Hi again,

Based on the 'One more teensy morsel for monsieur' principle', I
thought I would send you my final thoughts (and that's a promise) on
the integration of the Disability Discrimination Act with other
relevant risk management legislation. Please see below. Basically, I
think discrimination is a community risk which needs to be managed and
treated much like any other OHS, industrial or related problem.

Cheers
Carol

What do we want?: To develop a national quality/risk management
approach in order to obtain continuous improvement in health and
environment protection through sustainable development at the
international, national, regional, community, enterprise, family and
individual level.

What is a necessary condition for this?: The transformation of the
inherited British adversarial legal system, and related secretive and
uncoordinated ministerial, bureaucratic or collegiate structures which
currently preserve a dysfunctional plethora of organisational
stovepipes and related managerial, professional or academic privileges.

Key suggestions for action:

1.   Replace and transform the existing adversarial legal monopoly
through the development of alternative and mainstream inquisitorial
dispute resolution and general research structures across the board.

I suggest that this development strategy be based around the
universities mainly because these institutions already provide,
comparatively speaking, a very broad, independent, expert, and well
developed base on which to build a scientific and quality management
approach. They may be obvious candidates for management of a range of
ministerial or industry programs for health and environment related
development, as I recently argued to the Productivity Commission
inquiry into national workers compensation and OHS frameworks.
However, the effective performance of this role also depends upon
reform of collegiate (i.e.'hugh flocks of headless chooks') culture.
Also, there are probably many industry and community organisations,
representatives and individuals, who could fulfil research and service
program or project management roles as effectively or better than
academics. In addition, they are the ideal ethical stakeholders, whose
management should replace the myriad of professional and academic
ethics committees whose rule is currently legitimated in morally
dubious and expensive legislative requirements.

Note that the Niland report 'Transforming Industrial Relations in NSW', recommended 'integration of Australia's two mainstream tribunals' without clearly spelling out which two these were. The casual observer will see that we currently have a great many tribunals and courts which may make expensive or slow judgments about behaviour. This could increasingly be replaced or influenced by a more holistic, evidence based policy and helpful, cheaper, treatment of individuals, their problems, their health and their environment.   Therefore:

2.   We need money to put in place a range of coordinated programs for health and environment protection and sustainable development in communities, such as those recommended by the NSW Standing Committee on Law and Justice, and other relevant government or independent inquiries. (They produced some great reports. Why should academics stand aloof from implementation and evaluation of their most relevant recommendations?)

3.   We need to identify national information requirements and monitoring systems relating to the private and public sectors, so that programs and services can be compared and their outcomes comparatively evaluated

4.   In general we need management, consultation, representation, education, and information technology to assist risk management (injury prevention and rehabilitation) and related research across the industrial and vocational education spectrum

What else is necessary? We should embrace more privatization when this involves increased competition in service delivery (but not fund ownership and control) in return for the national extension of standards designed to promote competition to improve health and environment protection and sustainable development, unless another course of action can be shown to be in the public interest.