

## **BAD JEWS, BAD JEWS (I HEARD YOU'RE PACKING TO LEAVE): A RESPONSE TO THE PRODUCTIVITY COMMISSION (PC) REPORT ON INTELLECTUAL PROPERTY (IP)**

'And some men treat us lower still by using us against our will'. As a retired academic one takes up universal mythical tongues with Chomsky's grandma, claiming Australia for the cross with Peggy Seeger

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### **THE PC IP ANALYTICAL FRAMEWORK IN CHAPTER 2 IS WRONG: ADOPT MORE OPEN REGIONAL STRATEGIC PLANNING AND MORE OPEN OPERATIONAL APPROACHES TO DEVELOPMENT AND GROWTH**

This submission addresses the Productivity Commission (PC) Draft Report on Intellectual Property (IP), mainly in response to **PC Information Request 16.1: 'What institutional and governance settings would best ensure that IP policy benefits from a policy champion and is guided by an overarching policy objective and an economy-wide perspective?'** More spiritually honest responses are the answer. Keep yourself nice.

Australia provides its statutory 'protection' for intellectual property through *patents, trade-marks, geographical indications, registered designs, plant breeders rights, copyright, moral rights, performers' rights and circuit layout rights (p. iv)*. 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. The PC rights based analytic framework discussed later is confused and bad for Australia, so change it if you dare. On the historical record, lawyers will swiftly try to change it back to reflect their 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. This is also far from George Pell and the Vatican. 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?

This huge PC IP draft report, which I fought hard to obtain in hard copy, so I can genuinely understand it and respond reasonably, follows the World Intellectual Property Organization (WIPO), reference to IP as:

.....*creations of the mind, such as inventions; literary and artistic works; symbols, names and images used in commerce.* (2011, p. 3) Surely they don't have to be used in commerce? Surely we can give them away or trade them off for other benefits, as is our Australian custom? Consider, for example, the Accord era of Hawke and Keating government where powerful trade unions bartered potential wage gains in favour of industrial peace and for fairer and more effective health care and

superannuation systems in law and awards. Similar shared approaches ideally may be taken in land care, construction and housing management. This is discussed attached with Gary Sturgess among others. He is the Australian and New Zealand School of Government (ANZSCOG) Premier's Chair and former head of NSW Cabinet Office under the Greiner government; also the architect of the NSW Independent Commission Against Corruption (ICAC). Try more open, freely shared direct action projects. This may be comparatively cheap and effective. The Clean Energy Regulator may or may not provide direction for others in committing to purchase emissions reduction by Commonwealth support for contracted projects. Its website states its third auction (April 2016) produced an average price per tonne of abatement at \$10.23, and 73 contracts were awarded to 33 contractors covering 73 projects. The total value of contracts awarded at the auction was \$516,177,508.

The PC points out that Australia's stance on IP is out of keeping with its position as a net importer of IP intensive goods and services (p. 91). A survey of managers of large Australian firms between 2001-2006 found patents were, on average, considered the least effective appropriation mechanism for both product and process innovations (Jensen and Webster 2009). Other survey-based evidence suggests patents are an even less important appropriation tool in the service sector (Blind et al. 2003) p. 75). As Stiglitz points out, excessively strong IP rights can impede innovation because knowledge is the most important input into production and IP rights restrict this input, thereby restricting access to knowledge (p. 79). Australia has comparatively strong copyright protection regimes. However, notwithstanding the interests of particular exporters, Australia's role in the global IP chain is overwhelmingly as a consumer. The costs associated with Australian IP arrangements are born by Australian consumers largely for the benefit of overseas rights holders. The key problem of the PC property rights based framework is clear on p.90 under the heading **Are IP arrangements suited to Australia's circumstances?** The answer often appears to be no, as Australia is a significant net importer of IP intensive goods and services and the gap between IP imports and IP exports is growing rapidly.

