COMMENT ON THE REPORT 'THE PROPOSED BUILDING AND CONSTRUCTION DIVISION OF FAIR WORK AUSTRALIA'

ONE LAW FOR ALL! PURSUE A TRUTH-SEEKING PATTERN BARGAIN DESIGNED WITH EMPLOYERS, NOT THE FEUDAL POWER TO WRECK

In 2008 the Deputy Prime Minister and Minister for Employment and Workplace Relations, Julia Gillard, appointed the Hon. Murray Wilcox QC to consult and report on the government commitment to establish a specialist division within the inspectorate of Fair Work Australia (FWA) for '*the building and construction industry'*. (They are my italics. See discussion later on the need to use Australian and New Zealand Standard Industrial Classification (ANZSIC) industry definitions for a scientific approach to management, rather than a feudal one. Although the terms of reference for Murray Wilcox address the topic of the building and construction inspectorate division of FWA, a related confusing aspect of the discussion agenda is the future of the Building and Construction Industry Improvement Act (2005) (the BCII Act). This Act established the Australian Building and Construction Commission (ABCC). The Prime Minister has stated it will be abolished in 2010. The BCII Act was supposed to curb industrial unrest. The argument of this paper is that this can only be accomplished by more scientific approaches to construction management. The legal process promotes conflict instead.

This submission responds mainly to Wilcox's report on the above topics which I did not know about until the Sunday Program on ABC TV (7.6.09). I expect only participants in the construction industry and lawyers were ever invited to comment. As an Australian citizen, who naturally requires affordable housing, work and related services and goods which ideally will protect the quality of life and its environment for future generations, I consider that I have as much right to comment as those in the construction industry. (Baby, I am your mother and a free modern woman. Secret wifely duties made me sick.)

If I wished to comment on Wilcox and was a genius, yet was rejected, that would be a terrible mistake. If I were instead a dangerous moron, surely that would also be good to know? One often gets more useful information by broadly and naturally inviting and questioning it, rather than restricting it feudally, through employers, unions, the related financial sector operators or their multiple lawyers. The legal process invites rubbish because it is based on pre-scientific assumptions and rules which flourish more inconsistently, incomprehensibly and irrationally with time. This only encourages more adversarial practice. In the public service, on the other hand, the lawyers are mainly focused on changing nothing. This may include flipping dispute resolution work to the court because nobody has commercial in confidence information outside it, or for other reasons. Calling on a lawyer to resolve industrial disagreement or assist in its resolution asks for trouble. A cooperative and broadly scientific approach to managing construction is best to draw people with divergent interests together. The alternative route champions all legal and financial sector interests to the detriment of all others who are forced to pay for their controlling services, which often increase the general resentment against the law. From a modern scientific perspective the process of law is unbelievably vile and stupid.

(See the attached discussion which is also referred to briefly later.)

What will the FWA and its new division look like? Murray Wilcox indicates that the Deputy PM stated the FWA will be a 'one-stop shop', which subsumes a number of federal authorities: the Australian Industrial Relations Commission (AIRC) the Australian Industrial Registry, the Australian Fair Pay Commission and Secretariat, the Workplace Authority and the Workplace Ombudsman as well as the ABCC (p. 23). There will also be an Inspectorate within the FWA which will be an investigation and prosecution unit, headed by a director who will appoint Fair Work inspectors. The 'Specialist Division' will be a division of the inspectorate (p.23). The BCII Act which set up the ABCC is discussed in this context later.

An earlier Labor platform document called 'Forward with Fairness' provides more useful information for direction which I will refer to again later. The Overview (p. 1) states, among other things, that in government, Labor will rely upon all of the Constitutional powers available to it to legislate national industrial relations laws to reduce complexity and duplication. The Government will focus on cooperative workplace relations. The Government will create a genuinely independent umpire. FWA will provide information and advice, undertake formal and informal dispute resolution and contain an inspectorate to monitor compliance with Labor's new industrial relations system. There will also be ten legislated national employment standards which will apply to all Australian employees. Awards will provide a safety net of up to 10 additional conditions relevant to particular industries and enterprises. The subcontractor's complex relationship with his client, who may be more like his employer, is discussed tentatively later in this context.

