

## **BY-LAWS, THE COMMON SEAL, REPAIRS AND RENOVATIONS IN STRATA SCHEME HOUSING IN NSW AND THE PROFESSIONAL SERVICES COUNCIL**

For lady, you deserve this state; Nor would I love at lower rate

Marvell, top poet of all English-speaking history. (I have higher standards than Jack Black.)

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### **A NEW KEY RESPONSE TO THE STATUTORY REVIEW OF NSW STRATA SCHEME LAWS**

Thank you for your full and encouraging consultation. In youth, in middle or old age, I guess many of us find we try to work well for free, so it is nice to have one's efforts appreciated, as distinct from shunned as irrelevant to matters as they are expected to be treated by professionals for money as usual. I take this up at personal and political levels later, hoping you can help me in my continuing research. In general, with the current policy settings, I find the rich get richer and the poor get children as usual. I discuss key global, local, NSW regional and national regulatory expectations about individuals and their group housing. Lawyers are driving their own and others professional action wrongly and blindly. This renders housing too costly and uncertain for many without rich parental subsidies. (See '*How to stop home price madness*', Jessica Irvine, Sydney Morning Herald, 18.2.2021, p. 24).

In 2018, the Independent Review of the NSW Regulatory Policy Framework chaired by former Premier, Nick Greiner, found there was far too much expensively conflicting legal red tape. His Panel agreed with the Auditor-General's assessment that overall, NSW Government initiatives to reduce red tape were not effective for long and this appears consistent with evidence from other jurisdictions, and from broad stakeholder feedback. The compliance burden associated with how regulations are implemented, and the unintended consequences of regulation, influence people's perceptions of regulation as red tape. This means more effective engagement with those experiencing regulation is required to communicate the development and implementation of complex regulation in a holistic, user-centric way that is focused on better outcomes for all. Growing legal expectations that conflicts should end in courts don't help. Lawyers are careerists like many professionals eagerly following them into relationships with state or federal governments and commercial or political party interests. Ethics are discussed later in this partial and driving state context.

As a result of recent deliberations on coming demolition, removal, reconstruction and other general renovation of brick walls and back yards at St James Court, I now see the original intent of anti-discrimination legislation rendered the common seal, which appears on by-laws, as outdated and related to the antiquated seal of the Crown. I point out why in the attached letters to the strata committee on the development of by-laws for use in fence and wall removal and rebuilding at St James Court. Briefly, the global logic of the Universal Declaration of Human Rights in 1948, has as its first principle that all human beings are born free and equal in human rights. The formation of the United Nations then led to adoption of anti-discrimination legislation in NSW, nationally and globally. As a result, the work of the Professional Services Council is addressed later in broader regional and national contexts which are expected to act inclusively. They act instead in multiple

professionally and/or bureaucratically walled structures encouraging each other to ignore and keep undesirables out. I address by-laws as examples of their unnecessary, adversarial and expensive interventions in matters which could be sorted out better by more honest people of good will in more open learning about issue considered in the context of their place.

Thus, I also refer again specifically to questions **79, 108** and various others related to repairs, renovation, by-laws and costs in the 2021 NSW inquiry into strata schemes discussion paper. You write in confirmation of your receipt of my earlier submissions and files. Thank you for conceptualising me as a participant in your inquiry rather than as a simple nuisance to be frustrated as usual, to avoid work you don't want to do, while still picking up big money for it.

As a housing owner, resident and lender I normally resent being treated as a pig-ignorant industry doormat as a member of the strata committee. We women all prefer to be enablers, surely. If we're not speaking out for other victims like us, we're camping out.

**Question 79 asks.** *Could we make it easier for owners' corporations to make by-laws? If yes, please tell us how.*

I replied: This is a loaded question showing the degree to which those who wrote the paper appear to be industry captives rather than writing in the broader regional and place based public interest, depending on the particular circumstances of the related land, building and personal case. This is wrong. Deliberations on strata should not be somebody's secrets.