This status as a net importer significantly influences the impact that Australia's IP arrangements have over time on community welfare. This appears a losing aspect of being a client state, where the US market is constantly pushing its particular product down the collective Australian neck. This promotes the decay of home grown institutions which may be shown to work better than the US norms in terms of population welfare or protection. Consider gun control and health services as key examples. However, let me give you a grandma's example of a car safety seat for a baby, followed by a small child. Would you rather:

- A. Trawl the internet focusing on concepts you can't understand; followed by finding somebody who can fit a capsule, followed by the safety seat, to a required standard of safety (Aggh, multiple confusion)
- B. Go to the City of Sydney Council website to find a recommended brand or brands and a place near-by that is confident fitting them to the required standard of safety (Bliss. They've seen it all before)

A key point of quality management appears to be that it is easier if carried out locally, via the service provider, rather than the manufacturer. It is my grandma householder's observation, applying equally to bathrooms and household energy generation, that service people and products are easier

to keep track of locally. This seems true, for example, of plumbers replacing lavatories, and other modern fittings which overlap. Just as the plumber and lavatory should go together for repair and warranty purposes, the electrician and solar or other forms of lighting should be the same, with regulatory assistance to prevent and assist with customer disputes with either party or between neighbours over installations. Services ideally lead products in many cases. The quirky decide to go outside good norms, and give the rest the shits. This overproduction of manufactured goods which drives and confuses effective servicing is comparatively new in the development of capitalism and puts a whole new light on concepts like patents. Are they good for products in practice? I guess that depends on the person providing the service and whether they are really avoiding or seeking intelligent responsibility for using the products. Bad practice is when a procession of different people are seeing a product, for example, a particular plumbing system on site, for the first time or as if for the first time, repeatedly. (I've looked at life from both sides now, like Joni said about clouds.)

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. 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. The PC largely makes the case against its own wrong and market driven approach to seeing patents as a tool for achieving more general wellbeing. This adds substantially to confusion. Instead take the sensible and cooperative state and industry driven approaches to health and competition already pioneered in all Australian states and territories. 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?

The PC states that the pharmaceutical industry is a prominent user of the patent system, ranking amongst the top patented technology areas in a number of jurisdictions, including Australia (p. 259). According to Eli Lilly there are more than 100 intellectual property regimes in the world, for smaller organizations developing medicines (e.g. biotechnology start-ups). Priority for patenting is given to larger markets and Australia is around 1% of the world market (p 277). Pharmaceutical research makes up approximately two-thirds of all health and medical research spending (p. 355). The McKeon Strategic Review of Health and Medical Research noted public funding, (estimated at \$2.9 billion in 2011-2012) accounts for almost 2/3 of health and medical research expenditure in Australia, with the remainder coming from private and not for profit entities. The bulk of the government spending relates to universities and funding from the National Health and Medical Research Council (NHMRC). To encourage patents may be foolish if they may appear better sought in the US or related European systems to gain the advantages of related economies of scale. Surely Australian key representatives should discuss new operational methods in more Asian state environments. If we are not slaves or children, 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. Investigations should assist the more inclusive linking of community interests on particular ground. The PC appears unwilling to help much beyond a lawyer's interest. (In my experience the combination of the construction industry and doctors have often worked well together in the past. As practical people they often have a keenly honest and pragmatic interest in the ground.)

## **THE EFFECTIVENESS OF THE AUSTRALIAN IP SYSTEM WILL BE HARD TO DETERMINE UNLESS THE PC CLEANS UP ITS THEORETICAL ACT AND OTHERS FOLLOW IN MORE OPENLY LINKED PRACTICE**

Draft recommendation 2.1 states that in formulating IP policy, the Australian Government should be informed by a robust evidence base and have regard to *effectiveness* as a first principle:

**Effectiveness, 'addresses the balance between providing protection to encourage additional innovation (which would not have otherwise occurred) and allowing ideas to be disseminated widely'(p. 29)**

The analytical and rights based framework used by the PC is shown later to be inadequate to the task of effective product and service delivery with grounded risk management. This is required and delivered comparatively well already in Australian workplace safety and health care systems. The concept of *balance* is later shown to suffer from related theoretical and hence practical confusion. The quality project management approach in the NSW Fair Trading Home Building Contract is recommended later instead. The general data driven regional program and project management direction was outlined earlier in 'Better Health Outcomes in Australia: National goals, targets and strategies for better health outcomes into the next century' (1994) produced by the Commonwealth Department of Human Services and Health.

