

# A Response to the Annual Review of Regulatory Burdens on Business

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# Annual Review of Regulatory Burdens on Business

## Slowly, slowly, catch a monkey

“The North Shore Times”, Wednesday, July 30th:

“GREEN LIGHT FOR SCHOOL’S PRIVATE FUNDING.”

“The education Department has backed Killara High School’s plans to seek private funding for school works.

“After the *North Shore Times* report on Friday, a spokesman for director general Michael Coutts-Trotter (who is on leave) said the Education Department was flexible when it came to fundraising.

“The department’s philosophy is flexible enough to allow individual schools to draw on the strengths of their local communities for additional support,” the spokesman said.

“The department has a long-standing policy allowing local businesses to support schools in a number of ways.”

“Killara’s P and C Association president David Jordon said last week a future private-public funding model could become a benchmark for other schools around the state.

“In response the department’s spokesman said: “Every school community is different, and while the efforts of Killara High School are commendable, its initiatives may not apply to other areas in NSW.”

“Meanwhile, a fire broke out in the Kerrabee Centre at Killara High School on Saturday morning. ....”

This convoluted delegation of public responsibilities over public affairs to public private partners is becoming the social norm within governments, to expect private partners to collect the money from the community that will then finance public affairs. These new indirect added costs that are then imposed onto the public as increased costs of the price of goods and services, also add extra GST as government revenue. These are extremely antisocial and undemocratic means to manage the economy, and while doing so to confidentially and privately govern over the related affairs and financial opportunities from the newly governed outcomes. So Australia has a new governing system, governing by public private partnerships, extremely confidential public private partnerships. From a democratic point of view this culture shift away from ethics and integrity within public process as outcomes within the responsibilities of elected politicians, deviate from expected behaviour post the invention of democracy and social justice protected by the rule of law. This is the means of making the public a population of monkeys who must pay up and shut up and while doing so to be entertained by commercial television with no participation in the governing of the nation and its outcomes except by compulsory vote. The consequences for the public are becoming extremely damaging. Telstra is just one example.

The Killara community does not have any means to democratically participate in this privatised commitment from the NSW government. The public is entirely dependent on the one commercial newspaper owner for this transmission about the governing of public affairs. Is this school to be a public school or a private school? Is the department going to reduce its costs to the public after the funds for the school will be collected from the public via a private partner of government? Is this government department now irrelevant and therefore should be dismantled? Is this private partner the local Shopping Centre owner with a confidential objective about this property, or Foxtel to ensure that this public school is committed to Foxtel proprietary communications schemes? Who will be responsible for the education policies for this school, the public’s elected representatives, the Education Department, the P and C association or the Private Partner? Is this a responsible public act from the government’s education agency or is it a drop out of democratic responsibilities by the elected government? What are the regulatory changes for this arrangement, liberalisation, and then privatisation of this publicly financed asset?

## Slowly, slowly catch a monkey

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What then are public schools and what then are private schools, or is Australia itself already governed by public private partners and not by its elected representatives for their people?

In the 90's a committee was set up under the Chairmanship of Professor Fred Hilmer. Its conclusions were that governments cannot manage business and therefore public affairs are better managed under experienced private business operators.

This document will show that the Hilmer committee, by coming to its conclusion, excluded from publication as its public outputs all inputs relating to industrial objectives and their related sciences and engineering. Not one mention that under the past leadership by the Australian federal governments, Australia had developed the world's most advanced national "broadband" for the digital era. Not one mention of Australian scientists and engineers as world leaders.

By this process, from the mid 90's, Australia was experiencing a major culture shift.

The Keating government, in 1994 - 5 committed to Australia that News Ltd would be a public private partner with the public's \$64 Billion public investment, Telstra which had already built the world's first national digital broadband ready for connection to over five million homes and offices, ready to be commissioned by the federal government to international broadband interactive telecommunications standards as developed under the authority of the United Nations' International Telecommunications Union (ITU) . Telstra then a public university in its own right as well as being the foundation for Australian Telecommunications was at the final stages of completing a major science and technology transition, initiated in 1983 and planned forward to the year 2020 to remove all copper wires and telephone exchanges and replace these with a digital Gbps per second broadband between homes and offices, with mobile radio extensions for people and things on the move.

Under the care of the United Nations, the digital transition program was a plan for a revolutionary breakthrough in communications for all civilisations. By the end of 1995, Australia was ready for its revolutionary national cable build to be regulated by the federal government as the world's first FTTN public service. Because of the Hilmer committee's output, this critical regulatory process has never been fulfilled by the Australian elected governments. Instead, Australia's elected governments delegated that critical public responsibility to be privately governed and the technology privately modified by its new public private partner, News Ltd to be converted to a private monopoly for cable television. Later Prime Minister Howard announced that Telstra was neither "fish nor fowl" and that Telstra should be privatised.

This world first national cable broadband is now a private media Pay TV monopoly for Foxtel media cartel partners. The value of Telstra to its shareholders is now less than 60% of the federal government's sale value and with the Australian nation still without access to the national cable broadband superhighway that was ready for public and openly shared access by 1995.

Today, the public has no knowledge, no curriculum for educating the public about these new sciences, and no direct lines of communications with its elected governments, to understand why it has not been educated about these new sciences that have provided the media cartel, Foxtel, exclusive access to the world's first infrastructure, built and financed by Australians for the digital era. This has to be the most politically corrupt program in the history of Australia, in a world of new and revolutionary sciences and engineering for public outcomes.

Instead, like the revolutionary technologies from the new sciences as applied to the build of Telstra, under the camouflage of economic reforms, outcomes from the new sciences are expected to be privately managed but publicly financed. This has inhibited public participation as few sciences are known to any fraternities within civilisations other than at first from within university research teams who add new intellectual outcomes from existing publicly shared knowledge in a publicly disciplined way. The new global trends of governments conceding to private and confidential alliances as public private partnerships, even within universities, are schemes to pervert the course of social justice and the rules of common law. This submission is to explain to members of parliament how and why Australia is a major catalyst to this global shift within nations claiming to be democracies.

## Slowly, slowly catch a monkey

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Australia's entry into the digital era of revolutionary telecommunication technologies as internationally developed for public infrastructures is extremely critical to the nation's potential to efficiently and effectively manage the increasing complexities of information flows.

Public communications are critical to the achievement of national objectives and international trade, commerce and social inputs and outcomes. Telecommunications is extremely critical to all things related to the nation's economic and educational needs and within the digital era more critical than ever. Yet Australia has regulated that this critical infrastructure, Australia's public nerve system is committed to be a privately governed affair as a private tool for private gain under the private authority of a global media stakeholder.

By privately and confidentially contrived technical modification to the public's telecommunications infrastructure as now politically supported in Australia as the public norm, this \$64 Billion public investment was converted to be an exclusive marketing tool for a media cartel to socially and economically exploit Australians. If an elected government cannot justly regulate public telecommunications with honesty and integrity there is little chance that any regulations will be democratically managed for equality of social and economic business opportunities.