Being self-supporting and a former teacher, I think anything I write is my intellectual property and I will give it to anybody I like. This is also the apparent logic held in the major study by the Australian Law Reform Commission, the National Health and Medical Research Council and the Australian Health Ethics Committee in their 2003 report entitled **Essentially Yours: The Protection of Human Genetic Information in Australia**. I will deal with ethics in this regional and personal context of responsibility later. However, the practice of law remains professionally self-interested, as distinct from ethical. See more on the topic of ethics later and at [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au) under the Questioning side bar. I am sick of lawyers at every level being treated as if they can speak for the Australian people when their practices and conclusions are actually the relics of considering themselves supreme. When the term 'born to rule' was used in the pre-war British context, this was a description of structural reality, not just a cultural estimation. Lawyers seem keen to bring this back.

Since the Nuremberg Declaration at the end of World War II, we are all expected to be ethicists, if not necessarily professionals acting in paid work. I thought this insight was won in state government in the 1980s but apparently not. Since then, lawyers have wound the clock back in their natural professional and political associations, leading with the tops in Canberra. The family firms and professions look after their own and marvel at the quality of their designated standards compared with those of the great unwashed. They've also seen it all before in Kenya with the Mau Mau as well as in Leninist Russia. My top policy advice in this international context is to sack all the old men early everywhere and let them work for free so they can do what they want and also give back through

their time as well as their money. (Arseholes and apparently admiring silent wives have had it their way long enough.)

**Question 108** in the NSW inquiry into strata schemes asks: Are the provisions relating to common property rights by-laws clear and working well? Do you have any suggestions for improvement?

I answered: **Get rid of by-laws and save money with fairer treatment of everybody, consistent with key broad aims in NSW law, applied to the particular case of the plot and its environment.**

**Owners and tenants of property are the key stakeholders in group and other housing in NSW.** Their affairs are more effectively managed together and more openly by group housing committees and by their contracted strata managers of their financial and related affairs. The NSW Fair Trading website appears to be the most comprehensive, clearest and best source of information available to the public on unclear matters. Unfortunately, this problem resolution service still drives people expensively back to lawyers and courts. The free Legal Aid NSW 2021 **Legal Topics for Older People** Calendar states '*Independent*' means you do not use the same financial adviser or lawyer as your child. This is lawyers' rubbish which expensively keeps the parties from understanding other positions except as explained by lawyers' rulings.

By-laws are examples of professional money-making schemes to add costs and reduce or destroy alternative standards apparently more relevant to the particular plot and its surrounding regions. This is addressed later and in examples attached. By-laws are NOT ideal forms of law, which is the ultimate controlling regulation referring to regional populations. By-laws reflect and perpetuate narrowly sectional and authoritarian aims and interests driving production and outcomes instead. (No dogs, Air BNB, or back-packers allowed, for example? All vegetation must crouch low within fences? No Asians next?)

The professions are not essentially different from many other occupations where particular types of examination and certification are supposed to reflect a legally certified body of knowledge, to keep supposedly lesser competitors out of their games. By-laws shouldn't be managed by self-governing professional and regulatory bodies which are also state governing ones. The service outcomes of their legal members are best judged more broadly, including by recipients of services which are not professionally driven, like mine.

### **ADULT WOMEN IDEALLY HAVE THE RIGHT AND RESPONSIBILITY FOR ETHICAL JUDGMENT, LIKE THE MEN WHO NORMALLY RULE OVER THEM IN MANY PATERNALISTIC DECISIONS**

Brittany Higgins leads the way in a related discussion of personal property and informed consent. She apparently attacks PM Scott Morrison for being insensitive to her apparently being raped while senselessly drunk. I attack former PM Malcolm Turnbull for banning sex between thinking and consenting adult public servants. Smart women have married into wealthier families for ages as a result of going into paid work. To put prohibitions on the potential meeting process appears to be a major hindrance to meritocratic choice between informed and consenting adults. Turnbull likes his national circles of privilege firmly closed.

Even before the Whitlam government, teachers spent years hearing how important education is for women to get ahead. Sexual admiration has propelled many women into higher ranks during the 19<sup>th</sup> and 20<sup>th</sup> centuries of their paid employment. It was a winner for the liberation of many women in Hawaii after the second world war, for example, by breaking down the normal land and housing ownership and values. They were strictly stratified by race and sex until wartime brothels for US

soldiers bloomed and gave many poor women a chance of getting out and up. Love has often been found at work and the English governess has long been celebrated for finding her way out of tedious poverty as a result of marrying the boss. Malcolm and Lucy Turnbull often appear to me to be like 19<sup>th</sup> century throwbacks, following her daddy and sundry others of their richly silent legal and commercial ilk. Would Kevin Rudd's wife be rich without her association with Kevin? I think not. How good is feminism? I am sick of all the partial pretence designed to infantilize women and maintain the choices of comparatively rich cliques like those in **The First Stone**.