Although every law ideally should have an aim or objects and definitions as close to the common dictionary as possible, **the PC Draft Recommendation 6.2 seems to be a recipe for confusion when it states:**

*The Australian Government should incorporate an objects clause into the Patents Act 1990 (Cwth). The objects clause should describe the purposes of the legislation as being to enhance the wellbeing of Australians by providing patent protection to socially valuable innovations that would not have otherwise occurred and by promoting the dissemination of technology. (This is confusing).*

**On p. 7, the PC states the patent system 'ideally would only grant patents to socially valuable innovations that would not otherwise occur'.** How would the state know if a socially valuable innovation would occur or not without state intervention? Is this what the PC recommends in regard to the dissemination of technology? The IP draft report is often very far from clear. However, the statement appears wrong in conceptualizing government as ideally like the man in the song who was leaning on a lamp-post on the corner of the street until a certain little lady wanders by – the market in this case. The government ideally 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 or Greenpeace etc, broadcasters such as ABC and SBS, particular individuals, 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. This may be seen, for example, as a denial of the existence of slavery and its value to the exploiters, which may also relate to the financial use and abuse of women and children in related communities. There are many practices just one step up from slavery, which do not deserve to be ignored in any theoretical, moral, economic or related social, scientific or personal analysis, perhaps ideally starting with the self.

In 'Contestability in Public Services: An Alternative to Outsourcing' (2015) which Sturgess wrote as a research monograph for the Australian and New Zealand Society of Government (ANZSOG) he states:

*'In 2014, the Australian National Commission of Audit used the term (contestability) in conjunction with 'competition' and 'outsourcing', **but it was never defined.** The 2014 federal budget documents announced a formal commitment to a process of contestability:*

*The Government will develop and implement a Contestability Framework to assess whether a government function should be open to competition and the appropriate means for this to occur. A contestable approach can come from outside Government or from other entities within the Government'. (This is a proposal from outside government.)*

Sturgess states the Australian Department of Finance has been charged with establishing a three year program to review the functions of government against this framework, which is expected to "**offer opportunities for identified functions to be delivered through alternative and contestable approaches**". He states this looks 'very much like a program of market-testing or outsourcing of support services. Certainly the public sector unions have come to see it as nothing more than outsourcing. Apparently, 'Contestability has a technical meaning in economics: it refers to potential rather than actual competition'.

China Watch, a supplement prepared by China Daily, People's Republic of China and inserted in the Australian Financial Review (27.5.2016) provides direction based on the China-Australia free trade agreement. If you agree with this stated direction make it happen because otherwise corruption, environment destruction and social inequality will be likely to increase substantially. Guo Yanjun writes of the 'Chinese Dream' as a 'correct outlook on morality and profit and a new type of relationship between major powers'. Australia's small population is its intellectual property cross and a substantial assistance to US domination of thought and production here. Although their labour may be cheap if they are not living in the welfare state, the wellbeing of impoverished women and children in all countries depends also on limitation of their reproduction, especially if they are all expected to live off the land or in urban slums. Balance all these realities on the ground to go forward. I find myself a more urgent witness to desertification than climate change as I have

seen it advance so quickly in my lifetime. Design to stand up in openly shared equity and other arrangements also designed openly to serve peoples' futures, not their masters and commanders.

In Australia, many so-called property 'rights' appear to be manacles against more productive Australian ways pioneered already and mainly by labour and industry forces. These have later had bipartisan support because they have been shown as more effective and popular than market driven alternatives. The Australian health care and social insurance systems are cheaper, more accessible and more equitably delivered than US market systems, as well as producing more reliable data. The US market and government approaches to land, taxation, construction and risk, brought the global financial crisis of 2008. Australian industry based retirement incomes policy has also worked better for population welfare than this global market, which is highly unstable, leaving the public with huge risks, costs and losses. Without good structure for organization, the roughest and nastiest can often drive confusion and corruption, in secret or not. Later I ask, 'Is outgoing Northern Territory aboriginal senator Nova Peris kidding'? This question is not limited to aborigines. Who does she think she is supposed to be representing in politics or sport? These are good questions to many people, like lawyers, who appear to think the pursuit of their own small group interests are 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 about. 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.

