

ON LEARNING FROM THE WISDOM OF THE ELDERS: COMMENT ON THE DRAFT YOUNG OFFENDERS REGULATION AND REGULATORY IMPACT STATEMENT (RIS)

Apologies to Shaun Micallef and the gang who made the DVD on contracts with Victorian TAFE. We loved ya ta bits for many years in the Faculty of Health Sciences at Sydney University. It sure seemed like many but just as I was getting started Nelson got me the chop. Thank him a lot. Tell them don't keep putting shit into numbers by throwing it into computers to call it science unless it's really good.

Carol O'Donnell

IT'S A PLAN STAN, AND I'M FREE (I KEEP SAYING THIS TO MEN AND THEY KEEP REJECTING ME)

This discussion first relates to the proposed Young Offenders Regulation under the Young Offenders Act, with its accompanying Regulatory Impact Statement (RIS) on which the Premier and others are to be advised before 8th July 2016. Consultation is taking place mainly in regard to sections of the draft Young Offenders Regulation relating to '***the making of outcome plans***' (sic.) in respect of ***bushfire or arson or graffiti offences***. The RIS mainly limits itself to 'outcome plans' but the draft Young Offenders Regulation does not. **Neither of these documents is plainly fit for clear purpose if one assumes the purpose is quality management.** The Medicare election debate relates to this, as is often the case in service economies which may seek to serve the people or key sectional lobbies.

Look at me. Baby, I'm better than that because I'm free and as a shorthand typist I took minutes. I ask you, as a reasonably sensible woman all my life, would you rather know less or more about those you are mixing with so as to protect yourself? Me too. I rest my case. Call in Camilla and try her.

I will make a related response to the Public Hearing into Disability Service Providers held by the Royal Commission into Institutional Responses to Child Sexual Abuse. Previous submissions related to child protection and police are attached. One starts with the concept of mental health relating to wellbeing, and absence of injury, in order mainly to argue that these welfare principles demand more free and open speech and information exchange, not covering up while calling this necessary for some presumed protection of the weaker party or parties. This is just protecting the institution.

This is discussed later in regard to the Computerised Operational Policing System (COPS) and Kirsty Needham's report in the Sun Herald (SH 26.6.16) entitled '**Health, education on Baird's 'outsource' agenda**'. Her article referred to the anxieties of government, also experienced by Gary Sturgess, architect of the Commissioning and Contestability Unit in NSW Treasury, which he could only haltingly express, as if in play. One wonders, for example, why we should now be discussing '**contestability**' when we learned about **quality management** so forcefully together under NSW Premier Greiner. ('Had we but world enough and time', etc. etc. He has the memory of a flea?)

Others may discuss the meaning of contestability until the cows come home but I prefer to discuss quality management. You may not think that this is important but trust me, it is. The ideal of Quality Management is to plan on the basis of the aims of the key act, with a related duty of care approach expected of everybody. When plans are **implemented** they have outcomes - perhaps unclear or unintended. This needs to be clear from the start or quality management is lost and lawyers take over instead. The latter leads to more expensive confusion, bitterness and waste of money.

Plans are like deciding to bake a kind of regional cake or smorgasbord with various recipes. Things could change, or not work out in the process and outcome of their implementation. Something else might have been better. How does ours fit into the broader lot? The point is the development of a learning culture which tries to improve the current situation for everybody involved. As taxpayers and residents this is unavoidably also all of us. If we think we can hide we are kidding ourselves. The key alternatives to good bureaucracy, I think, are more money, courts, ignorant voting and chaos. Did I mention inequality earlier? No? How quaintly old fashioned.

CONSOLIDATE THE DRAFT YOUNG OFFENDERS REGULATION AND RIS INTO CLEAR PLAIN ENGLISH

The French have always been masters of the art of *precis*. Where are they up to in this? A single plain English pamphlet should consolidate the draft Young Offenders Regulation and RIS into clear and plain English that all can understand on the expectation that the plan will also be implemented. This will often be expected to require ongoing interaction between many parties to be informed.

It would be good to have an educational DVD provided free on this matter; available on-line and in a leading newspaper. After the global financial crisis of 2008, it saddened me that the four young men killed and those who lost their houses in fires as a result of the federal government stimulus for roof insulation to support jobs, were not given access to such a cheap injury prevention measure. On the other hand, I know how much guarding secrets is central to the male personality in every social area. They tap their heads as they think the money is inside. I have spent my life trying to persuade men it is in their interests to open up more, because mutual ignorance or lies can only be more stupid. The average woman is a natural brook in comparison. It is vital to fashion this into rational liberation. The only way I know to do this is through clear speech and writing. Our menfolk often prefer numbers as they may more easily purport to be more anonymous but more truly important I guess.

The origin of the RIS is discussed later. It was primarily to help politicians and others who couldn't understand or wade through legislation, whatever it was. When the RIS dies, lawyers take off and nobody else may know what is going on may ignore the lot, which is easier. This is discussed later.