Ethics, health and self-determination as distinct from professional determination, are addressed in related contexts later to explain the general logic of regional planning which has been developing unevenly since the Whitlam government. It is now rapidly turned back by lawyers on the make. In my view, adult sexual partners should think far more about their responsibilities to children than to each other. What passes for ethics often appears to increase institutionalised secret dealing between people fighting over children or other chattels in court. Turnbull is far from alone in appearing to want to increase this legal and emotional view of ethics, by denying the open responsibility of adults of both sexes for their choices and behaviour. More paternalistic behaviour is not an antidote to paternalism as much as a continuation of it. Open exploration and appraisal, however, helps us to learn.

The Professional Services Council website states that the professional normally expects to be paid to provide an effective service and should be judged in that light, as distinct from as an amateur actor or hobbyist. As an amateur and hobbyist, dependent like many others on other sources of income, I do as much or as little unpaid analytical and written work as I like, to a level of quality I like. I could perhaps try to pose as a professional, like so many in similar amateur, unpaid or rarely paid work today. However, others who view or receive a service, paid or unpaid, must ultimately be the ones to evaluate how far any service delivery met their particular expectations. Professional domination remains domination if any legally self-appointed body of knowledge controls broader population choices in professional interests.

As the trials of Nazi war criminals appeared to establish in the Nuremburg Judgment, the socially approved decision makers should never be the only people who are unable to escape responsibility for a general lack of ethical concern. Medical experimentation or other incursions on peoples' bodies should not occur without their informed consent. They shouldn't be helplessly trapped or lied to. Yet decisions behind closed doors in professional, commercial and political party interests are what land, construction and housing management remain largely about. Professional theories in macroeconomics which appear childishly simplistic in their assumptions about gaining general equilibrium through global trade abound. We are a long way past the 1930s and even Keynes would hate this crap which refuses to look around and learn from history. Macroeconomic theories are instead loaded with highly dubious and increasing numerical values. Their technologies increasingly reflect and enhance this professional control. This reverses the general intent of better direction designed in the interests of regional stakeholders, preferring stockholders or just their managers, in secret.

Regional development and ethical treatment concerns are here discussed in housing and personal matters which affect us globally. If the corona-virus pandemic and vaccine policy and development directions didn't exist they would have had to be invented. They centre the mind of development globally, beyond normal limits which rebuild from recession by war production because things to kill other people have always been easy to sell to men everywhere. Their levels of aggression when left to themselves appear repulsive. Yet in spite of feminism, we remain increasingly feudally trapped by legal practice. I have watched Sydney Morning Herald economist, Jessica Irvine, develop, for example, through her diets, motherhood and buying a house. I regard it is tragic that it seems her leading thought must crawl at the pace of her personal development. It shows the general intellectual poverty.

The state should help me to die when I want, for example. I'm seventy-four and I've seen and read a lot about life and I won't get better. Trust me on that. My ethical judgment is not to be won with fulsome gratitude from yet another stinking mob of men, preventing my legitimate moral choices being heard. It is disgusting that after so many years of anti-discrimination legislation, the implications about global inclusiveness and informed customer choice and comment are not understood. Gee, perhaps these guys aren't trying?

In our continuing regional context of NSW, however, I draw your attention mainly to by-laws and the common seal as they apparently may relate to repairs and renovations; and as they are conducted on any strata housing site, such as ours, at St James Court in Glebe. The by-law mania fixation is now apparently being driven according to rules that emanate from the **Professional Services Council**. I address this body later, holding my nose. They should understand why by-laws stink. I hold these people in contempt, starting with lawyers.

Until recently, child care services were rarely provided with state funds. Mothers who worked for money outside the home made their own arrangements for care of their children. Any occupation (paid or unpaid) may be conceived as the start of a professional body of knowledge, career or company today with international advertising available to any unknown on-line product. Picking up other peoples' rubbish is just another good example. The large employers and related professional associations and trade unions, however, were never well adapted to conceptualising household or other rubbish as waste. As a rule, like James Packer, they just want to make and build more of everything bigger and different, according to their usual gambling and other nasty habits. Either that or they want to piss other people's money up against a wall to help outdated macroeconomic quants, or to provide more overtime so the old blokes lower down will still get paid big money. Safety and health funds may more easily be used in money-making elections and related cases.