## **THE PC VIEW OF RIGHTS AND COMPETITION IS CONFUSED AND CONFUSING WITH COMPARATIVELY UNFAIR RESULTS**

Property rights and rights supposedly obtained in adoption of the International Declaration of Human Rights at the end of the 2<sup>nd</sup> World War, are different. Aboriginal land rights appear to combine both concepts. The Declaration of Human rights states all human being are born with equal and inalienable (i.e. God given) rights and fundamental freedoms. These historically new and universal rights are supposedly expressed primarily in anti-discrimination acts. Some think they were born with rights, some think they achieved rights, and some think they have rights thrust upon them. There are better ways of tackling this than speech censorship and legal privilege because both are the reflections of the power structures driven primarily by comparatively closed markets, states and the related family and community organizational relations. To be treated to the sight on TV of very expensive legal fights about which bathroom transgender people should enter, is to feel yet again as if the US has completely lost the plot about improvement of wellbeing.

After making the claim that patents ideally should be granted only to socially valuable innovations that would not otherwise occur, the PC report goes on immediately to state (p. 7):

*The granting of rights — and the strength of those rights — would strike a balance between incentives to innovate and the costs of patent protection. Achieving such a balance has proven difficult in practice. Notwithstanding some important reforms that have helped to*

*raise the bar on the quality of patents, the system remains tipped in favour of rights holders and against the interests of the broader community. Despite being a net importer of patented technology, Australia provides relatively strong patent rights compared to other countries.*

The above seems very muddled. How can the PC sensibly oppose the concepts of **rights holders** against the **interests of the broader community**? The International Declaration of Human Rights supposedly applies to all of us. Land and property holders are a substantial part of the universal lot, whether as peasants or captains of land, industry and finance. Surely we all have related interests. The rights of property holders, whatever they are, are ideally contained today within universal human rights. Then ideally we can be less fearful of open communication and response. The expectation of lawyers and others whose operations bind us to particular forms of secrecy and compliance, represent more narrowly feudal interests, not those of the public which supports them. 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.

In **Draft Recommendation 6.2**, however, the PC states that **'the general patent system should balance the interests of patent applicants and patent owners, the users of technology – including follow-on innovators and researchers – and Australian society as a whole'** (p. 32). The PC appears confused about what it means by applying 'balance' so, as usual, I'd hate to have to carry it out in the real world.

Numbers are only as good as premises, composed of words, on which they are built. To hide or evade pointed words, especially if they are some person's accusing questions, or some organization's intellectual property embedded in commercially repeated research tests, or based on multiple box-ticking, is anti-intellectual and appears against the public interest in open and fair treatment, including competition. Ideally one sees the consultatively designed contract aims, work processes and outcomes, to review and compare them with others to gauge effective project and risk management. The NSW Fair Trading Home Building Contract is a clear and straightforward tool for quality management and related education and certification on contracted projects, which may be scaled up or down in a variety of related contexts. Robertson's Painters and Decorators introduced it to us at St James Court when we had all our top windows on 18 townhouses repaired and the three storey complex painted. Like making a cake, however, the risk management recipe may often seem better on paper than in the execution which may drift in response to the harder matters of communication and assessment. That's life I guess. Photos often help.

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. I address it and complain to the Commission, having sent a copy of my complaint to anybody I like, as usual. Others may do the same. 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. In my case, as a

member of the St James Court owners' corporation and strata management committee, with a strata manager who represents all owners, whether or not they are living on the plot, this is an interesting exercise. Levies, insurances and the daily realities appear reasonably managed by strata managers in cooperation with other real estate agents, various maintenance organisations and householders. However, the current conceptions of intellectual property rights, at least as they are portrayed to owners and tenants, generally inhibit learning about reality and managing it better through more informed work.

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 theoretically related state institutions, of which the PC appears part.