Achieving the Forward with Fairness aims requires support from a scientific (i.e. truth seeking), not an adversarial approach to managing the construction industry and its environment. This may be delivered through the International Labour Organization (ILO) Convention on freedom of association discussed later. Employers, unions and others should all glom onto this to create an FWA management approach designed in the public interest, which also needs to be highly competitive from the national and organizational perspective. Lawyers are a huge waste of money. They function to provide for the rich. However, this is complex. Marr (1992) demonstrates, for example, the good work done by Barwick to free small business of the effects of state laws erected for cartels of mates. A Methodist made good, Barwick loved the Law. Baby, if I'd had his family as a boy I would too. (Being a free modern woman, however, I just want to kick lawyers' guts in.)

Recommendations:

1. **Define terms consistent with relevant international scientific classification systems and commonly used dictionary terms where possible and take related, broadly scientific approaches to management and evaluation of action and outcomes**

The term 'building and construction' is not consistent with the treatment of 'construction' under the relevant ANZSIC service industry classification, or apparently with any other definitions based on international classification systems designed to assist the process of more scientific management. Why use it? In the 1980s in NSW when I was employed in

WorkCover, an understanding seemed finally to have developed to use the global term 'construction', not 'building and construction'. This now seems to have disappeared and nobody, including Wilcox, seems to care. Ideally, ANZSIC classifications should be incorporated into all industry management and related scientific practices unless there appears to be good reason to do otherwise. Recent Productivity Commission (PC) reports supported this industry development direction which provides more transparency and cost reduction. These are normally the related and necessary goals of scientific management for sustainable development. Legal and financial interests ignore this logic, (which I regard as the same as being hostile), because it would greatly inhibit their capacity to take others' money by using dominating and confusing language while centrally undermining potential for scientific, as distinct from adversarial progress. Law compels its practitioners to be one eyed savages promoting the value of being polite.

As construction is a leading service industry, see the attached discussion of more coordinated and truth seeking services, manufacturing and primary industry management, including key forms of contract financing and dispute resolution. The Hon. Chris Bowen, when Minister for Competition Policy and Consumer Affairs, stated he would introduce a Bill on unfair contract terms into Parliament in June 2009 and provided some 'Exposure Drafts' for comment, which I found to be rubbish. (The BCII Act also deals with unfair contracts in chapter 6.) See the discussion attached and also the article entitled 'A healthier approach to justice and environment development in Australian communities and beyond' which attacks the legal paradigm and makes recommendations for development of alternative (i.e. better) dispute resolution systems (ADR). The PC currently seeks comment on measurement and comparison of a non-profit organization's capacity to meet the PC's recommended goals of ***service delivery, advocacy, connecting the community and enhancing the community endowment.*** In a related national and international context**,** a submission on the PC Issues Paper entitled 'Contribution of the Not for Profit Sector', is attached which briefly discusses superannuation funds and a range of other potential investment vehicles. Profit and non-profit approaches to management ideally provide the national community with a framework for effective competition on a 'level playing field' of national standards for health and environment protection. Ideally, private, public and voluntary service providers compete on equal terms to help all stakeholders, who include stockholders and related investors, achieve their economic, social and environmental goals. Who trashed Hilmer instead and why?

Construction takes places in a land and environment, which often has a history of being fought over by groups with different interests, with related delays in productive operation. Broadly consistent and scientific, rather than diverse and adversarial, construction management approaches are necessary in this broader context of land, air and water management for broader and greater community enjoyment of biodiversity. The Victorian government called upon a Victorian Competition and Efficiency Commission inquiry to identify:

- The type of environmental regulation with the highest regulatory burden
- Victoria's largest regulatory opportunities for, and barriers to, maximising the economic benefits in the transition to a low carbon economy that responds to the state's emerging environmental sustainability challenges.

To avoid narrow, costly and irrational red tape, program and project planning and evaluation should normally be undertaken from related international, national and regional industry and community perspectives, which seek to align and scientifically achieve key national and local economic, social and environmental goals better. Since the 1960's, development of the national reserve system has been based on the biodiversity related principles of comprehensiveness, adequateness and representativeness (CAR). These international principles are incorporated in the Interim Biogeographic Regionalization of Australia (IBRA) system which divides the nation into 85 biogeographic regions and 403 sub-regions. IBRA provides an international land planning framework and tool which should aid development proposal evaluation and the realization of CAR principles in the related development of all national and regional planning for more sustainable development. (Tell that to the orang utans?)