A little reflection may show women that it is better to be enablers than doormats, but how much? Concreters, for example, are now apparently paid more than twice as much as child care workers. However, an increase in child care workers' wages doesn't face the key problem, which is

that to be on the same team as big men and their wives is fantastic. Just ask the National Press Club in Canberra. They won't point out anything rude or indiscrete. From the secret small business view, however, I guess it's just the same old arse-licking nasty party bunch of boobies traipsing around on show with the usual Canberra mates.

There are few expenditures more stupidly expensive than lawyers and yet their privileged activities are central to increasing pay differentials rather than reducing them. Lawyers just produce more disputes. Money is better spent on national news, free to air communication channels and better-informed state and independent bodies which can inform populations and debate more broadly to decide than most are equipped to do in professional capacities. Better recognition of voluntary work and reduced work hours with promotion of their use are necessary to reduce cost in the most expensive places first. I am disgusted by the increasing lack of nuts and bolts in lawyers and other professional discussions as too much money is spent before it hits any unknown ground. Professional incentives point increasingly to court. Those forced before it can't be dealt with openly or well if driven by it.

Under the continuing appeal to maintaining or elevating living standards, the largely unfamiliar industrial conceptualisation of rubbish as waste appears increasingly necessary. This is in order to reduce environment degradation and desertification at the current rate of taking over land, clearing trees and using water. After living in strata housing since 1994 I fear our general understanding improves too slowly to reverse the normal business trends which favour the most powerfully entrenched in global business, in local government and in related political parties. Through by-laws, for example, or through narrowly authoritarian professional priorities enacted in law, expensive but unwanted actions can be rammed down strata housing owners' throats by strata managers. This can occur whether or not they make any sense for safety, mental health or amenity on the particular plot. Strata management easily becomes a continuing cash cow augmenting normal tax expectations of government or draining them, unless better understanding of management in place occurs. I discuss by-laws and continuing repair and renovation matters on land and buildings at St James Court and in Balmain and environs later in this context, and in the attached file.

I write in a pre-election global context of apparently growing contempt for leaders unless they appear to be keeping people safer, rather than working with mates to feather their own nests in old familiar family, state and commercial associations. Former PM Malcolm Turnbull and many others have now begun to see the employer as legitimately extending his reach over the sexual choices of adults. The idea that the employer is the appropriate regulator of sexually exclusive conduct is outside the normal employment contract, not part of core business and hard or impossible to police. Open these matters up and let everybody speak in the light of their global concerns as well as their careers.

What do these women think who feel they always have to back their husbands up silently, for example? We only ever hear from a few monogamous spouse admirers. Encourage women or men

to speak who loathed their spouses' ethics instead, but who never speak up about how much. This self-constraint means a giant part of the informed population is missing from ethical debate. What goes on in family law? Surely couples don't break up merely for personal reasons? This rather lets Eva Braun off the historical moral hook, for example. I can't believe women have advanced so little intellectually in the press, so it would be good to hear more about what holds them back. Surely when Kerry Packer died his widow would have been thrilled to bits at losing such a shit and getting so much money. What about Gretel? Is she capable of being a role model in print or is she a moral vacuum?

The generation of strata scheme housing by-laws is a new licence for lawyers and professional groups to make money by seeking to deal in court, as discussed attached, in many new matters. Canberra and state capitals are top lawyers' territory, only recently detached from English Law Lords and the Privy Council. The lawyers adversarial practice remains feudally secret, under the lawyers' complex control of words, and expensively dysfunctional. The strongly driving tendency in by-laws now appears to offer court and its ways as the only remedy to the individual property owner. More broadly open, democratic and better management would be much cheaper. Those who genuinely want to be greener, rather than just trade more, should be able to obtain this in more broadly open and direct practice. Start in spreading parks, rather than housing, for example. It is easier and cheaper to act directly if those in power want it to happen. They don't as they apparently continue to prefer to be driven in secret by a lying bunch of supporters they already know.