Admirable as it is in many ways, this PC IP report suffers from following approaches led by lawyers turning back the adoption of the Hilmer Report entitled 'National Competition Policy', which was endorsed by all Australian heads of government in 1993. The later approaches, exemplified in the Competition Policy Review Report (Harper et al. 2015) appear to overvalue the theoretical, law driven concept of competition delivered in court. Hilmer addressed the limitations of related premises after state and Commonwealth governments had introduced environment protection legislation. The theoretical position presented in Hilmer's 'National Competition Policy' defined competition as *'the striving or potential striving of two or more persons or organizations against one another for the same or related objects'* (p. 2). In practice it is true that cooperation or contest between people is not necessarily financially driven, especially in the era of the welfare state. 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 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. The views of outgoing Northern Territory senator Nova Peris are wrong when she stated to TV news on her resignation 'until you are an aboriginal person, do not criticize me for the decisions I have made'. As a senator she is supposed to represent all people in her electorate and anybody can criticize her, with good justification in this case. The Senate is not another little club or secret society, represented by lawyers. Government or other independent inquiries are more equipped to investigate matters more openly with people ideally being prepared to freely contribute to them in the service of themselves and others. As Linda Burney, another aboriginal political candidate, albeit in the coming election, pointed out when Chairperson of the NSW State Reconciliation Committee and member of the NSW Crime Prevention Council, there is no pan-aboriginal perspective and each aboriginal person can really only speak for him or herself, the same as anybody else. Nova Peris said aborigines don't inherit wealth like non-aboriginal Australians do. Land rights appear to be forms of inherited wealth and I can only guess many Australians inherit little wealth or may support parents in old age. As the Australian population is ageing and migration is common, the ways people die as well as live and receive services from many quarters deserve broader attention. The leaders of Liberal and Labor parties claim to be committed to improving

outcomes for aboriginal people to a level more like the general population. Key women need birth control, however, and this is not confined to some in aboriginal communities. The Salvos story book 'When hearts hurt' concerns me, for example, as I see Becky already had 3 children before she was twenty-three and the government and the Salvos are giving her everything. I want to know is she fixed up for good and I don't mean with another partner. Why in God's name is she having so many babies when she finds it so difficult supporting herself? With her marital and health history she doesn't need more and should be stopped. They are taking the place of refugees. The VC at Sydney University had six. How greedy is that? A violently extreme and frightening situation was depicted in the program '**Callous Disregard**' on the ABC TV Four Corners program, where an alcoholic mother of 7 was killed by two alcoholic men who later wished they had not done it. **The NSW Department of Public Prosecutions (DPP) formally declined to prosecute the men who had clearly killed Ms Daley**, despite the urging of the investigating police and recommendations of the NSW coroner. **An Upper House Committee is now inquiring into child protection in NSW. This is a place to address the racist view that how many children a woman has is entirely her own business. This is rubbish. In theory and practice there is a lot attached to this debate and it is dangerous and unfair for government to take so little interest in matters of life and death. I am nearly seventy, for example, and want government to help me end my life when I tire of it. It enrages me that others think they have a right to keep an old and independent woman who has lived a full and happy life alive any longer than she would wish. Help me.**

From the PC view, however, which appears to follow the market and court driven assumptions of the Competition Policy Review (2015), the state and other people who work for pay outside the market, or in the family or community for free, are not seen as valuable beyond being voting or paying bums on seats. 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 explains that developing new plant varieties is generally expensive, often takes many years and does not come with a guaranteed success. So agricultural plant breeding has traditionally been undertaken within the public sector, with new plant varieties made freely available to growers as they are developed. This provides the growers with future seed stock once they have grown a crop. The Plant Breeders Rights Act provides broad powers for the Secretary of the Department of Industry, Innovation and Science to provide compulsory access to plant varieties (p. 397). The protection of the creator in a university or in a national broadcaster may also be far more securely delivered through the employment contract than through IP, which typically may be designed to benefit publishers, to the detriment of the institutional and broader public goals reflected, for example in strategic plans and openly shared projects which require more broadly open consideration on common ground.