Far worse all local, national and global telecommunications traffic, e-information flows, e-product flows and e-money flows can now be privately monitored and manipulated without government intervention, without the rule of law. Australia was a driver of this global outcome. This submission explains how this private objective was achieved, that still awaits regulatory repair. Telstra, the most powerful communications tool ever invented by mankind, a tool publicly developed for public sharing has been confidentially modified to be a private and monopolists scheme for social and economic exploitation. This legalised behaviour, legalised by Australian deregulation policies, just at the most critical phase of the world entry into the digital era, is to commit Australia's public domain to be wide open to global and undisciplined tyrannical behaviour. This must be the most misunderstood era in the history of Australia. This has to be the most extreme regulatory injustice in the history of Australia. This process of regulatory injustice has been installed at a most critical period, the transition of Australia's entry into the digital era. This paper is in response to the Productivity Commission Draft Research Report. It asks for comments on the Commission's task to research "Regulatory Burdens on Business".

Their research report that now calls for public comment is the outcome of a publicly financed commitment enacted by the Howard government post its "Productivity Commission Act, 1998" that expected the Independent Commissions to be responsible for inputs to government for policy outputs to support the objectives set out by the Treasury office of Mr Costello. The inventors and producers of these revolutionary technologies for the telecommunications transition into the digital era have been subjected to commercial media propaganda that have cultured Australians and the world to believe that "broadband" and "PayTV" in the digital era were still separate technologies from telecommunications. This media propaganda has been the means to camouflage from public knowledge and understanding the decade of deceitful regulatory behaviour for private exploitation.

By 1983, the world fraternity of electronic scientists and industrial engineers realised that it was possible to revolutionise public communications. By developing a strictly planned and disciplined transition from the many analogue technologies they invented one public digital infrastructure to service all needs. No longer was television a separate technology from telecommunications. No longer is there a social and economic reason for television broadcasting masts to be dedicated only to television. One most efficient and revolutionary infrastructure could be publicly shared for equality of opportunities with diversity and flexibility like never before. Yet even today over a decade later, regulatory schemes are being enacted that give no recognition to this revolutionary opportunity. Instead politicians still act with belief as cultured by commercial media that carriers for PayTV and Radio and Data, the Internet and WWW are separate functions to be privatised and privately governed.

The intellectuals as an international alliance that developed the public breakthrough, never expected that governments would concede that private market forces would govern over these new sciences as if they were independent discrete functions, each to be privatised.

## Slowly, slowly catch a monkey

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Private market forces now govern over the new technologies for revolutionary outcomes, privately govern over nature's electromagnetic spectrum now as independent and proprietary telecommunications transport infrastructures with proprietary and antisocial "content" marketing schemes installed to enrich the rich, thus destroying the revolutionary opportunities from these new sciences. For instance even schools for the handicapped are severely constrained by the proprietary and private governing of telecommunications, television, broadband and the internet now committed to costly and frustrating schemes of private commercial media exploitation as though Australia had never built a publicly shared infrastructure for the digital era. These handicapped people are expelled by regulatory process from having access to these new sciences and applications that are exclusive to the media cartel shareholders in Foxtel.

But far worse, to politically enforce the public to accept the commercial media propaganda that this is the norm, to exclude public from equality of opportunity, to exclude public education about these revolutionary sciences is an extraordinary collapse of social justice. This extreme distortion of regulatory process has been used by media market forces to corrupt the course of justice and the rule of law.

To regulate that a private and exclusive monopolistic control over the outcomes from new sciences and technologies and with this, to have private control over government policies re all communications needs, is to deny all businesses their democratic rights for equality of access to the revolutionary opportunities post the digital era. This is political corruption by regulatory means of the very worst kind.

Telecom Australia, now known as Telstra initiated a long term plan to deploy this new science for the social and economic advancements of Australia. As explained within this submission, Australia had a world unique opportunity to be first in adopting the new science as a world leader in public communications. Prior to 1995 Telecom Australia (Telstra) was a public university in its own right, openly sharing within the public domain the inputs and outcomes between public universities, technical colleges and secondary schools, the educational disciplines critical to the development of a new intellectual fraternity to democratically manage the digital era.

The first need was to culture within the public domain, the human assets with the intellectual knowhow in force enough to build the new infrastructures for Australia's entry into the digital era. This was Telstra's Future Mode of Operation. It consisted of three main publicly defined and publicly published tasks. The first task was to standardise the formatting of digitised "content". The second was to standardise the digital schemes for the transport and "switching" of digital content for all content classes, telephony, radio, television and interactive multi media etc. The third public task was to ensure public standards were part of the public education program and regulated to be the measureable means for conformance to standards protected by the rule of law. The extreme damage to the potential for revolutionary outcomes post Australia's transition into the digital era was caused by the federal government abandoning the critical regulatory processes for its public to share the outcomes. Post 1995 this was confidently contrived by the media cartel within Foxtel while a public private partner to the federal government via the public's Telstra.

As the technical equipment necessary to measure conformance to standards with public traffic over digital electronic public highways, as it was with the Telstra broadband prior to its private partnerships in Foxtel, the federal government's deregulations have made this private privilege legal. Because of the dismantling of the technical equipment used within a public domain to measure conformance to standards, the statements within this document are forced to remain as the author's private opinion. This is the new culture, to regulate that the public must "trust" liberalised global market forces and their "economic reform" objectives, as globally promoted by the now dominating commercial media market forces. To remove the technical conformance tests from the public, its only means to enforce the law for behaviour re digital broadband telecommunication highways, is social justice and democracy in steep decline.

For the media partners in Foxtel to have private access to the Telstra broadband, to have more authority over the Australian sciences and engineering outcomes is far from democracy and social justice. This was only possible after the confidentially contrived program of "liberalisation" that excludes public participation about the removal of the means to enforce the law.

## The clash between public and commercial objectives

During this period of building a nation with internal capabilities to achieve the digital transition, another force was also at play. This was a separate study under the Chairmanship of Professor Fred Hilmer with commercial media promotion for the idea that private market forces could better manage economic policy developments than was being achieved by the existing organisation for governing a nation. The media did not ever mention to its customers that Australia was world first with FTTN national public broadband as later confiscated by Foxtel. This world first achievement is the outcome, supported by openly shared intellectual fraternities from within Telstra and from within public universities, and as openly shared intellectual knowhow between near thirty industrial suppliers to Telstra. The suppliers' private objectives were from within the new markets created by the revolutionary technologies and related public infrastructures, once Australia had entered its revolutionary digital era. In a similar way, public infrastructures were critical to the revolutionary invention of the motor car. For telecommunications, it was not to be.