Ideally, the key aims of industry and related legislation are broadly and flexibly applied and evaluated, in related regional industry, community and environmental contexts to obtain the best balance of economic, social and environmental outcomes over time. To do otherwise is bureaucratic madness, because the Commission points out that the broad reach and complexity of Victoria's framework of environmental regulation alone, indicates 43 environmental acts and over 9000 pages of related legislation (p. 37). This cannot be rationally addressed in isolation from the geographic, community and industry contexts in which it is ideally applied as openly, flexibly and scientifically as possible, along with any other legislation relevant to the context, to achieve stakeholder and stockholder goals. The lawyer's perspective, which pursues an original narrow act made increasingly stupid over time, is mad. Yet this narrowly aggressive, rule bound male perspective has ruled us for centuries and created many of the problems of bureaucracy Weber wrote about. The answer to the legal problem lies naturally in using more open and popularly understood scientific and modern communication approaches to achieve accountability and progress in the public interest. Quality media is tops. Feudal practices are often vile and maintain, in extremely ignorant and costly form, the basic assumptions of the clan against all comers. Lawyers live off the ancient and stupid adversarial processes they control. The lawyers' interest lies in winning a game, not finding out the truth. The process is rubbish, yet we are supposed to be cowed, and respectful and thank them for it. They had centuries to reform themselves and failed dismally. Cut them off.

2. **Establish conditions for scientific management; define 'bargaining in good faith' as bargaining honestly, under conditions which promote the search for truth**

Under the heading 'Fairness, choice and representation at work' (p.12) the Forward with Fairness document states that 'Labor will give effect to important workplace rights which are essential to a functioning democracy'. It lists:

> Collective bargaining; freedom of association; the right to representation, information and consultation in the workplace; protection against unfair treatment; access to an effective procedure to resolve grievances and disputes; freedom from discrimination; and equal remuneration for work of equal value (p. 12).

It may be noteworthy that Wilcox states that nobody complained to him about the National Code for the Construction Industry (the Code) (p. 12). This establishes minimum standards business must meet to be eligible for Australian Government construction work. According to Wilcox, Article 2 of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (ILO 87), states 'Workers and employers, without distinction whatsoever, shall have the right to establish and subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.' (p.7) The Convention suggests that representatives of construction employers and workers may join an FWA board and senior management to introduce a truth seeking, as distinct from adversarial approach to information handling. Plain language is necessarily at the centre of this. Why not break the legal stranglehold? (Do not bring in lawyers as wreckers for the umpteenth time.)

'Forward with Fairness' states Labor believes that as long as bargaining participants bargain in good faith and are able to reach agreement, they should be free to do so without the need for government intervention or to comply with complex procedural rules and requirements (p. 15). Good faith bargaining is not defined. Could this process lead to the pursuit of comparatively narrow sets of industry and related occupational interests to the detriment of the broader public interest, for example in regard to the reduction of greenhouse gases or the resolution of other environmental problems, for which government as well as industry is often held responsible? This issue needs tackling. One notes, for example, that the website for the National Code of Construction claims that the Code ensures the 'building and construction industry is client focused'. Who is the client? (One doubts the construction industry is yet established to use finance, insurance, and related services to the advantage of all the people who live in a house or community, rather than for those with the luxury of seeing construction primarily as an investment.)

The above industry direction needs to be restated through a new and more competitive production framework in which national economic, social and environmental goals and interests may be better aligned, addressed, and balanced competitively, regardless of the sea of red tape in which all now sink or swim. For example, are the finance, insurance and construction industries organized effectively to provide more affordable and greener housing in future? Or will the weak fail, which is likely to be the young and green? Is the multi-factor productivity index, which supposedly measures industry gross value added per unit of capital and labour input, still respected in the current international context in which Australians have seen a major global economic crisis led by US financial practices in construction, and where the reduction of greenhouse gases is expected in future?

In Forward with Fairness (p.15), the first obligations of good faith bargaining are stated as being:

- Attending and participating in meetings at reasonable times
- Disclosing relevant information in a timely manner, subject to appropriate protection for commercial in confidence information
- Responding to proposals made by a party in a timely fashion

What is reasonable in regard to the above may be a moot point but it is a basic principle of scientific progress that more clear information about a matter is usually better than less and the quicker one gets it the better. Websites, email and Google are great for giving information. Neither should one be afraid of writing as early as possible. This is ideally a clarifying open record to which corrections can be made more easily and early. Writing and progress go together as little can be held in a single head and tested against practice.