Caring for land and personal health are connected and the more broadly and cheaply these services are able to be delivered the better. Standards are ideally maintained on related principles, as pioneered in family and health care, perhaps. Until the free research symposium at Sydney Uni. entitled 'Resilience: Can our Environment keep bouncing back?' held by the Faculty of Agriculture, Food and Natural Resources in 2011, I had only heard of 'resilience' in regard to management of

human health and rehabilitation. Michael Harris discussed the potentially related use of INFFER, as a simple investment framework for environmental resources and a tool for planning and prioritizing public investments in natural resources and the environment. INFFER requires decision makers to be explicit in their assumptions and start planning with regional maps in which the significant public assets are identified and simply graded in terms of their high or low significance and related threat, prior to making recommendations for action to improve their nature and resilience. The landmark grand bargain on climate change, outlined in an agreement reached by 200 countries for the first time in Paris in December 2015, urges all to take action to curb greenhouse gas emissions. The International Monetary Fund Chief, Christine Lagarde, stated: *'Governments must now put words into actions, in particular by implementing policies that make effective progress on the mitigation pledges they have made.* (p.4). This appears to be a time for more open and direct action led by government, industry and other community associations, also working with markets. In the China Daily China Watch, Wang Hui writes the China-Australia Free Trade Agreement is a test that both countries need to pass with high marks. Corruption is more cheaply and easily avoided in more open operation and arbitration.

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 in contracts to assist organizations and individuals living in related regional contexts. This requires more open and direct action, especially in handling disputes, to stop the incursions of lawyers locally. 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 ideally be more openly and directly expressed in words in every field, not confusingly bottled up.

While government and its related institutions may create value, for example through health care, education, media and retirement service provision, others may work happily and well for free and have always done so. Is it any wonder when wives and mothers, for example, may get particularly stropy when put down thus? The PC inquiry employed over 20 people to produce a huge report which was only available on line. It is necessary to download the pile to make a reasonable response. The fact that my first request for a hard copy of this report was first ignored and then refused, before a man sensibly overturned his superior's instructions to send me a copy, suggested the PC is not really interested in what concerned parties far more informed and relevant to the matter than I am, genuinely think about the report. The more knowledgeable and considered submissions are made to the PC the more free and valuable IP the government receives from its key constituents, who are ideally also charged with designing sensible futures. The PC, however, appears to prefer plenty of public servants while denying a hard copy report to those who might wish to obtain a broadly inclusive understanding of matters addressed, as befits reasoned responses. Perhaps lawyers are treated differently in this. It wouldn't be the first time this occupational

interest group is singled out for special attention as if they speak for the public rather than their own feudal intents.

## **TOWARDS BETTER AND BROADER WELFARE STATES ON BETTER LINKED REGIONAL GROUNDS**

Ideally Government is there to serve the people and should act to do so openly through cooperation and competition, which may or may not be market based. The great European sociologist, Max Weber, following Marx, wrote freely on the state, and also put his finger on the problem, also reflected in the PC report on IP, when he said:

'As soon as intellectual and aesthetic education becomes a profession, its representatives are bound by an inner affinity to all the carriers of ancient social culture who doubt that the dominion of capital can give better, more lasting guarantees to personal liberty and to the development of intellectual, aesthetic and social culture than the aristocracy of the past has given.....They want to be ruled only by persons whose social culture they consider equivalent to their own and they prefer the domination of the economically independent aristocracy to the domination of the professional politician.....They stand in deep antipathy opposed to the inevitable development of capitalism and refuse cooperation in the rearing of the structures of the future.' (Cited in Seidman 1983 p.211)

Related discussions of communication and healthy community development are attached and on [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au) Some link the Aging and Disability Department (2000) NSW Government Disability Policy Framework to broader work in services and funds through recognition of the need for openness for creativity as well as knowledge. This is ideally used in the service of all, not secretively bottled up by government or in the service of expensively commercial operations to support narrowly established elites. In spite of recommending the innovation patent system should be abolished this IP draft report seems hardly brave enough for comparatively sheltered and highly paid state employees. One recommends politicians of all stripes and others make principle project and related management appeals openly to each other and to key institutions and related individuals on common local grounds. The direction in the Digital Dividend Green Paper in 2009 is considered attached with related discussion of aboriginal affairs.