The outcome from the Hilmer report was that the elected governments' dependent and specialised agencies and their laboratories were dismantled. These public authorities from within the dependent agencies were substituted by new and independent agencies as appointed by the Treasurer. These independent committees recommended that laws should be liberalised, deregulated and that governing of public affairs should be privatised. This was a new culture being developed as a public attitude and belief, a new political religion that had its beliefs in advice emanating from economists and the major business leaders, local and global business leaders. The concentration of newspaper and television media was a force enough to commit a national belief in this new political philosophy that was promoted by privately organised global economic unions operating outside the objectives of the United Nations Assemblies. This new doctrine was sealed in place by the legislation of the "Productivity Commission Act, 1998".

Independent commissions were appointed tasks as defined and instructed by the Treasurer. Australia had a new governing infrastructure. This is a new political culture claiming as its defence that "we now live in a global economy". The inputs for Australia's policy developments were now from these independent commissions or regulatory agencies, thus a substitute for the directly responsible government specialist agencies that previously had intellectually focussed and shared research to understand the new sciences. These were dismantled. These independent agencies do act confidentially with stakeholders and private interest groups. Too often as this submission proves, inputs from intellectually specialised resources are ignored or rejected, never to become public knowledge.

This is possible because the general public have no means to access and to study and to understand the re organisational issues involved. However the stakeholders do and do have private claims over inputs and outcomes. In the more democratically focussed nations these are intellectually disciplined values as developed within public universities as open and transparent intellectual values for public understanding as once coordinated by the public domain fraternities via the related government agencies as dependent and specialised responsibilities.

Therefore the trend is that more and more public university research is being privatised as public private partnerships with focussed outputs to satisfy "selected stakeholders", rather than the culturing of intellectual public needs to resource public welfare. Prior to 1995, this was by way of open and transparently shared inputs into universities for intellectually disciplined outcomes, openly shared by publications for public understanding published and distributed between all related and specialised industrial and social fraternities within the public domain. Australia had its public domain communications shared with equality between publicly governed and private governed communication media so that the invention of democracy would survive and be continually improved. This is no longer the case.

Now, the critical and essential intellectual social needs as developed from the new sciences are excluded from public knowledge. This makes governing an extremely complex machine with unresolved conflicts of objectives between business wants and public needs where government itself is being "trapped" into deploying public funds to finance private and confidentially organised public research with political privileges to private commercial actors, the politically selected private stakeholders without public understanding, sharing and participation.



## The clash between public and commercial objectives

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The specialised intellectually focussed inputs that exist long before top managers could ever become aware of these sciences are now excluded from the management responsibilities of the elected governments for the culturing of intellectual resources within Australia. Telstra is just one example but is the most critical as all others trade, commerce and social affairs are directly or indirectly dependent on Telstra.

The program to privatise Telstra is proof of this serious public neglect. The trend is away from open and transparent government. There are fewer and fewer public communications infrastructures for the public to share and to participate and rationally evaluate public affairs and political commitments. Intellectually focused inputs and outcomes concerning national, state and community public affairs are no longer publicly shared inputs to government plans and commitments. Knowledge is being increasingly privatised. The privatisation of Telstra is a special opportunity to demonstrate the damaging consequences of this new national culture and re organisation for governing Australia.

This submission is to bring to the attention of the Parliaments of Australia a much deeper problem that has been excluded from public attention. The processes within the independent commissions are directed by inputs from the inner and confidential sanctum of the public's government, to remain without public awareness, attention, understanding and public reasoning. Few in Australia have easy access even to the most important public document, the budget. This is a document that is now so convoluted with conflicts between social objectives and big business objectives that for the public to understand the nation's visions, missions and objectives is not possible. Even the list of words labelled as performance indicators have no means available to be public performance indicators. The budget documents, as are regulations, as are the Hansards, are documents no longer publicly available for public group-shared study or via public lectures with revelations and explanations in any rational way. The governments' expectation that the public understanding is via access to these documents over the privatised internet with all its undisciplined privatised hooks, conflicts and competitive media and advertising notions, is an expectation beyond any understanding of democratic regulatory process.

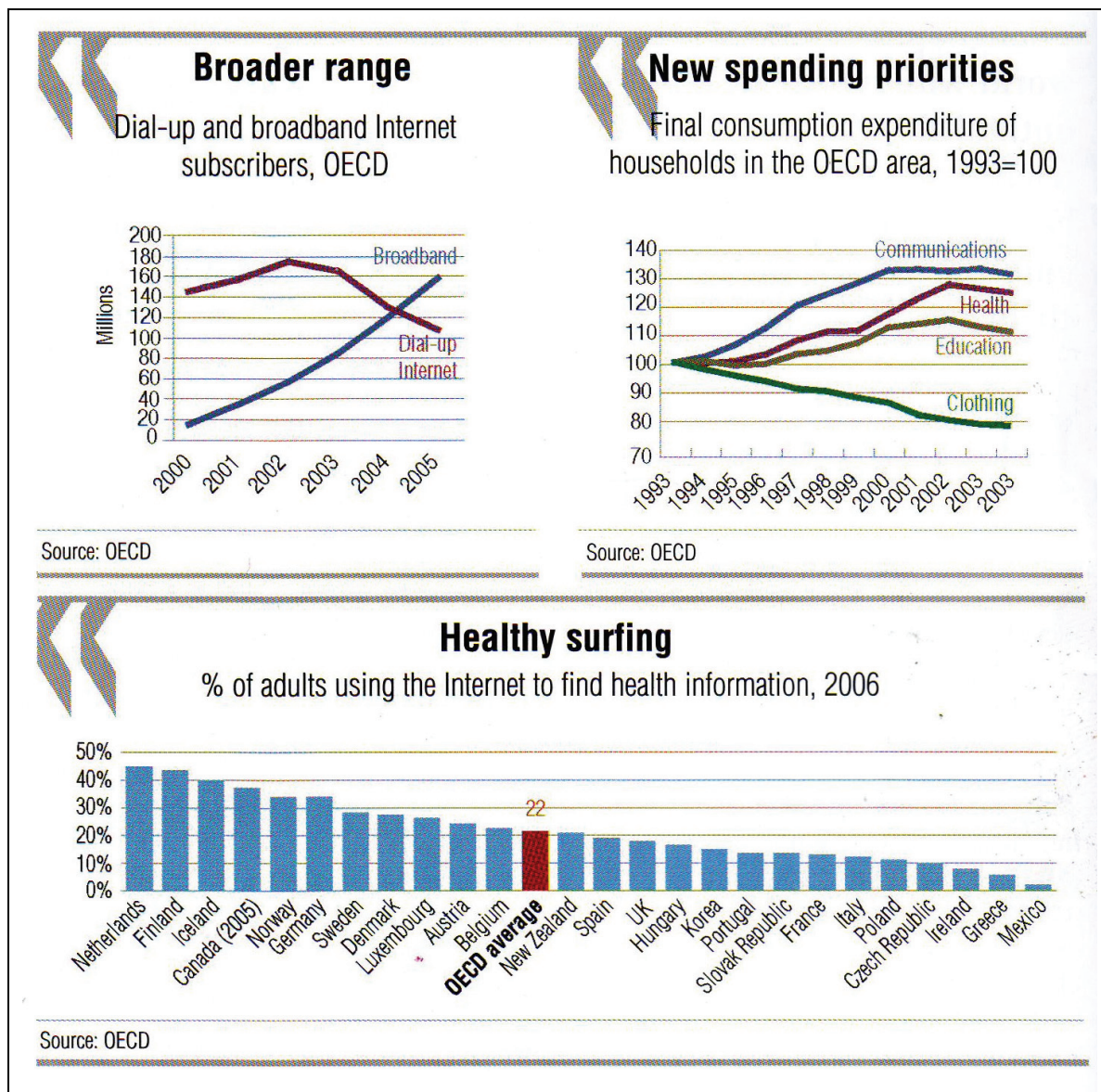
The privatised nature of the internet excludes usability of the internet as a disciplined educational tool. A marvel it may seem to politicians but it remains socially and financially an abusive one on one expensive and time consuming experience, totally inadequate for disciplined intellectual developments of human resources for solving national problems and implementing nation-building programs as existed prior to 1995. The real revolutionary breakthrough in communications for civilisations has been converted instead by private manipulation for the digital era to be confidentially governed and lawless, a new world of private governing over e-information flows, e-product flows and e-money flows, a world where the public is no longer educated to know how and why privately embedded schemes exist. The public is excluded from education so that it has not the opportunity to publicly learn, as an informed member of the Australian society, the reason why the public is enforced by legislation to finance this new private control over publicly critical infrastructures. The Australian public does not have open access to the public electronic broadband highway and its governments' authorities over its entry into the digital era. This submission is to show that the outcomes from regulatory policies developed from the inputs to Independent Commissions have stimulated a major program of political and financial corruption of the worst kind against the public of Australia.