One wonders, however, about the muddled thinking in the next, and what should perhaps have been the key point for bargaining in good faith. Surely it should have reflected the need for holistic understanding of the others' situation, (rather than just one's own), which is central to the search for truth. However, Forward with Fairness instead calls for:

- Giving genuine consideration to the needs of the other parties, and providing reasons for their responses.

Is the above an invitation to psychoanalysis? – One hopes not. (Intimates have called me nasty, brutish and short but it was not the way I saw myself.) I bet the words are just the lawyers' normal Freudian slip. Basically, they appear determined to wreck anything that makes sense so that it conforms to their monopoly interests in retaining feudal practices centuries after a broad understanding of the power of scientific methods have been gained by many populations if only through their knowledge and use of common dictionaries for classifying language so that all may understand and use it better. Lawyers prefer their specialised language which is often rubbish and to add to it through the centuries. The legal monopoly historically represents related feudal and financial ideologies carried out to uphold the legal Word and upon which early government was necessarily built. The judge still acts like a God, who does not care to know how his decision making outcomes may be improved over time. For example, compare legal and medical data gathering.

Finally, Forward with Fairness states that bargaining in good faith calls for:

- Refraining from capricious or unfair conduct or conduct that undermines freedom of association or collective bargaining

This is important for the discussion by Wilcox, which focuses primarily on the recent history of dispute within the construction industry and on the BCII Act, which established the ABCC. This came after a Royal Commission presided over by the Hon. TRH Cole RDF, QC, a former judge of the Supreme Court of NSW was established in 2001. Wilcox states that the Cole Report, among other things, sought the following:

> ©Mechanisms to ensure that disputes are settled in accordance with legislated or agreed dispute resolution procedures rather than by the application of industrial and commercial pressure; and
>
> (d) Creation of an independent body that will ensure that participants comply with industrial, civil and criminal laws applicable to all Australians…….as well as industry specific laws applicable to this industry only (p.3)

The recommendations in this submission are consistent with the above search, but not with the rest of the approach which established the BCII Act. Wilcox argues the history of construction dispute relates to 'the clash between the short-term profitability focus of the providers of capital, clients, head contractors and subcontractors on the one hand, and the long-term aspirations of the union movement, especially the Construction Forestry Mining and Energy Union, to dominate, control and regulate the industry for its benefit, and what it perceives to be the benefit of its members, on the other' (p. 3). One wonders how Wilcox and others identify the 'clients' in the construction industry, where subcontracting is the production norm, and whether their concept of the 'client' is different from that normally employed in health and other service industries. Since the global financial crisis was significantly driven by the US financial sector's attitude to housing construction, this is not an idle question for those concerned about producing better management systems for affordable and greener housing, rather than reproducing the past cycles of regional or international boom and crash which have also had a huge employment impact on auto manufacturing and related industries, as well as construction.

While Forward with Fairness is fairly clear, Section 3 of the BCII Act, entitled Main object of the Act, contains similar woolly statements to those outlined by Wilcox in his discussion of its functions (p. 10). For example, Section 3a of the Act refers only to building (rather than construction) and calls for 'improving the bargaining framework so as to further encourage genuine bargaining at the workplace level'. One naturally wonders what 'genuine' bargaining is, and what the alternative involves. 3b calls for 'promoting respect for the rule of law'. (One can lead a horse to water but one cannot make it drink.)

Wilcox states the purpose of the BCII Act is 'penalisation of unprotected industrial action'(p. 20) and 'to create and empower a special building and construction investigatory and enforcement body, the ABCC (p. 22). He reports on p. 10 that a critical provision in Chapter 5, Section 38 of the BCII Act is that 'a person must not engage in unlawful industrial action'. Section 37 apparently explains that 'unlawful industrial action' is 'building industrial action' which is 'industrially motivated', 'constitutionally-connected' and not 'excluded action'. On wonders why being constitutionally connected is unlawful and if the average construction worker knows if he is or not. 'Protected action' is apparently that which is allowed in a notified bargaining period in support of a new certified agreement. This language is rubbish derived from higher up the privilege chain in the authoritarian, adversarial and expensive environment it decries, principally to the advantage of other lawyers and their mates. Pull the lawyers off their perch for good.

