer unduly. Data gathering and use are addressed in related regional community and management contexts later, to assist more democratic development. This can only occur as a result of greater openness, which the court and its feudal institutions invariably reject. The court appears to be a thorn in the side of better ways of being and doing things. This is discussed later and in submissions attached.

**The effectiveness of democratic (inclusive), systems for health and safety is measured by their treatment of comparatively small but high risk groups. How could they work better?**

Aboriginal people from rural and remote communities have the highest birth rates, the highest risk of criminal behaviour and among the highest disability and suicide rates in Australia. One naturally starts from this high risk social group for discussion of police and other services and for related global and comparative purposes. Native people from original hunter gatherer or peasant groups often experience higher rates of reproduction and risk around the world and some may leave to go to urban environments to find work, which may not be easily forthcoming or within the legally expected parameters of operation. Risk is ideally identified through the way related data is collected and responded to. This is discussed later in regard to International Labour Organization, World Health Organization, and UN Educational, Scientific and Cultural Organisation definitions and directions which Australia has endorsed. Unless this logic is applied to policing, service can't improve much.

An earlier discussion is attached entitled 'Closing the Gap and community risk management'. This comment was made to the current Legislative Council Inquiry into child protection in regard to protecting children from harm. It addressed the following term of reference, also relevant to police systems:

- a. *The capacity and effectiveness of systems, procedures and practices to notify, investigate and assess reports of children and young people at risk of harm*

Conclusions are drawn and recommendations made broadly as a result of comparing the 'Statistical Overview of Aboriginal and Torres Strait Islander Peoples in Australia' (currently 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 the World Bank.

On the other hand, people also have rights not to fear death and to take risks to support or gratify themselves and others. This is seen in globally nurtured extreme sports such as rock climbing or motor car racing, or in much traditionally masculine work such as being a miner, forester, construction worker, soldier or member of the police force. Societies still depend fundamentally on people who are prepared to take risks which cannot be engineered out. However, more information rather than less is always more likely to protect people better. If they appear brave enough to do the job, they should be brave enough to leave it I guess. One wonders how injury and rehabilitation normally occurs in policing and how data is produced. Are approaches coordinated with Medicare and WorkCover principles or not?

As Larrisa Behrendt has pointed out, indigenous people raise a very important question for anyone concerned with the workings of Australia's legal and political institutions. If the policies, institutions and procedures don't work for a small disadvantaged minority, she asks, how good are they? The practical outcome of using indigenous experiences as a measurement of the effectiveness of rights protections is that this will require an investigation of those unique experiences, histories, narratives and identities, bringing them to the centre of discussions over rights and democracy. Aboriginal people appear in current data gathering systems as a high risk and high stress group so one particularly wonders about police intentions towards aborigines and in related rural and remote disadvantage, as discussed attached and in references to allegations, risks, police, other services and courts. When looking for direction one favours reliable media rather than court process every time.

The concept of duty of care is addressed in related contexts later, with particular regard to the Australian Health Ministers Advisory Council (AHMAC) consultation paper on the proposed terms of the National Code of Conduct for Health Care Workers. The code addresses issues on expected health service provider behaviour, enforceable liability standards and insurance matters. One assumes these are also germane to police as ideally related service providers in some cases. Some persons and situations may be comparatively clearly identified as being high risk and others may not. The risk concept is related to probability. The court treatment is not well constructed to match.

### **Troubled legal and police relations**

**Reference 8** relates to the *National Disability Insurance Scheme (NDIS) and to its Quality and Safeguarding Framework*. **Reference 9** addresses any related matters.

According to the government website, the National Quality and Safeguarding Framework of the NDIS has been developed by the Australian Government and state and territory governments, together with the National Disability Insurance Agency (NDIA). One assumes NDIA data treatment is ideally guided and coordinated with reference to Medicare, WorkCover and other key risk management systems which ideally have the aims of better injury treatment for rehabilitation and prevention of further injury. The website states:

*The NDIS quality and safeguarding system will help ensure NDIS supports are safe, while still allowing people to take reasonable risks to achieve goals..... The NDIS creates the need for a new quality and safeguarding framework – because people with disability themselves will make judgments and decisions about the quality of providers.*

Key stated principles are to maximise opportunities for people with disability to make decisions about their supports. It is claimed that the NDIS supports a risk based and person centred approach to service and the presumption that all people with disability have the capacity to make decisions and exercise choice and control. Surely they can't have **control**

of limited funds? The truth that genuine or supposed perception and reality may be at odds for all of us, or that legal perception drives the lot appears ignored in this version of events.