Parliamentarians and their public agencies no longer have the essential and critical public communication to act out their expected role as Australian leaders. Australians no longer share in their nation's long term visions and missions. There are no publicly open and transparently shared commitments about social and structural needs for nation-building Australia. To have intellectually shared outputs from publicly disciplined sciences and their evolving technologies is no longer a public consideration. How then are publicly expected social and economic outcomes to be realised? Economic reforms do not produce solutions to problems as they are promoted without any means defined as to how and when problems will be resolved. The top priority is that Australia is resourced with educationalists that have the critical skills and experiences relating to the expected outcomes from governments' stated objectives.

## The clash between public and commercial objectives

Without this, the commitments to economic reforms are damaging Australia's welfare and well being. Telstra is proof beyond all doubt.

This new culture of deregulation and privatisation as with the Stock Exchange is a new culture. It has privatised governing authority over the social and commercial behaviour of financial market trading, always critical to the public's economically measured outcomes. It has privatised governing authority over e-communications, e-information, e-markets and e-money infrastructures that now globally operate without publicly governed rules of law.



**Figure 1 OECD Observer. No 268 July 2008**

This edition of the Observer is dedicated to "The Internet Economy". It highlights the global problems from the privatisation of the internet (telecommunications) infrastructures. It asks, "Can the benefits of this extraordinary technology be multiplied, and how can the thornier challenges be met?"

No longer are government priorities to educate and to protect its public from social and financial marketing abuses post Australia's entry into the digital era with its new trade, commerce and social needs and interests. The compulsory super is another example of public savings regulatory enforced to be totally exposed to privatised e-marketing and deregulated (liberalised) commercial and financial schemes.



## The clash between public and commercial objectives

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The human resources as an intellectually skilled population are the only partners of democratic governments. This is the partnership and only partnership with its governments, the Australian public foundation of its people and the only Australian assets to solve the accumulating social and economic problems and implement positive outcomes for national-building Australia. All other government organised relationships with expected positive outcomes are alliances.

Instead economic reforms with their public private partnerships have committed public communications to be commercial and privately governed affairs, water for farmers to be provided by market trading, the removal of pollution by carbon trading, with outcomes that are completely irrational compared with public expectations. The intellectual needs that are essential to solve problems and build nations have been the lowest of government priorities. The government expectation, as the norm, is now that private market forces will solve these problems as they have with Telstra and with water. This culture is totally irrational. Telstra is proof.

The public is totally exposed to private market forces without any means for its elected governments to protect its public from social, commercial and financial malpractices. The public is without public education for public understanding of these privatised schemes. Instead, public affairs and public shared investments, are redefined by regulatory means as “markets that must have competition” and be privately governed by schemes confidentially contrived without public understanding. Privately contrived regulatory schemes enforce the public saving and investments to be privately governed so that they are no longer available to finance homes and family needs without private sharecropping intervention. The original intent that these fund public infrastructure needs is no longer a public policy. This has been converted to a need to fund private and global objectives, enforced personal savings no longer available to finance publicly managed civil engineering programs for the build of publicly shared infrastructures.

Rational objectives would be to culture and deploy intellectually equipped manpower to resolve problems and to implement improvements. For example expensive energy supplies could be publicly resolved by eventually implementing openly and transparently planned alternatives as they develop. These then can be financed by government call on its public, as public voluntary saving to substitute the currently enforced and compulsory savings to finance privately and confidentially contrived schemes as was the Telstra privatisation. Nuclear power generators, now extremely efficient as they deploy enriched uranium, can now be built within about three years, as one of the many alternatives available from intellectually resourced fraternities within the public domain. But the Australia public is not to be educated in readiness for such alternative options that could be self sustainable. The problems of water reticulation to where it is needed for food supplies are no longer public education priorities. Water trading was.

But without public management of public communications, the revolutionary means for public education is expelled from public opportunity. Telstra and Foxtel media partners have sole authority and proprietary control over this outcome that otherwise could be revolutionary.

It seems no longer that politicians have any understanding that “broadband technologies” are developments as extremely more efficient replacements for telephone wires and broadcasting masts. It seems no longer that politicians understand that social culture of a child to develop as an intellectual contributor to nation-building is a period of at least two decades. Unless new science and engineering and related mathematics are intellectually developed as a government priority Australia’s natural assets including its electromagnetic spectrum and uranium cannot be utilised for the wealth building, wealth sharing and self sustainability of Australia. Australia will soon be depleted of the human and natural resources to develop new industries and new services. This nation is not being developed and managed for Australia’s social needs and thereby its trade and commerce needs.

Neither the 2008 – 09 budgets nor the reports from the Productivity Commission have any mention of the top social and intellectual national priorities that should be clearly defined to align with the nation’s visions for its future. The critical success factors should be measurements as timed commitment to expected positive outcomes from known and established intellectually formulated inputs as it was with broadband since 1983.