From a scientific management perspective, the BCII Act seems primarily set up, because of the legal wooliness of its main objects and functions, to engender more technical dispute and also to put a layer of comparatively useless bureaucracy between worksites and courts, thus allowing the lawyers feudal monopoly processes to continue ruling for infinity, one assumes, while providing yet more highly paid jobs for mates in the related parts of government and industry. Commercial in confidence and freedom of information laws ensure that only courts will have access to the kind of information necessary for resolving many disputes – as usual. Lawyers are trained to avoid many obvious truths,

especially about themselves and their legal brethren, which compound the social problems of conflict, increasingly stupid legislation and their cost. The scientist and decent human ideally reject the feudal discourse. Reading the BCII Act and the Wilcox report has done nothing to improve my respect for the rule of law or to allay my enraged contempt for the pre-scientific and self interested feudal nature of the legal profession and discourse which constantly has its controlling eye on the main chance for itself and its brothers against the public interest in much more obvious and honest ways of speaking and behaving.

3. **Recognize that the self-interested pursuit of secrecy is the enemy of science and all related public interest in increased and greener productivity**

Professor George Williams, who is a person I have hardly ever agreed with and have never trusted, because he appears to be a lawyer who is constantly polite to the elephants in any room while determinedly ignoring the bleeding obvious in a lot of his writing, states:

> the BCII Act is 'a law that should not, in this form, be on the books at all. It has no place in a modern, fair system of industrial relations, let alone one of a nation that prides itself on its political and industrial opinions (Wilcox, p. 26).

However, we still cannot agree. I think the BC is far worse than superfluous to requirements because it is based on feudal and pre-scientific assumptions. His main objection to the act, however, appears to be that Section 52 could be used to require a person to reveal all their phone and email records; to report not only on their own activities but also those of fellow workers; to reveal their membership of an organization such as a union and to report on discussions in private union meetings or other meetings of workers (p. 25). (See the case of Ark Tribe in discussion of construction and related service industries attached. When people want secrecy one wonders why they are hiding.)

If one steps into the world of the scientist, who ideally seeks the truth rather than to pulverize any opposition, one immediately sees how truly objectionable it is to expect that progress is best obtained by people being encouraged to keep as many secrets as possible. The silent or whispered world is mainly that of the nasty or frightened, feudally skilled male, who may or may not share his thoughts with his mates or his lawyer. This is the kind of law and attitude which caused the recent international financial crisis. Perfect information is ideally necessary for perfect competition. In spite of the information opportunities presented by science, (e.g. email, clear website information, Google) the lawyer's feudal and pre-scientific, controlling monopoly of the world has led all closer to perfect financial ignorance. Let the financial chaos now allow those concerned about more effective and broader competition to overthrow the feudal masters at last, rather than again enriching them by regulatory expansion built upon a stupid, feudal base, as usual. (No offence to silent religious orders. My answers are so long I understand their appeal.)

4. Consider the National Code of Practice for the Construction Industry and the Australian Government Implementation Guidelines for the National Code of Practice in the scientific light recommended, which involves testing in practice.

According to the ABCC website:

> 'The National Code of Practice for the Construction Industry (the Code) establishes minimum standards businesses must meet to be eligible for Australian Government building and construction work. The Australian Implementation Guidelines for the National Code of Practice for the Construction Industry (the Guidelines) provide further detail on Code compliance requirements.

I have not read the National Code of Practice for the Construction Industry or its Implementation Guidelines, but note that 'building' is not in the title and that nobody complained about it to Murray Wilcox. That seems a reasonable start. However, the fact that the Guidelines have been written is not encouraging. The concept of '***a code of practice'*** appears synonymous with the implementation of a work process in common speech and also under the NSW Occupational Health and Safety (OHS) Act, at least as it was during the 1980s when I was employed in WorkCover. If the code outlines minimum technical or financial standards all businesses *must* meet, rather than being recommended, perhaps the information may be more appropriate in the relevant legislation or its related regulations or in a relevant Australian standard called up by the legislation. The guidelines seem to be a belt and braces approach to management which may be confusing.

The regulatory approach recommended was discussed in a submission on two July 2008 issues papers produced respectively by the PC Inquiry into Government Drought Support and the PC Review of Regulatory Burden on the Upstream Petroleum (Oil and Gas) Sector. It addressed both inquiries' questions from a risk management perspective designed to achieve coordinated, sustainable development across Australian primary industries, which usually also depend primarily upon the availability and quality of land and water for their operations. The submission discussed Regulations, Standards, Codes of Practice and Guidance Notes in a related context. As I understand it, subordinate legislation ideally comprises any supporting laws, regulations and other technical standards called up in a principal law. These logically lie beneath an overarching law, to assist its administration to achieve its aims. The description below refers to OHS acts, but the process is the ideal logic of all risk management. This broadly scientific approach is hostile to the feudal and costly operations of courts, which also make effective risk management data collection impossible. The supreme monopoly decision making power of courts rapidly infects lower administrative logic with their smothering assumptions.