This is discussed later in relation to management of professional liability recommended in the Australian Health Ministers Advisory Council consultation paper on terms of the National Code of Conduct for Health Care Workers, mainly in regard to key definitions and issues for appropriate caring behaviour and insurance. The key point made here is that people should normally have a duty of care to give their opinions, which may be recorded. The specialist profession knows more about common or rarely reported concerns and treatments, but the individual knows more about herself, her habits, her surroundings and history, which may or may not be honestly revealed. These visions may perhaps be poles apart, which deserves more open recognition. Surely neither side should be held back in an environment where others may also learn and teach with a view to sharing situations.

My earlier submission to the Public Hearing into Criminal Justice Issues held by the Royal Commission is attached. It deals mainly with the apparent maltreatment of police as public servants in a democratic state such as NSW is generally supposed to be. For example, in Tim Anderson's apparently authoritative booklet **'Defend Yourself: Facing a Charge in Court'**, found on the Law Information Access Centre (LIAC) website at the State Library of NSW, with much respected endorsement, the public appear encouraged to refuse to answer police questions and to treat police as if they represent adversarial liars. This is discussed and contrasted, for example, with the state view taken to the Australian Taxation Office (ATO), where taxpayers are expected to respond to questions the ATO puts to them.

In spite of the title 'Defend Yourself: Facing a Charge in Court', the public also appear encouraged to turn to lawyers when facing any distress caused them by police action, rather than dealing with issues in other ways. Such practices have been increasingly driven at the Constitutional tops. This is addressed in discussion of 'Matters of Judgment' (1978), an autobiography by John Kerr, former governor general, and 'The Money Men: Australia's 12 Most Notable Treasurers (2015)', by Chris Bowen, shadow treasurer. It is generally argued that far more open approaches to information and less recourse to secret knowledge and lawyers are necessary for more productive, democratic and cheap service operations.

The message of 'Defend Yourself: Facing a Charge in Court' is you need a lawyer and the police are wrong and corrupt. The law is a lawyers' game they have sewn up through the power of ruling on others' speech. They prefer silence, guessing, blame and confusion to information as they want to win the case and to make as much money as possible even if they lose it. They have set themselves up against the concept of the democratic state through top application of the law of savage and ignorant men used to ruling by the gun, the purse and the lawyer in the feudal and related colonial state which privileges the potential

killer against his current and future victims. The stupid bastards who want us to be polite should listen to what we have to say for a change. Kill mass murderer Breivik for a related example of our position and spend the money saved elsewhere, to provide more reliable and better information systems for everybody. God knows a lot of people need them.

### **Duties of care, the National Code of Conduct for Health Care Workers and using the Computerized Operational Policing System (COPS) to manage risks better. How is it done?**

An increasing number of us may reasonably think of ourselves as like health care or social workers or clients - sick or disabled or well; paid or unpaid. Our stability is ideally not cast aside lightly into the market. The global financial crisis in 2008 probably convinced many, especially in the media, that more openly grounded and regional approaches to more democratic or fair and sustainable advance are necessary. This is to avoid the comparative financial ignorance and corruption otherwise destined to increase global inequality and environment destruction. The National Code of Conduct for Health Care Workers, discussed later, potentially appears as part of other promising and less feudal approaches to professional or other treatment, indemnity and fund management consistent with government and industry views of good planning and directions related to living and working in particular places. A general principle is that people nearly always do better with more information not less. In God or in love we trust – all others bring data. This is the risk manager's approach.

In its discussion of appropriate conduct in relation to treatment advice, the National Code of Conduct for Health Care Workers stated:

(2) A health care worker must not attempt to dissuade a client from seeking or continuing medical treatment.

I think it should state: (2) a health care worker must not **unreasonably** attempt to dissuade a client from seeking or continuing medical treatment.

The current statement under the Code is an invitation to abrogation of the personal responsibility which appears central to the honest practice of any person, let alone one who appears to be comparatively knowledgeable, skilled and experienced in treatment of a particular health problem apparently being felt by another individual. The realization that the client has a right to make their own decisions about their own life, does not mean that the facts of life should not be clearly put to them by anybody with reason to think they may have a better handle on them. Any good parent of teenagers may serve as a better model.