## The clash between public and commercial objectives

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The exponential expansion of new and revolutionary options from the new sciences, with diversity and flexibility like never before, are excluded from all inputs proposed by economists.

Carbon trading and water trading and the privatisation of Telstra are outcomes from a new culture that is controlled by the domination of commercial media over Australia for it to act in this way. The most valuable intellectual know how, the sciences and technologies for the revolutionary digital era was totally excluded from all public inputs for the “economic reform”, the privatisation of Telstra as confidentially contrived outcomes to satisfy the media cartel wants.

Intellectual know how is no longer valued and dissipated as public knowledge, as the real potential for human resources to exist in sufficient force to be deployed to achieve in short time the solutions to Australia’s social and environment problems that are threatening efficient outcomes. The revolutionary means to do so have been removed from public and democratic management, removed by corrupted regulations.

The diversity and complexities of organising such knowhow for nation-building is now virtually impossible to achieve post privatisation of Telstra. The Australian governments have fewer opportunities to understand the revolutionary sciences and intrinsic values of the exponentially expanding scientific knowhow. The public means for public knowhow about Telstra were dismantled as directed by private media market forces. So what chance of public understanding and outcomes from any of the revolutionary new sciences and technologies when the public has no knowledge or awareness of the corrupted regulatory process to privatise Telstra.

Governing Australia is governing over Australia’s largest business. It should be politically managed with openness, transparency and dignified respect for this public responsibility. To deny the public this respect, to confidentially permit big financial and commercial businesses with privatised inputs or as private partners with governments to “commercialise” public affairs such as education and telecommunications and carbon trading is to deny the public its expected social justice and protection by the rules of common law. Democracy was invented to defend the public from social and economic abuse by those with extreme private wealth and thereby political power always open to abuse. Now the governing culture is to confidentially align government policies for commercial outcomes as confidentially contrived privileges to those that are already the wealthiest. Governing over the public domain should be openly managed by the elected governments and transparently shared between its public. Its publicly organised alliances and via universities via specialised dependent agencies as and when opportunities prevail.

While private media dominates and governs Telstra and thereby almost all critically related government communications policies, private media is governing the Australian culture. Therefore democratic leadership and management of the nation is a task near impossible. Elected government responsibilities should not be delegated to independent Commissions with confidential connections to stakeholders and private partnerships. Commitments relating to public affairs should not be made between confidential partnerships with elected government. The commercial media that now has private control of Telstra, the most efficient means ever invented for public communications by the human race, is to ensure that the culture of Australia is no longer managed by its public but by private market forces.

But far worse it ensures that the public of Australia has no access to these affairs and no public support for the critical education to understand the related revolutionary intellectual sciences and the mathematical management of the new technologies. Australia, once a world leader in telecommunications and its transition into the digital era has since abandoned its international participation in these revolutionary developments.

The public of Australia is not aware that since 1995, Australia is the catalyst, the means for the “global” and private governing over a lawless World Wide Web, the transition from copper telephone wires to the new world of e-information flows, e-product flows and e-money flows.

Assisted by Australian politicians, Foxtel media partners had more authority over such a privately directed policy shift in telecommunications than the Australian Federal government, Australia’s highest authority, even more authority than the United Nations, now the international agency for telecommunications (broadband) for the digital era.

## The clash between public and commercial objectives

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These changes in themselves are extreme Regulatory Burdens on Business and a major burden on the potential to improve democratic process and social justice for the people who expect from its elected government to be protected by the rule of law from social and economic abuse.

In democracies, the public expect that its elected governments have the means to educate its public to world benchmarked standards as they relate to all civilised disciplines including the sciences and the consequential technologies for water, telecommunications, transport and energy and food supplies.

This public educational and conformance opportunities re telecommunications for the digital era were dismantled by the Howard government. So far, the Rudd government has shown no interest in repairing this privately corrupted objective. Instead of repairing Telstra, the Rudd government as a higher priority, now supports yet another economic policy program that like Telstra and water trading is leading to yet another privately promoted program as carbon trading for social and economic exploitation of the Australian public by excluding intellectual inputs.

Few understood how Telecom Australia had already provided the public domain with a democratic and secure infrastructure for Australian's entry into the digital era, a publicly managed digital broadband telecommunications infrastructure, the worlds first that was already configured to protect the public from social and economic abuse post Australia's entry into the digital era.

Stimulated by the Keating Government's public private partnership with News Ltd, Media investors were able to confidentially contrive with the Howard government for economic reform policies for the privatisation of Telstra. The first step was to abandon conformance to international standards by the program of "liberalisation". This enabled the confidentially contrived and proprietary technical modifications to be installed within Telstra, thereby excluding the regulatory processes as developed under the guidance of the United Nations. Australia had abandoned all means for regulatory control over its national broadband, all means for its public to expel abusive behaviour within the e-era, all means for the public to access its broadband.

The next phase with this confidentially contrived program of social and economic exploitation was to privatise Telstra, to completely remove the elected governments' democratically governing authority over the new and revolutionary sciences and technologies, its new public broadband infrastructure.

Public morals and values are readily manipulated by the commercial media when it has achieved dominating control over the public's culture. That is their profession. As proved by history that is why nations when dominated by a few politically aligned media authorities cannot be democracies. There is little likelihood of any government to act democratically even while it continually claims that it does as the revolutionary opportunities to do so have been privatised.

This submission is to show proof that the privatisation of the public's \$64 Billion Telstra and its revolutionary broadband at the critical period of Australia's entry into the digital era is an outcome as cultured by the commercial media, privately manipulated by private and confidential partnerships to contrive social and economic corruption of the worst kind.

Unless these privately contrived economic reform processes are expelled from politically contrived practices Australia cannot be governed as a democracy.

Repeatedly the Prime Ministers claim that its policies will be widely available for public review, a task quite impossible while public communications about parliamentary processes and parliamentary committed programs are almost entirely dependent on commercially controlled media and lucrative advertising. The public is almost totally dependent on commercial media and the expensive and undisciplined one on one privatised internet system to find if possible and if private time permits, the contrived and too often misinformation, as propaganda and deceitful information conveyed to the public, as has been proved with the processes to privatise Telstra.

## The New Parliamentary Infrastructure

The Productivity Commission, the National Competition Council, and the Australian Competition and Consumer Council are substitutes for what were previous to 1998, publicly dependent agencies directly responsible to the ministerial offices within the Australian parliaments. The dependent agencies were directly responsible to its parliaments for its interfaces between the industrial, commercial and service fraternities within the Australian public domain, to openly and transparently support the nation-building and social objectives of Australia.

Prior to the mid 90's, the means to share public knowledge was not yet totally dependent on commercial media domination over communications and its cultural influences over the public although that influential objective was being developed.