The information provided here is based mainly through learning to establish the principles of quality management over a decade in the NSW Department of Industrial Relations and WorkCover Authority. I was also responsible for establishing, managing and working in a range of programs under the Occupational Health and Safety Act (1983) which was later supported by rehabilitation, insurance and fund management measures designed to support industries and communities better. This was also under the Greiner Government when Gary Sturgess was Head of the Cabinet Office.

Didn't he write the book on the Subordinate Legislation Act 1989? You recall he was architect of the Independent Commission Against Corruption (ICAC) and he is now the Premier's Australian and New Zealand Society of Government (ANZSOG) Chair. It would be valuable to have his input on this.

COPS AND RELATED SUMMARY ON TRUSTING PEOPLE TO DO THEIR JOB (WHAT IS IT EXACTLY?)

From the draft Young Offenders regulation, as distinct from its RIS, one learns that COPS means the COPS (Computerised Operational Policing System) database maintained by the NSW Police Force. One remains at a loss to know what is expected to be on this system and to what extent or how the data upon it will be related to the expected making of 'outcome plans' in respect of bushfire or arson or graffiti offences, let alone anything else, (e.g. stealing and abandoning cars?)

The effective definition and operation of COPS in relation to making outcome plans appears a big issue in regard to whether the plans will be any good, let alone whether they will work in practice.

Close reading suggests the draft Young Offenders Regulation relates to two different Acts, with clear aims or not, perhaps. The Regulation also comprises or relates to matters set out in Schedule 3 to the Subordinate Legislation Act 1989, namely *matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.* (The RIS confirms this and puts the latter graffiti related act under the Young Offenders Regulation.)

The related issues and questions for the Premier, police and others are put below as a result of reading the draft Young Offenders Regulation:

- 1. Do police understand the aims and process of the Outcome plans that the Regulation mandates or would this Regulation be better constructed as a plain English pamphlet?** (The latter I guess, so that the more of us can understand what we are doing the better.)
- 2. What exactly are the aims of the relevant acts to which this Regulation refers?** (One is mystified by this which is a pity as we need to know the aims of the relevant acts to implement the outcome plans as effectively as possible, in my NSW quality management book. This is discussed later with reference to Gary Sturgess for further advice.)
- 3. What are the implications, if any, of the fact that this draft Regulation comprises or relates to matters set out in Schedule 3 to the Subordinate Legislation Act 1989, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public?** I have no idea. Do you?

SUPPORTING DISCUSSION

If the Subordinate Legislation Act 1989 was to allow outdated legislation to be got rid of, as I recall was the case, it seems to me that now is the time to move to duty of care under related quality management mechanisms in a wider range of cases, such as in policing services. Plain English is vital because it is central to us as people developing respect for the truth, as distinct from blind or herd authority. This is the continuing cultural struggle we go through to grow up better, earlier or later in different contexts. This is a learning approach to the world and action which ideally is not driven blindly and in secret partisan circles, encouraged by particular professional jargon and regulations.

Instead seek more open exchange of perceptions, as part of developing any ongoing evidence base. **This is stressed here as one wonders whether making a plan is also presumed by police or anybody else to be the same thing as implementing a plan. I very much fear it is, courtesy of Treasury officials, lawyers and mates. This is the kind of attitude Medicare and WorkCover sought to avoid.**

Apparently a copy of the Young Offenders Regulation and the Young Offenders Regulatory Impact Statement (RIS) will have gone to the police and a wide range of service organizations in NSW after the draft Young Offenders Regulation has been passed. If I were a member of the police working in a station I would perhaps be very confused about what was required if I received a copy of either of these documents or both. They deal with different and with overlapping matters. At the end of the day, however, one assumes the regulation will be all that matters to the court, and police will know that, whether or not they can see their required role in making plans or in their implementation.

Making a plan, trying to implement it, and assessing the outcome are different things. It is important to get this straight at the beginning because otherwise purely financial and related monetary incentives with higher but idiotic clout will take over the lot. Remember ABC Learning child care centres in Australia which went broke after 2008 and many people lost jobs and money? In this kind of game there may be no winners and in the 1980s Medicare and WorkCover approaches to services were established with difficulty to avoid such problems. One looks on with interest at what the financial press makes today of the troubles of Julia Gillard's old law firm – not much so far. Policing is ideally service to the people of NSW and beyond, openly constructed in that light.

When I worked in the WorkCover Authority, among other things I wrote the Plant Safety RIS and the Chemicals Safety RIS under the Occupational Health and Safety (OHS) Act (1983), with assistance from many sources. The national OHS duty of care approach reflected what was going on at state level, which was repeal of old, limited, acts such as the Factories, Shops and Industries Act and their replacement with duty of care, rather than prescriptive, work and managerial approaches. The old legislation was often a pile of shit made with the accretions of industrially driven legal drivel over time. There was to be a new national duty of care approach, to reflect concern about the protection of people and environments. There would be plain English information and the industrial relations parts of the public service would no longer be fiefdoms for lawyers where nobody knew what anybody else was doing as every matter was secret. I think Tony Abbott said at one stage that the government's job was to manage the private sector but it was nobody's job to manage the public sector. With the exception of the Head of Dept. who had to front the Minister, there was a lot of truth in that. I am a fan of bureaucracy compared with anything else. Jesus it's got a long way to go.