Regional community and industry-led approaches to development depend on reliable and accessible information about the places and persons within them to help everybody try to achieve their goals. This is not to say they will attain them. From this view many diverse actions may be supported if they appear within reason. This is an argument for the encouragement of openness, personal voice and personal accountability in practice. This appears the reverse of the basis on which police, lawyers and those beneath were raised.

Shared responsibility was the key finding of the Nuremburg Charter. Professions forgot. Ideally, collective or shared responsibility is not an excuse for unaccountable management.

Services are necessarily addressed in related regional markets and other service provider contexts, according to law in the spirit of service. Wishing for law and service may be contradictory as law is often bereft of goals or definitions, with prescriptive, feudal conduct. In law, provider groups are commonly separated by multiple walls hiding 'legally privileged', information. Such processes may often drive price in market operations, and in secret dealings between a key professional and client so nobody else knows what is going on. This infects government, which may easily be secret hostage to powerfully insinuated lawyers. It is the prerogative of courts to sort out any mess which unfortunately may come to light. Are the police condemned to stay dumb in the light of all this? I am willing to bet they are. If so the observations of those who know most about many situations are brushed aside.

More openly coordinated '*duty of care*' approaches to protecting workers, consumers, communities and their supporting environments are necessary for more sustainable development in Australian regions and internationally. This partly depends on more broadly and effectively coordinated and communicated regional, strategic, scientific and other approaches to learning, acting and problem solving. The alternative appears to increase the number of circles for more narrowly driven, bureaucratic, professional, or other behaviour, topped by the comparatively secretive, adversarial actions of lawyers and their courts.

The brain and the other developing mind and life are confused at one's peril. Similarly, to confuse what may be called sexism, racism, homophobia, or hating US soldiers, police or lawyers with violence does a disservice to humanity, as I keep reminding those who appear unwilling to hear the message. Speech isn't violence – violence is violence. I, for example, am prepared to talk to anybody; it's when they start trying to stick things in my body that I become upset, as I found I often had to point out to psychologists and other community groups when I taught in the Faculty of Health Sciences at Sydney University. Seeking to confuse words and action appears tricky pleading by associations which play by the book into the hands of lawyers and others who like to see their texts and administrations having higher weight than any more grounded and more openly apparent reality, fleeting or not.

The duty of care approach to wellbeing is advanced through more open plain language in more open and nationally inclusive, regional and strategic plans for healthy and safe development. These systems ideally start operating for a person at birth with a personal record and may also take account of comparative disadvantage to improve the situation for all. Australia also adopted this approach from Britain, before the latter was driven into more war under Blair and US market and state influences. This was followed by the global financial crisis of 2008 in which many Australians learned about their own comparatively stable situation, through good media and reporting. This is the Australian regional context

for continuing community and related business service of many sorts. John Lennon's advice, that life is what happens when one is busy making other plans is also forgotten at one's peril. Embrace the outside influence with discrimination, which is a word for thoughtful choice. (Check out Jane Austen, for example.)

The AHMAC consultation paper on proposed terms of the National Code of Conduct for Health Care Workers, addresses key definitions and issues for quality management. It addresses questions on service provider behaviour, insurance and enforceable standards and should be compared with codes for policing. It is vital for quality management to be sustained by a very broad, openly questioning culture, rather than comparatively narrow, ignorant or blaming ones, behind closed doors or not. This does not mean emotion or judgment can or should be extracted from language to reduce it to ticks, drugs, and bland politesse posing as empathy. It means trying to understand more of each other's drivers, and those of significant others. These drivers are not purely financial, nor purely spiritual or caring without financial constraints – much as we might like ourselves professionally to be.

From global, national and related regional planning perspectives, Queensland legislation appears likely to have the more inclusive and therefore the more efficient, equitable and comparable definition of 'health services'. It captures Queensland services for 'maintaining, improving, restoring, and managing people's wellbeing' (p. 36). The meeting of need seems more likely to be related to reasonable cost standards, rather than pure consumer choice. This seems likely to be so whether services are delivered in family, private, government, charitable or related institutions and however their provision is designed and funded.

The concept of 'a minimum enforceable standard' is ideally addressed in related contexts. In any judgment, it is usually necessary to recognise that community standards are cultural, economic and region specific, whereas standards in legislation are prescriptively enforced according to rule, or largely ignored, especially in the more remote areas, perhaps. It should be more widely understood why the application of the legal word leads to 'junk science'. Court practice often reflects a view of words before the common dictionary. The level of incomprehensible or dysfunctional crap in legal activity has blown my mind since I first came across it in the NSW Department of Industrial Relations and Employment, followed by the WorkCover Authority in the 1980s. We may all be equal but all have different duties in conflict. We should not avoid this, but meet it. (You don't have to be as rude as I am.)