This submission is to show proof that the outcomes from Government policies since 1995 are no longer the result of democratic process of inputs from socially and economically aligned fraternities within the Australian public domain. Policy inputs are no longer publicly transparent. Therefore policy outcomes are no longer transparent and publicly understood. These inputs and economic reform outcomes no longer include the known and understood ever increasing complexity of specialized intellectual knowhow as once openly shared between private and public fraternities, the horizontal layers of social and economic activities within the fabric of Australia. The intellectual sharing between private and public fraternities and their supportive publicly financed and publicly disciplined university participants once aligned for these fraternities to develop long term nation-building and the public's common objectives.

The public intellectual wants and needs are now excluded as inputs to the new statutory independent commissions. Instead, independent commission members are appointments made to official office by private process to substitute the once specialised publicly dependent agencies. The new "Independent Commissions" as regulatory agencies do not interface with the intellectually focussed layers and aligned universities within industrial and service fraternities but instead accept inputs as the opinions from the top management of big business organisations or the affiliated unions. This enforces the independent commissions to exclude intellectual inputs known only to universities who once had their direct associations with the horizontal layers of specialised fraternities. Inputs to the Independent Commissions are now biased and distorted by the purposeful exclusion of intellectual knowhow to privilege private commercial and financial stakeholders and as promoted by commercial media. The recorded experiences with these independent commissions during the privatisation of Telstra prove that this exclusion existed.

This is a new culture, a culture that is driving a new trend towards privatising the process of governing over public responsibilities. The trend therefore is towards privatised inputs and outcomes with less opportunity for the public to know, to understand and to reason why. The public awareness is constrained to limits imposed by commercialised media, the internet and by commercial media managed advertising. This is a dangerous trend against the survival of democracy and social justice as this paper proves within this submission.

Prior to the mid 90's government agencies intellectually aligned with the business fraternities. The transparent interfaces with public universities stimulated the formatting of openly shared common goals in the public domain, established from decades of publicly and privately shared research and intellectually disciplined experiences. These experiences were published for any Australian to study and to share.

How else could Australia build its roadways, its railways, its telephone traffic ways, its airways, its energy supplies as publicly shared infrastructures, its ports and its market places as public shared infrastructures, its radio and television spectrum infrastructures to transport radio, television and mobile communications as publicly shared infrastructures, its waste management infrastructures and its critically related intellectual resources for water, for energy, for transport, for industry and commerce, critical intellectual resources and their publicly shared educational infrastructures. Today, such intellectually disciplined human resources are more critical than ever to the social and economic fabric of Australia, more complex than ever, more cross dependent and interdependent than ever, more scientifically based than ever.

## A new parliamentary infrastructure

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Yet the culture shift and political direction is that the Australian natural and human resources are best managed by private authorities, even global authorities, the commercial and financial stakeholders who, the public are told by its governments, must be competitive. But with Telstra, privatised and as a consequence of privately delegated governing authority over such matters of critical importance to the public outcomes from broadband there is no PayTV competition over the national and privatised broadband. This outcome is what the public is expected to accept from their elected parliamentary members as the “democratic norm”. However, competition is readily possible by the sharing of the existing Australian broadband and even far more efficiently possible once Australia’s broadband is democratically managed and operated to international standards by the rule of law as built by Telstra for its public prior to 1995.

The public education about such matters is now a private and commercialised affair, no longer a public vision and mission for nation-building outcomes. Yet with all “democratic” claims from the Australia parliaments, Telstra now must be the world’s largest media marketing monopoly. This is a major clash against the public’s family building objectives, community building objectives and nation building objectives. No longer has Australia leadership from within its elected governments. Instead they are manipulated by private market forces. The new reforms as regulatory processes are enforcing private governing over public affairs financed from public savings. Telstra is an example for the committees reviewing this Draft Research Report, to study and to understand, for Australians (if ever possible) to study and to understand and in particular for the members within the United Nations representing their claimed democracies, to also study and to understand.

One thing for sure, while the global political view is that telecommunications in the digital era should be deregulated and privately governed it is unlikely that democracy and social justice will survive. Telstra is proof.

### **A critical period of scientific change**

The political outcomes based on “economic reforms” over the last decade have existed because of the economic propositions from the “Hilmer Report” were adopted in 1998 by the Treasurer Mr Costello as the Productivity Commission Act, of 1998. This submission is to expose the consequences of public inputs that have become confidentially privatised to produce the consequential stakeholder clashes between the public objectives and private objectives post 1995. This is a new form of cold warfare between civilians and private market forces.

The media cartel’s win from these clashing objectives, the clash between the revolutionary public outcomes for the digital era, and News Ltd wants for a privatised PayTV infrastructure, was only possible post the “Productivity Commission Act, 1998”. The re organising of government agencies from being directly employed and publicly dependent and publicly transparent within Ministerial departments of governments, were once with the intellectual fraternities’ direct inputs to democratically control educational programs that were to culture the human resources for efficient implementation of government commitments to nation-building programs. Instead since 1998 this once democratic process has been substituted by independent commissions also labelled within the Treasurer’s budget as “Statutory Agencies”. These broad responsibility agencies, as the primary drivers of “market reforms” and “economic reforms” are no longer specialised and intellectually disciplined agencies yet have become the in-betweens for private market forces to gain power and authority over government policies. This re organisation of the parliamentary infrastructure permits confidentially and privately contrived commercial objectives to drive government policies such as the privatisation of the Stock Exchange, of Telstra, of shopping centres, of water trading and carbon trading.

The Public is still excluded from access to this world first digital broadband superhighway, engineered, financed and built by Australians long before Telstra was privatised. The submission includes a published book that explain the critical public management of the digital bits within broadbands and how without publicly disciplined education and understanding of the digital bits, the public is without any understanding of the extremely lost opportunities post the new political trends of implemented economic reforms.



# The Budget

## ***Treasury portfolio overview: (page 3)***

On page 3 the budget includes the following paragraph:

“The **Australian Competition and Consumer Commission** outputs are directed at enhanced social and economic welfare of the Australian community by fostering competitive, efficient, fair and informed markets. Outputs are: compliance with competition, fair trading and consumer protection laws and appropriate remedies when the law is not followed; and competitive market structure and informed behaviour.”

## ***Department of the Treasury: (page 13)***

### **Strategic direction**

“The mission of the department of the Treasury (the Treasury) is to improve the well being of the Australian people by providing sound and timely advice to the government based on objectives and thorough analysis of options, and by assisting Treasury ministers in the administration of their responsibilities and the implementation of government decisions.

In carrying out its mission, the Treasury has responsibility for the following policy outcomes:

- Sound macro economic environment;
- Effective government spending arrangements;
- Effect of taxation and retirement income arrangements;
- Well functioning markets;

It includes:

“...and promoting strategic responses to the significant challenges facing the Australian economy. The Treasury’s ongoing program of international engagement will be central in building capacity in Australia’s economic region, assisting in monitoring international developments which will affect the Australian economy and promoting regional macro economic stability. Australia’s strong economic growth momentum has been crucial to weathering the current turbulence in world financial markets; however this growth also has presented challenges. A tight labour market, strong domestic demand and growing overseas demand for resources have contributed to building inflationary pressures within the domestic economy....”