This proposal is therefore aimed at getting more openly and broadly shared comparability in land, housing construction and related management of funds and other services in practice. This is also aimed at improving services. Contract and fund management are ideally discussed in related competitive contexts. The Senate Report on the Housing Affordability Challenge (2015) suggests a comparatively wide consensus of opinion about trends and problems in construction and in housing and rental affordability. Ideally, government, private sector and charitable institutions should link with university and other regional and organizational strategic planning and development directions on ground which is commonly and openly shared in reality and theory. Services may be good or bad when delivered in the public or private or charitable sectors and in shared equity or related relationships. We will need local grounds and related managed funds to test them. For example, in the Sydney Morning Herald (Oct. 24-25, News Review 2) Malcolm Turnbull said of construction matters:

'I think the Commonwealth should take a more active role.....Why do we keep writing out these big cheques? This is big economic infrastructure. We should be taking a piece of it. We don't need the same internal rate of return as Macquarie Bank would, obviously. But if we have a piece of it, then we're able to invest more, frankly. Then we're much better off being a partner rather than simply being an ATM.'

The last Treasurer's intention, (SMH 24.9.15 p.1), is to recognize the central policy importance of **working; saving and investing**. Good management for all Australians does not ideally depend on a party in power or the particular price. It takes the regional stakeholder on common ground approach, in which stockholders play parts in support of the key stakeholders. The latter groups are the particular people historically living in particular circumstances, for whom a particular service is ideally designed and those who fund it. The PC approach just represents more lawyers through its confused and unclear discussion.

All politics is local and must be harnessed at some stage to reflect the reality that those elected occupy common ground, as distinct from legal theory. Open cooperation with related communities and individuals is vital for the attainment of sustainable futures. At St James Court in Glebe, where I live under strata title in one of 18 townhouses at the end of a dead end street, we are surrounded by neighbours from various manifestations of the private sector, the public sector and the Catholic Church. Since I retired in 2007 I actually began to take a genuine interest in the management of the plot, as distinct from simply rolling up to strata management meetings and taking part in some pig-ignorant voting, spurred on by the effects of the global financial crisis in 2008. Frost's poem 'Mending Wall', has never seemed more apposite than it does to me today, except that there were only two people present in the poem and they actually knew how to contact each other and could talk and make decisions and carry them out. I find the reverse is our more modern life under monopoly legal privilege where everything occurring in each separate management operation appears expected to be a secret. This is ignorance under another name, as I get tired of repeating. There are, for example, a huge and unknown number of houses in the inner city which are empty and falling derelict, while few know where or who owns them, while others squat in parks. I bet that various government departments and churches own a lot but trying to locate the empty dwelling and those responsible for making decisions about its future is a nightmare. Surely politicians can get together over this?

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. How is this expected to happen? *(Surely, every poor old woman should have a strong young techy man to call upon in times of distress. However, as many have remonstrated with me over the years, 'We are all different'. Well der? Do not come near me with a bill of rights or I will bomb or shoot the lot of you. Tell it to the British.)*

The minimum wage was increased slightly to \$17.70 an hour recently. The Youth Jobs PaTH scheme in the last budget will give \$1000 inducement to businesses to provide a 4 to 12 week internship for program participants and an income supplement for the participant. There is also a \$6500 Youth Bonus wage subsidy payment for employers that take on a young worker in employment services for longer than six months. Ideally the Youth Jobs PaTH design 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. Master Builders Australia welcomes the scheme (Australian Financial Review 5.5.16 p. 46). As the doctors Medicare Benefits Schedule (MBS) has been frozen for three years, this may encourage many general practitioners to retain bulk billing and encourage other forms of job assistance in the related service of community health and education. This should be conducted in tandem with investigation of the MBS to improve its value to the general community, of which doctors are a highly valued part, along with police, sports and fitness organizations and many others. 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.

In summary, speaking as Lilith the Magic Pudding, Chief Alternative to Faith and Queen of the Monkeys, Faith is close to dead for us. We are drowning in too much US popcorn and George Pell also makes us sick. Cheers,

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