In Australia police are ideally seen as keepers of the peace and thus addressed as service providers to the public, depending on the particular circumstances, of the regional case. Suicide, crime and mental illness are ideally addressed in related service contexts. This is done with a view to pointing out the need for more informed and sensitive treatment across the board, through more effective

coordination of duties of care in regional and related institutional and community settings. The police treatment of information on the Computerized Operation Policing System (COPS) is addressed in related contexts below and in attached discussion of the proposed Young Offenders Regulation under the Young Offenders Act, which relates to *'the making of outcome plans'* (sic.) in respect of *bushfire or arson or graffiti offences*. The Regulation is not fit for clear purpose if one assumes the purpose is good management of police and related services. One wonders if and how plans will be put into practice or monitored for their outcomes, satisfactory or intended or not.

In the COPS context I read a Fairfax report about Constable Vincent John Wendelin, 34, who met a woman on online dating site e-Harmony. He looked her up on the COPS and texted her what he had found, according to the article *'Cop checked online date's police record'* by Emma Partridge. Wendelin texted to 'Katy' that he saw she had speeding events and domestic violence events on her file but he did not open them up to look further because *'that is your private and personal stuff'*. I might have looked further, preferably with her permission, had I been a member of the police force. Any doctor or social worker, etc. with access to such a resource would be a fool to ignore it, in my view, because their perceptions of any current or future event could only be more ignorant.

Constable Wendelin, on the other hand, appeared before the Sydney Downing Centre Local Court and pleaded guilty to the charge that he had accessed restricted data held in a computer. After accessing his phone records, investigators realised Wendelin had used the COPS database at the request of 'Katy' who had encouraged him to do this. Wendelin and Katy appear to be a sensible enough couple – open and direct in their relations – while he is being persecuted by state institutions. Data gathering and use are ideally addressed openly in related regional community and management contexts, to assist more fair and safe development. This can only occur as a result of greater openness, which the court and its feudal institutions apparently reject, preferring to rule on matters instead. This makes everybody more fearful of revealing anything, which is the same as being ignorant. The National Disability Insurance Scheme (NDIS) is ideally discussed in related management contexts to try to reduce stress and remove offence. This is ideally done as a result of mutual learning which also supports wider learning and development. Policing seems an awful job. Perhaps it gives one a lot of comparatively free time with colleagues? (I've no idea what goes on.)

If one knows a man has been a serial domestic violence offender, for example, would it be moral for those who know about it not to warn the next woman he takes up with about this history? As a member of an education magazine collective in the 1970s, I once faced this issue with colleagues, including a man whose de-facto I helped to leave her rental house with her two children, which he had not fathered, after he punched her in the face and I saw her black eye the next day. Female colleagues knew him as a serial offender. I was subjected to a defamation charge by the male colleague who saw himself as defamed as a result of the warning action aimed at the new woman in his life. Redfern Legal Centre suggested an open discussion of the matter in the community to resolve it. This was taken up and nobody ever spoke about this publicly again to my knowledge. I wonder how Redfern Legal Centre would act today and have no idea. Keep it for lawyers I guess. I hasten to add that no man or woman has ever harmed me so mine was in no way retaliatory action.

(I later edited and wrote for the book 'Family Violence in Australia' (Longman Cheshire 1982). This research was produced with colleagues as a result of an initial grant provided by the Royal Commission into Human Relationships in Australia, established by the Whitlam government. In those days it seemed to us that the protections available to the married woman should be available at law to women in de-facto relationships because their de-facto status was unlikely to be chosen for themselves. This seems less likely to be the case today, where people are ideally seen as more freely choosing individuals. I have little idea of the ramifications of this but suspect they are substantial in relation to the effective care and protection of children by their parents, the state and others.)

More openly coordinated '*duty of care*' approaches to protecting workers, consumers, communities and their supporting environments are necessary for more sustainable development in Australian regions and internationally. This partly depends on more broadly and effectively coordinated and communicated scientific and other approaches to learning, acting and problem solving in more open plain language. Many Australians seek more regionally informed and better coordinated strategic planning, with competition to assist this as openly and broadly as possible. Regional activity should occur in many seats to openly integrate strategic plans and operational directions more effectively. This has many communication and data implications for the improvement of any related planning, development, research and fund management which should be better understood.