Tell my complaints to lawyers and be ripped off in their career stakes? You must be thinking of using other peoples' money or out of your mind. Any business is built on voluntary work for the family and their closest mates, which is partly why home enhancement and entertaining remain vital. In this context one first wonders why the Australian Capital Territory should exist if not to promote the Crown and lawyers' operations to the fullest extent possible across the land. Mabo my arse. I address this later in regard to the history of the Whitlam dynasty, and historian Jennie Hocking and her mother. I haven't got time to address the Games in NSW. This is good as it wouldn't be civil enough. Kick all the old men and lawyers out of paid jobs. Let them give back by working for free if they want. We will watch every step.

The boys' mania for secrecy, starting with lawyers, increasingly makes the country into a giant casino where nobody knows what anybody has behind them except perhaps the spouse. Chinese or Vietnamese officials should openly try to stop corruption here by addressing the National Press Club on the problems the state has with money laundering through casinos and with related overseas attention to land and housing acquisitions. Casino construction is central to creating more corrupt cultures where elected governments cannot deliver services to people better as there are comparatively few incentives to do so. I guess that the relations between dealing in casinos, construction, property management and gambling are legion. But what would I know from watching movies like **The Wire**? The professional lawyers and their mates running states may live in career and commercially driven personal blinkers in secret.

## THE PROFESSIONAL SERVICES COUNCIL AND BY-LAWS APPEAR LONG OUTDATED

I refer to Nerida Wallace's view in related state regional contexts. She appears on the Professional Services Council website as their joint CEO, from the Legal Institute of Victoria. She states that:

*The legal profession is a services Industry and what that means is that you are as good as your last job.*

The legal profession has never been designed to be an effective service to a state population. It renders ancient service to the Crown and those rich enough to employ lawyers. With the extension of the welfare state, lawyers have proliferated rapidly as a professional lobby group, helping related powerful trades enhance their status through knowledge and the establishment of related boundaries to keep out competition. The law, however, is run by the most powerful lobby in Australia, kidding itself and many others about its capacities to provide service to anyone but lawyers and their richest clients.

Lawyers have continuing relationships under State and National Constitutions under the English Crown which entails and promotes secretive adversarial behaviour in irrationally incomprehensible language and ways, from later scientific and democratic views such as those that brought the common dictionary. Lawyers are multiplying groups of artificially conflicting brotherhoods, often with no way forward other than in higher and more expensive courts. They don't openly advise, for example, on how they would like police or others to treat unruly children, but appear happy to try to take away the agency and responsibility of all. If I were in their place, for example, I would first advise all men who have sex but take no good responsibility for its outcome in child production to offer themselves up for vasectomies. They prefer to deny responsibility and shove all burdens off to the welfare state instead - always good for lawyers. I am sick of their moral pontification and its denial of personal responsibility by assuming it for other community members. This encouragement of secrecy helps many into trying more blinkered professional channels to get ahead. Sorry baby, you're too late, they charged big money for study and tricked you.

I address by-laws attached but refer first to the fact that the Professional Services Council appears to regard its members as recipients of services which automatically serve those to whom they are delivered. The people on the receiving end of their treatment, may appear, in fact, to have their interests perpetually ignored or open to more secret abuse, unless they are willing to be engaged in supporting more adversarial relations with lawyers. That law practice is a protection racket for the rich and their top friends, is shown in Jenny Hocking's book about the Whitlam Government dismissal from office, **'The Palace Letters'** discussed later. The body of knowledge which drives services is ideally seen more broadly and openly in the regional and placed based site of its service management and delivery. Professional circles such as lawyers are encouraged to partially hedge truth to win any case. They are moral garbage as they know what they are doing but prefer their status to being honest.

The economist who wrote the article, 'How to stop home price madness', Jessica Irvine, points out in the Sydney Morning Herald (18.2.21, p.24) *'What do we do when credit gets cheaper? Start a business? No, silly! We invest in property!'* I have no idea why any reasonably risk averse and honest person would do anything else in the new global marketplace where technological diversification to

meet the needs of quants theories and fleece the rest has become the principle aim of top financial games and those following along. This may be done through the professional fiction of raising standards by proliferating differentiated products which must be explained to professional advantage. These productions are driving people broke so I wonder why anybody would want to join them in business, unless they can depend on others' funds, to get out early and buy a house.