Australian technical standards, codes of practice and guidance notes support state OHS legislation and if called up specifically in it, are expected to be followed. People are expected to follow expert codes of practice considered relevant to their job operations, unless the evidence is that another course of action is safe and preferable in the specific situation under consideration. This approach provides the legislative context for a generally more independent and informed approach to work, which can be compared with the scientific, evidence based approach, required of health workers. For example, a health worker is ideally expected to identify a client's problem and to apply treatment after consultation and consideration of the relevant body of scientific evidence or expert treatment protocols. However, the treatment may vary as far as this appears to be

necessary to meet the particular needs of a specific individual or situation. The reasons for any deviation from the generally expected expert practice should be documented and signed. Ideally, all such information contributes to research aimed at improving the outcomes for specific individuals, communities and environments, in the light of the study of a broad range of specifically grouped environments, problems, treatments and outcomes.

The lack of comparative information about types of dispute, their treatment, and their outcomes is typical of legal practice. The health practitioner gathers evidence of apparent problems, records a diagnosis and implements recommended treatment. Ideally this is applied with the variations the practitioner considers necessary in the light of all relevant evidence about the particular case or situation. Ideally, data recording is designed, both nationally and locally, to drive improvements in the quality of all treatment outcomes and to prevent re-injury. Record of typical and atypical patient situations, treatments and outcomes, ideally provides a broad data pool in which diverse situations and practices can be studied, in order to improve all future activity. This quality management approach is broadly relevant to contain service costs in many areas and improve service quality, including in dispute resolution. If this is not ideally a community service, what is it? On the other hand, law is a pre-scientific, authoritarian practice which collects little or no data to assist injury prevention, rehabilitation, premium setting or other cost containment. Nevertheless, stay away from 'tick the box' systems that please the illiterate and those who wish to avoid explanation for judgment. They become a meaningless pretence. Many academics who send articles to journals hoping for publication know this and so do many students whose teachers opted for 'more scientific' ticks instead of any comment.

A learning culture is obviously needed to support more innovation. The explosion of information technology ideally makes it easier than ever before for any education and entertainment content to be disseminated through a wide variety of media and utilized quickly in related skills and industry or community development or enjoyment. I watched a former pilot and head of an international safety authority being interviewed by a News Hour journalist when an Air France plane crashed in a storm recently. His extremely clear and authoritative performance was totally convincing to me. If expert watchers found it not so, ideally they could be interviewed as well. The democratic and educational powers of intelligent, independent, trial by media are potentially wonderful.

There is today a greater need and potential than ever before for the rational development of open education content and for effective teaching and workplace based supervision to assist in the development and assessment of competencies, especially the newer ones necessary for greener development. Knowledge production is different to other forms because its value to the community ideally multiplies and increases through its creation, spread and use, rather than the product being used up or the production destroying the 'global commons' for private gain, as is normally the case in agriculture, mining or manufacturing. TV and videos have been around for years but are extremely poorly used for structured education and related certification purposes because teachers like it that way, especially in elite universities, which are the legal and medical nests. This short-sighted view is supported by the National Tertiary Education Union policy that there should be an automatic ratio of permanent full-time teaching jobs to part-time or casual

employment. It would be much better in every way to focus on providing excellent education content openly, rather than hiding it, and to employ lots of appropriate tutors to assist its delivery. The way tertiary education is established makes this impossible. Many in universities cling to the past and professional interests which have nurtured them.

Australia is a multicultural country and I recommend the development of links with the broadcasters at SBS and the ABC. SBS states that it 'leads the exploration of the real, multicultural Australia and our diverse worlds. This means:

- We are a pioneering broadcaster, going places that other broadcasters avoid; and
- We reflect real, multicultural Australia – contemporary Australia is multicultural and multilingual; and
- We explore and connect the diverse cultures and perspectives that make-up the worlds that we live in.'

Certification of competence is a separate issue to the need for open education. Pattern bargaining introduced superannuation. Why kill the goose that lays the golden eggs?

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