The ideal quality management aim for the National Code of Conduct for Health Care Workers is for it to be broadly and openly inclusive of service providers, so that service outcomes may be more effectively and broadly compared and changed if there appears good reason to do so. The practices related to certification of competence to practice can also be made more clearly related to the comparative outcomes of treatment through vocational placement or education in the workplace or community. Ideally, the risks related to these provider/practitioner/client relationships are addressed broadly and comparatively in relation to the evidence on particular situations and environments, not according to fixed rules or ruling lists under comparatively narrowly specialised scrutiny. Reduce ticking boxes and encourage more expression and recording of views so we know more what is going on.

### **Service in an international arena ideally more concerned about peace, stability and health in regional land, business and community development with related social insurances**

A key issue in caring is how best to provide service to an individual in an apparent situation which may be comparatively common or rare, known or unknown. This is ideally the dawn of personalised care and voice before personalised medicine, as the latter is driven by the top professional interests, whatever they are. Professionally driven service cannot often support good planning, which is ideally based on historical analysis of the geographical arena and institutions. The good directions suggested by the WHO appear undermined by many professional associations with much narrower specialist interests and outlooks.

In current global, regional and individual planning and management contexts, in which post-war Australia has accepted and effectively integrated higher rates of immigration from around the world than almost any other country, one naturally also accepts the definition of community put forward by the International Labour Organization (ILO), the United Nations Education, Scientific and Cultural Organization (UNESCO) and the WHO. In the context of community based rehabilitation (1994), these organizations saw 'community' as:

- a. a group of people with common interests who interact with each other on a regular basis, and/or
- b. a geographical, social or government administrative unit

This is a great definition because it is clear and allows services or goods to be managed transparently (openly, clearly) on related international and regional bases for the purposes of improving wellbeing and understanding in Australia and beyond.

The point made earlier, about people ideally being treated in their regional contexts for democratic impact, rather than being extracted and compared against some ideal rule of law or theoretical profession assessment or category, cannot be too strongly put for quality management of human health and environments. One usually also needs to know the ideal objects and related practices in order to question and justify their denial in the particular context of service provision. Ideally all have a right to question and get an honest response which nevertheless may not be particularly true or well informed. This is for testing debate.

Environment, work, health and insurances may also be ideally addressed, however, in place and production classifications, according to the Australian and New Zealand Standard Industrial Classification (ANZSIC). Ideally this system enables better planning and data gathering for work and related land, community development and risk management purposes globally and locally. This direction was designed in workers' compensation insurance and in related injury, rehabilitation, maintenance and re-employment costs.

In 1994 the UN defined community-based rehabilitation, which offers a better way forward to the extent that its practitioners are willing to be openly questioned and also willing to question and respond on performance questions. The UN direction appeared to offer a means of providing more immediate and cheaper support after catastrophes or for real or apparent threats more broadly, when it defined community based rehabilitation as:

A strategy within community development for the rehabilitation (CBR), equalization of opportunities and social integration of all people with disabilities. CBR is implemented through the combined efforts of disabled people themselves, their families and communities, and the appropriate health, education, vocational and social services (UN Social Development Division 2001: 1).

The questions of whether or how anybody should be covered by an insurance or levy are complex and should not normally be used to bring closure of service and the denial of broader consumer choice. The related concepts of protection of the consumer and the public from the unintended consequences of practice on no-fault and fault based insurance grounds are difficult to decide upon. However, broad coverage is usually best to the extent that it increases the range of key data or evidence capture which can also reduce cost as well as provide more reliable information on any question. Financial institutions require related investigation.

### **Vocational and other education or training in regional communities with common interests**

Sydney University's [\*2016-20 Strategic Plan\*](#), indicates there will be 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. Open up the results on the ground.

More sustainable development ideally takes place through trying to meet consultatively identified needs using regional services which also provide data to assist injury prevention, rehabilitation and related budgeting on a continuing or other basis. It appears Australian vocational education systems could be much better linked to work and to other higher education and secondary systems to meet the requirements of the communities which should logically support them in studied surroundings. More open education and program budgeting are both vital. We need local content to protect Australia from bad US driving.

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 **health and fitness** appear good criteria 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.

In short, the police know a lot more than most of us about high risk areas of society and related operations as a result of social crisis, but they are poorly integrated into the social fabric from the perspective of their potential for expression, leadership and collaboration. Fix it up starting today. I will take a short Brexit in North Queensland. Bob Katter is there.

Cheers

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

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