## **National Competition Council (page 223)**

### **1.1 Strategic direction:**

“The National Competition Council (NCC) is an independent statutory agency....”

“The National Access Regime promotes competition, efficiency and productivity in markets that depend on the use of services provided by monopoly infrastructure facilities....”

“...The NCC’s function within the National Access Regime is to recommend on applications for declaration made by parties seeking to open up access to services provided by monopoly facilities. The NCC may only recommend a service be declared where:

- Access to a service would materially promote competition in a dependent market;
- The service is provided by a facility that is uneconomical to duplicate;
- The facility is of national significance;
- There is no undue risk to health and safety;
- There is no alternative access regime and;
- Access is not contrary to the public interest.

All six of these conditions must be met before a service can be declared....”

### **Key performance indicators includes as just one example (page 229)**

“The NCC develops and maintains informative and up to date information resources for applicants, infrastructure owners and other interested parties in relation to all matters for which it is responsible.”

### **The Productivity Commission (page 239)**

#### **Strategic Direction**

“The Productivity Commission (the Commission) is the Australian Government’s independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. The commission’s work extends to the public and private sectors including areas of State, Territory and local government as well as federal responsibility.

As a review and advisory body, the Commission does not have responsibility for implementing government programs. It carries out inquiry research, advising an incidental functions prescribed under the *Productivity Commission Act 1998*.

The commission contributes to well-informed policy decision making and public understanding on matters relating to Australia’s productivity and living standards, based on independent and transparent analysis that takes a community-wide perspective rather than just the interest of particular industries or groups. The commission has four broad components of work;

- Government commissioned projects;
- Performance reporting and other services to government bodies;
- Competitive neutrality complaints activities; and
- Supporting research and activities and statutory annual reporting.

It is anticipated to the Commission’s work in 2008 - 09 and the forward years will be integral to the national reform agenda. The Commission will continue to examine a variety of economic, social and environmental issues through its public inquiry and commissioned research program.....”

Therefore it appears that these “Independent Commissions” or statutory agencies are departments to dislocate public access and participation via the elected parliament’s “Dependent Public Agencies” that previously existed to openly share with public participation and public information streams as publicly published for all to study and to share. This infrastructure has since been dismantled; information streams closed or commercialised as privately directed from within the inner sanctum of government. This has stimulated confidentially directed schemes, in fact directed by private stakeholders who then govern over the political policies implemented by the Australian governments.

How else than by direct public agencies could the revolutionary public opportunities for Australians entry into the digital era be developed and then by independent commissions be confidentially converted to an exclusive opportunity for a media cartel after a legislated political commitment enacted without any public understanding whatsoever!

This paper addresses four key issues re the history over the last decade of the Productivity Commission and its inputs and outcomes as it has affected the social and economic fabric of Australia.

One: Whether Australia’s public outcomes are positive or negative after the Independent Commission was constituted by legislation in 1998, the reorganisation of the people’s parliamentary agencies as recommended from the output of the Hilmer report. This report, was chaired by a professor of economics, and therefore with new globally promoted focus on “economic reforms”. This was to stimulate “liberalization” of commercial behaviour, deregulations or the removal of the burdensome regulations imposed by the complexity of new wants added to existing laws that still regulated over redundant practices. The Hilmer report fix was to privatise public affairs. Private commercial unions would then self regulate business practices as the expected means to improve social and economic outcomes.

## The budget

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Two: Whether the reorganisation of the parliamentary processes committed post the 1998 Act have added to and improved on the invention of democracy or are processes to disconnect the public from a democratic political system.

Three: What are the relative public costs and outcomes as compared to previous or alternative organisations between the public and its parliaments in relation to the needs of the Australian people?

And four: Whether “improved wellbeing”, the Treasury mission statement, could result in equality of “wellbeing” for Australians within their public domain or whether the outcomes are unfair distribution of wealth for the “wellbeing” of the more global wealthy?

Without exception, all these changes have had major impacts on the trends for Business, Manufacturing and Trades and public knowledge and understanding. It has impacted on how public and private processes, within trade and commerce, function between public and private infrastructures. It has impacted on how independently and how democratically they function. The socially responsible needs for intellectually directed public education are no longer priorities for governing Australia. Over a decade as this submission proves, the Australian governments have sadly neglected these humanity needs within its civilisation. This submission will show that there is no intent within currently promoted public policies to expel the causes of this social neglect and adverse economic outcomes relative to Australia’s potential.

There are many new and adverse trends within trade and commerce that could be studied as examples in recent years to evaluate the consequences of this culture shift. But as the OECD Observer magazine tables in its 17th – 18<sup>th</sup> June 2008 issue, household expenditure on “Communications” was higher than household expenditure on Health, Education and Clothing (see chart page 8). Therefore “Communications” is a high priority for public attention as communications involves all matters relating to civilisations. Telstra and its private partners in Foxtel have by far the most dominating organisations for communications. This has completely unbalanced the need for equality of communication opportunities between the public sectors and the private sectors within a democratic public domain. Therefore it is fair then to study the history of Telstra and related inputs and outcomes during the history of the Productivity Commission.

The OECD 1993 base line is also the baseline for studying the clash between public and commercial objectives. It also aligns with the studies instigated by both Labor and Coalition Federal governments with their newly directed focus on “liberalisation” prior to their commitments to the outputs from the Hilmer committee. It also coincides with the transition of electronic communications from the analogue electronic era to the digital era, with a new found generation of intellectuals that had specialised in the digital sciences and consequential technologies and outcomes relating to communications.

As highlighted in the OECD Observer, June 2008, telecommunications in the era where broadband replaces copper wires is globally in critical need of governments’ attention and the disciplines of public law if ever it is to be secure from social and economic abuse. This is critical to Australian communications that interface with external domains. As Australia was the world leader in the sciences of these revolutionary public infrastructures, now privatised, it now seems a catastrophe that Australia, instead of being a world leader in secure practices within the digital era as it was up until 1995, has become a follower of globally abusive social, trade and commercial behaviour with the global commercial media and economists promotions for the privatisation of broadband (telecommunications).

The Telstra reorganisation and related political policies developed and implemented over this period makes of excellent and not yet too late parliamentary study. It exposes how and why inputs and outcomes as management by governments have been undemocratic and socially irresponsible.

Therefore this submission includes an electronic copy of a book that is published as a public statement about the process of governing under the new “Market Economy” culture as globally cultured over the last two decades. It describes how the digital revolutionary opportunities have corrupted economic and political outcomes that have enriched the global rich, in particular commercial media stakeholders and their financially aligned supporters. Rather than a public attack against this adverse behaviour, it explains how a far more efficient and effective remedy is

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to reconvert Telstra broadband to a publicly owned revolutionary electronic superhighway because only then will it be disciplined to operate to international public standards by the rule of law.