In my view, any broadly experienced, educated and confident person could manage a strata scheme if its service expectations are well designed and clearly delivered. This is in a manner consistent with the application of legislation designed in the interests of key stakeholders. They are all those who own strata property (living inside or outside the state or country or on the plot) and those who rent in such property in NSW. Strata matters should be more open for general and particular judgment to build up related funds for evidence-based treatment of strata buildings and surrounding grounds and people. This is ideally done to meet key aspirations of the people who live in the place. They appear best governed by mixed principles for broad and open judgment. Independent multicultural SBS TV, radio and written translations appear best equipped to assist most states in this task.

Law and regulation are ideally expected to provide broader regional protection and so require aims, not prescriptions. While guidance notes are fine, by-laws are anachronistic revivals and entail an unnecessarily expensive and institutionalised adversarial practice, benefiting top elite families and those dependent on them most in secret. Ignorant and/or highly manipulated voting may be worse than useless for achieving the real and continuing interests of any group. Secret donations and related secret family associations naturally encourage corruption in any market. Ideal law and contract require aims in the interests of the key **stakeholders** in any plot, which are those who own it and those who rent a place upon it. The legal cognoscenti at the centre of the action in Canberra and the states look after their own. It is the legitimated practice that expensively screws the rest.

Australian National University historian, Jenny Hocking shows this, for example, in her book **The Palace Letters (2020)**. It documents her ten-year campaign and four-year legal battle, to force the Australian archives to release letters between former Governor General, Sir John Kerr, and Buckingham Palace, before he dismissed the Whitlam government in November 1975. The letters were deemed a private (family?) interchange and so not available for public release. The book shows the expensive tenacity with which multiple legal and state institutional forces held that the letters were private, rather than of major national import for government relations with the people of Australia. This is garbage.

While reading Hocking's book, one repeatedly wonders admiringly how this writer could ever have been so calmly willing to put herself into the hands of so many lawyers for so long throughout this obviously lying, twisting and stupidly adversarial, potentially ruinously expensive process, to get the letters open to public perusal. As a researcher I would have felt like hacking all the lawyers and their ilk up with a machete and would never have trusted any of them enough to be willing to put myself through her journey. I would have kept out of their way as I would have assumed all they care or know about is fleecing others to keep themselves feeling good about being among their fellows and their wives as usual.

One finds out on the last page, however, that like Whitlam, and the rest of the Whitlam dynasty, Hocking is a daughter of the legal establishment in Canberra first, not one of us. Being a historian at the Australian National University, she also has a mother in the legal game. No wonder she appears meticulously calm. In text on the last page, Jennie dedicates **The Palace Letters** to her mother, Barbara Hocking, the first barrister briefed in the Mabo case. These legal people belong to a lot of very expensive leeches from top families who have been able to hang onto their Constitutional privileges centuries after the bleeding obvious is there for many others below them to see and keep mum about. Politicians, who must often come and go at elections, have no such born to rule privileges as that. By-laws are a lawyers' money-spinner nevertheless, for multiplying the numbers of professional interests and enclosure standards in building and strata. Point out the obvious for once, that by-laws are anything but inclusive, as is required by the inclusive spirit of anti-discrimination legislation.

Since construction and housing management are crucial public services, they should be managed more openly like Medicare health care. This would put issues of quality service, access and cost to land and building owners and residents more regionally and correctly in our government mind. Fairer housing policy could more easily be geared to the less advantaged 50% of the population rather than to those already most advantaged by their secret land and housing affairs in cooperation with their commercial legal or political party mates. Developers and building industry interests are now calling the shots without much good evidence for decisions available to owners of property or their supposed representatives. Material on the NSW Fair Trading website helps to meet key gaps in public knowledge.

Ignorant and/or highly manipulated voting may be worse than useless for achieving the real and continuing interests of any group. Secret donations and related secret family associations naturally encourage corruption in any market. Ideal law and contracts require aims in the interests of the key stakeholders in any plot, which are those who own it and those who rent a place upon it. They are surrounded by general or particular environmental aims and interests in this state and beyond. Pry them open for cheaper and greener design.

#### **RESPONSIBILITY FOR ETHICAL ACTION IS ESSENTIALLY YOURS, NOT BELONGING TO MORE PRIVILEGED AND SELF-INTERESTED PROFESSIONAL OR OTHER PARTY INTERESTS**

The Discussion Paper on the Protection of Human Genetic Information (Australian Law Reform Commission (ALRC)/NHMRC 2002, pp 289-305) claims that in recent public debates relating to the regulation of genetic research, 'ethics', has sometimes been figured as the adversary of science. The report claims it has been argued, for example, that an 'inevitable tension' exists between the 'scientific community' who want 'unfettered opportunities for research', and the 'moral and ethics community' which seek guidelines and restrictions.