One discusses concepts of 'qualitative' and 'quantitative' data elsewhere to suggest that perhaps the best qualitative data on any case is an email and related pictorial history of communication. What else have you got? It works quite well for us in strata management where I live, for example. What one fears most is the tendency to treat 'qualitative and quantitative' data as if they are competing football codes where the best go into the 'quantitative' stream and come up happy with numbers. I experienced the growing idiocy of these computer, secret questionnaire and related software driven approaches to research for eleven years at Sydney University. There is not the Australian Bureau of

Statistics approach as much as US propaganda for the idea that supposed perception is reality and also science when turned into numbers. This may not be right but I guess it sells drugs and software.

The original concept of the RIS, as I recall it, was as an explanatory cost benefit analysis which did not try to reduce all loss to financial matters and numbers, but helped to explain the purpose of the legislation to parliamentarians and the people. For example, if you accidentally kill a mate at work you may feel bad for the rest of your life and it can't be fixed up with money. A lot of things can't be fixed up with money or drugs and we should not pretend they can for a theoretical start. I spent my life in the NSW bureaucracy defending words against powerful idiots who wanted to turn everything into numbers, whether or not what they were doing was vaguely realistic or comprehensible to anybody outside of a small circle of friends. (Theirs of course.) Tell it to Treasury and mates. Gary Sturgess was Head of Cabinet at the time, as I recall. He will naturally have a view. My own is that the RIS seemed a good idea at the time and today it just seems like double the trashy confusion.

Knowing the above, I prepared the questions about the proposed Young Offenders Regulation first, before reading the RIS, which clarified some of my questions. So what, it will soon be lost? One offers the above suggestions in full knowledge that the ideal should never make an enemy of the great stumble forward wherever this can be avoided. Search for honest plain English. Whether it is emotional or not is largely a personal matter surely, if the main aim of life is finding greater truth. On the other hand, one of the things I hate most in life, for good reason, is being silenced when I have something I think is important to say. Politesse is not next to God. The search for truth is.

People may be too easily tempted by money, whereas others know that time and other things in life are more important to them, once they feel they have enough security. Speaking as a woman, for example, the idea of personally negotiating a higher price for my labour because 'I'm worth it' fills me with nausea and contempt for the women who drive the attitude on behalf of the US markets. Baby what makes you so special? There are many other pleasures in life besides being driven. Why don't you all get fucked? This is not an invitation to have too many children at others' expense. I have also said the same sort of thing to many men already making too much money as they age. Sturgess will clearly have to grasp this nettle in the public interest. Baby, it's hard, sacking mates. (Don't touch Malcolm. He just came from the wrong side of the tracks. I could have fixed him up.)

Cheers, Carol O'Donnell, (Also known as Lilith the Magic Pudding, Chief Alternative to Faith and Queen of the Monkeys) See related correspondence below.

Hi *****

PLANS REGARDING ARSON OR GRAFFITI: YOUNG OFFENDERS REGULATION COMMENT DEADLINE AND COMMUNITY INVOLVEMENT

From visiting Glebe police station today I understand you are the Youth Liaison Officer in the Leichhardt Local Area Command. I am sending the information attached to you because I can see no email address on any NSW Police website to which I can send it, for information or advice. One wonders how police can make informed decisions about community matters if this is the case.

I received information about the proposed Young Offenders Regulation and plans related to the treatment of arson and graffiti offenders as a result of the Premier informing the public by the normal email route that 8th July 2016 is the deadline for comment. Did local police comment? (I guess they would be the ones who would know most about such matters.)

As police came to our address last Sunday, with tow-truck drivers, to remove a stolen car from one of our garages, it caused me to wonder whether Glebe police knew of the current inquiry into the treatment of other kinds of offenders, such as youth apparently undertaking arson and graffiti. I did this after finding no police website which was available for concerned members of the public to ask or make comment about this or any other matters.

As I said to the young Glebe police man behind the counter. Nobody uses phones or snail mail any more to send lengthy and complex communications reasonably fast. There should be one email contact in the whole of the NSW Police for this, at least. Baby, I guess it's you. I hope you will pass the attached and related views on community management to your fellows and other members of the community concerned about these matters. Isn't that all of us? (See related communication I sent below to inform the strata manager.) Cheers

Carol O'Donnell

Hi Flon Flon (Not her real name)

I don't close my garage because my car is old and cheap;

My garage lock is comparatively stiff and my hands are comparatively old and weak.

I don't like getting in and out of the car to wrestle with the lock because it takes time, making travelling more difficult, especially when I have a baby inside;

I don't want to live locked up. My ideal in life is to live as freely as possible because I am a little old woman descending into senility without much knowledge of variable computer and related technologies. I hate remembering PINS and keys, for example.

I hate being locked up and don't want to live in a world where tradesmen and their mates apparently expect me to be afraid. I'm afraid enough.

If a stolen car is parked in an empty garage and this assists the police and others looking for a legitimate parking spot otherwise taken up by a stolen car by the side of the road somewhere, surely this can only be good.

Please pass this on to Biggles (not her real name). This is worth considering along with other views which don't normally get voiced.

Cheers Carol