It explains why government reliance on independent commissions has stimulated opportunities for social and economic abuse and extensive delays, even aborted opportunities for social and economic outcomes from the exponential expansion of intellectually realised publicly shared opportunities for industry, commerce and social outcomes from the intrinsic values within the new sciences that should be developed into nation-building programs. It explains why governments should dismantle independent commissions and public private partnership and instead invest public money in publicly dependent agencies that report to the public's parliaments about their intellectually understood relationships with universities and industrialists. As an overall horizontal and transparent governing organisational infrastructure it explains how COAG could best manage the critical social and economic improvements, such as public communications. The public objective is for continual attention to the humanities of civilisations as publicly shared and internationally shared processes to improve democracy and social justice protected for Australians by the rule of law.

The inputs for major public objectives are outcomes from the intellectual talents of many young people barely past their twenties, the intellectually developed human assets as cultured within the more democratic nations. By good leadership in times of peace, by internationally coordinated ways similar to the critical processes implemented between the more democratic nations during the Second World War the disciplined intellectual inputs to students produce outcomes that emerge over several decades to provide civilisations, as one example, the revolutionary means for communications.

As a new Australian culture the revolutionary developments from the sciences and technologies are no longer respected as most valuable inputs of Australia for its revolutionary outcomes. The book explains how Australians have been cultured by private market forces to abort publicly shared revolutionary and intellectually based opportunities from the exponential expansion of disciplined sciences and their technology outcomes.

The culturing and evaluation of the sciences and disciplined technology outcomes are no longer publicly organised programs as publicly recognised and understood with dignity and respect. Instead the new culture is for private governing over the social and economic deployment of the sciences. One example is that no longer are the digital sciences publicly shared for Australia knowhow to provide the world with revolutionary communications infrastructures and to profit Australians while doing so. For Australia these sciences are extremely critical for positive outcomes from a public "education revolution", critical to all social and industrial opportunities within the Australian public domains.

Instead, this objective has been abandoned and converted to a marketing monopoly for a global media cartel. The Australian public is exposed to a culture that has developed into a national trend towards intellectual illiteracy, with no long term plans to develop the human resources as civilian forces prepared to develop substitutes for socially expensive and environmentally damaging outcomes. Instead climate change and carbon trading are the most repeated words over the public communications infrastructures, television, newspapers, radio, magazines, Telstra's cable with over a hundred commercial television broadcasting channels, without any intellectual communication for public understanding and reasoning why. With this continual media power to distort the way Australia, as a civilisation, thinks, we now have privatised stock exchanges to profit the rich, professional sports to profit the rich, advertising to profit the rich, compulsory savings to profit the rich, privatised shopping centres to profit the rich, water trading to profit the rich, carbon trading to profit the rich, all totally undemocratic and antisocial programs.

The last two decades of privately cultured behaviour and what Australians are forced to think about, is only possible because of the rich concessions from Federal governments to the media cartel within Foxtel to further concentrate media. The extremely adverse result is now that a few global rich have achieved private domination over almost all Australian communications foundations. Governments have minor communication channels with their public, and then totally controlled and privately filtered by publicly subsidized commercial media that now includes extensive public costs for public and private advertising.

## The budget

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Post 1995, Australia's Federal government's partnerships with Foxtel media partners via the publicly owned Telstra, resulted in policy outcomes for the privatisation and liberalisation of the public's civil engineering build of its broadband highway, the first in the world for e-communications, e-products and e-money. This has globally stimulated lawless marketing practices as this submission shows. These schemes have to be expelled if democracy is to survive.

The privatisation of Telstra is public corruption of the worst kind in the history of Australia. The governing over the e-economy is now liberalised, deregulated, privatised and privately governed by a global media cartel with privately contrived technical hooks and levers, hidden as lawless schemes of personal monitoring, technical interference and corruptive schemes to gain monopolistic and private control over e-trade and e-commerce such as exist within Australia. These social and economic defects have to be repaired if democracy is to prevail.

In peace times and war times, history has proved that publicly planned investments in public universities for focussed and disciplined objectives are by far the most efficient means to win battles. But that is no longer the Australian culture. That culture has been destroyed and replaced by a new culture within Australia, a public now privately cultured, that the public be enforced to finance the "Free Markets" economy, with its lawless e-markets actors and lawless e-trading actors as now applies to Australia's e-broadband highway and its relationships with the global economy.

Today "PayTV" (e-products) marketing over the Australian national broadband is a private monopoly that entertains Australians and markets advertising, even converting sports to be a professional business. This new culture is to exploit the public by also adding advertising within the hundred or more national "PayTV" channels using an exclusive technical scheme to monopolise the deployment of the public's revolutionary broadband to do so! This is an outcome from professionally applied psychology, the specialised business of commercial media, to culture Australians and its governments into supporting the means for the private sector to finance an over indulgent public and by privately exploiting public assets contrived by undemocratic means to do so.

Now Australia is a global supporter, a catalyst for this new imperialistic force within the e-global economy, with private schemes of exploitation embedded into the e-world, a world of social neglect and neglect of publicly disciplined education about the e-world. Australians are no longer provided with public education and communications infrastructures to understand and to reason why the digital divide, the social gap is globally for ever widening.

Rather than penalise Australian trade and commerce with costs that finance the economists' invention of carbon trading as certificates to enrich the trading rich, the Australian governments could offer its public interest bearing "carbon war bonds", and "clean energy" bonds. These could be financed from the compulsory (voluntary?) super money supply, to finance public universities and their students for disciplined public infrastructure programs, publicly disciplined to re direct intellectual focus on publicly shared research, and program implementation. With public control over Telstra's broadband, this would be a far more efficient way to fast track the solution to major global problems and to discover and implement socially and economically productive activities for Australians. Telstra within two or three years at no or little costs to the public would then be again, truly a public university in its own right as it was prior to 1995, to re establish Telstra as world leader in digital broadband interactive telecommunications, and as a means to permanently expel tyrannical social and economic behaviour.

Submitted as a public document, as it is an extremely critical part of this submission, is a book that defines why and how digital public standards for the digital era, with disciplined public education and standards protected by the rule of law, enables revolutionary outcomes for Australia. This submission includes an electronic copy of the book published by Meridian Connection Pty Ltd, "The Rapid Decline of Public Ethos" (ISBN 978-0-9804923-0-9). This book focuses in far more detail on how and why the Howard government abandoned the original 1983 objectives re broadband. It explains how it has damaged Australian trade and commerce opportunities and its public access to critical social needs and opportunities. It describes how this damage can be repaired in short time and at little or no cost to the Australian public, to re establish Australia once again as a world leader in broadband and the World Wide Web.