Ethical judgment is not an essentially professional pursuit but may be performed just as well or better when payment and career don't cloud the ethical issues. The discussion paper points out that ethics need not be defined in opposition to activities like medical research. Ethical conduct should rather be seen as an integral aspect of all such activities, as they relate to the interests of all

members of society, which includes scientists and ethicists as well as a range of other professional and community groups like patients or clients.

The Discussion Paper on the Protection of Human Genetic Information states: *'Many submissions emphasised the importance of education and debate in the area of genetics and favoured the view that ethical authority should be concentrated neither at the 'top' nor the 'bottom' of the hierarchy. Ethics should not be regarded as a matter solely for individual judgment; but nor should it be the preserve of an elite, whether political, scientific, professional or moral. Instead, ethical authority should be distributed across the system, encouraging an open minded and responsible attitude on the part of all decision-makers'*.

This is consistent with inclusive requirements of national health service delivery and democratic management. It is also consistent with quality management and risk management, as they are ideally practiced in particular places. Relevant international agreements and conventions should provide local practitioners with guidance as they represent the moral framework within which diverse international and local communities should perhaps seek to operate. Trust which is intelligent depends on openly broad inquiry not closed, secret, professional driving. Parents shouldn't lie to kids and secrecy is merely ignorance under another name.

As conscious beings we cannot escape personal responsibility for our responses to our surroundings as we are also 'condemned' to have free choices about our attitudes and actions. The ethical obligation upon those who disagree with decision-makers should normally be to speak out on why a generally approved decision seems wrong. In some communities one would have to be a lot braver to do this than in others. The university remains a congenial workplace. Thus, freedom of speech may be conceptualised as a public right and duty to try to be honest about matters and perceptions. The more informed one is, and the more responsibility one has, the more important this duty becomes. The debate engendered by free speech ideally should be part of the general learning process. This is the democratic ideal. A related ideal is that the rights of the individual to develop should be protected, even, or especially, when they are not part of a majority group or related consensus. This appears ignored by the lawyers and their acolytes controlling the plot.

The ALRC/NHMRC concludes that ethical inquiry is consistent with scientific inquiry, in that it is centrally concerned with the kind of procedures or discussions that allow all relevant sources of information and viewpoints on a disputed matter to be taken into account in coming to a decision. In its exploratory sense, ethics is a rational and impartial activity, concerned to inform and justify decisions and actions in community contexts. However, this does not imply that an ethical judgement will be a conclusive one. On the contrary, ethical judgment, like scientific activity, is necessarily an ongoing activity, since our community life is continually developing, along with our knowledge and conceptions of truth. This is not to say we take no backward steps. Lawyers appear to be driving a lot of these again in by-laws and many other areas. Inevitably the top decision

makers may appear most systemically corrupt and so invariably re-infect the body politic lower down.

#### **HOW GOOD IS FEMINISM? MY FINAL PERSONAL QUESTION AND REQUEST**

Privately, I wonder if you can please help me meet William Nixon Apple? I see from Google search that in 2020 he was made a Member (AM) in the General Division of the Order of Australia, as a result of working for superannuation and trade unions in Melbourne. He has Queen's Birthday Honours (2019) for services to superannuation and trade unions. I seek to reach him to continue my research but don't wish to try to make contact by Linked-in. I knew him intimately for over a decade but have sought him unsuccessfully for years. From websites I understand he was appointed by ACTU Super Shareholding Pty Ltd as Alternate Director for Glenn Thompson in January 2020 and has been a Member of the Investment Committee since July 2006. He has also served on the Australian Super Board as a Director and Alternate Director since 2006. Please can you help me find him at last.

We all thrive on more historical examination as time goes by and I think it is fair to say that Nixon Apple has possessed a spookily mythic predictive sense in my estimation. I don't address this in my autobiography entitled '**Power Loving**' at [www.Carolodonnell.com.au](http://www.Carolodonnell.com.au) However, I would be most grateful for any assistance you give me in this border crossing.

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