Welcome to the Winter Edition of *Australian Ethics*.

I hope everyone is looking forward to the upcoming conference in Sydney as much as I am!

The 24th Annual AAPAE Conference is being hosted by the *Institute for Public Policy & Governance* at UTS. In the interesting times in which we live, the topic could hardly be more apt: ‘*Applied Ethics in the Fractured State*’.

In many countries around the world, the authority and capacity of the sovereign state seems to be fracturing. We bear witness to a widespread loss of faith in many of our major institutions: in politicians and political parties; in mainstream media; in banks; in large corporations; in international bodies and laws; in unions; and so on and on.

In cases where governance mechanisms and regulation rule, effective state action can seem to grind to a halt, or else to be captured by non-democratic agendas. This gives rise to increasing calls for strong leaders capable of getting things done, and maybe even of shaking up the system. But where accountability measures are not in place, too often we see a collapse into arbitrary, ideological, nakedly partisan, or even corrupt decision-making. Either way, the state seems fractured, if not in power and authority, then in legitimacy.

Where is the space for ethics in this fractured world?

As I thought about this question, I recalled an interesting conversation I had with one of my research colleagues, who comes from a legal and regulatory background. To my surprise, he told me that when he first started being introduced to the world of ethics, he felt the topic was unlikely to be worthwhile. In his view (at that time), people just pay regard to the black letter of the law. Anything else – all talk of morals and virtues – was just so much hand-waving. It was fluffy feel-good rhetoric, which no-one really takes seriously, and which fails to impact on decision-making in any substantial way.

But after being exposed to the idea of ethics over a year or so, he confessed he had come to a startling realisation. Not only did some of the ideas make sense and seem important, he realised that he himself had been doing ‘ethics’ for years. When he looked back over his life, he could recount innumerable instances where he had done things simply because they were the right thing to do, and used moral reasoning to think through his way forward. Yet at no time did he consciously consider himself as behaving ethically, or as engaging in moral reasoning!

It struck me that this illustrated one of the important roles that...
NOTICE OF ANNUAL GENERAL MEETING

Notice is given of the Annual General Meeting of the Australian Association for Professional and Applied Ethics Incorporated to be held on Thursday, 22 June 2017 at 4:45 pm in Room CB06.03.56, Institute for Public Policy and Governance, University of Technology Sydney, Building 1 (The Tower) Level 21, 15 Broadway, Ultimo, Sydney, NSW.

The business of the meeting is:

(a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
(b) to receive from the committee reports on the activities of the Association during the last preceding financial year;
(c) to elect office-bearers of the Association and ordinary committee members; and
(d) to receive and consider any financial statements or report required to be submitted to members under the Act.

Ian H Gibson
Secretary
11 May 2017

For the first time, the AAPAE will offer an award for the Best PhD paper presented at the Conference

First prize will be an award for A$500 and second prize A$250

KEYNOTE SPEAKERS

Professor Janine O’Flynn

Janine is Professor of Public Management at the University of Melbourne and Adjunct Professor at the Australia and New Zealand School of Government (ANZSOG). Her expertise is in public management, in particular, reform and relationships. Janine is one of the Editors of the Australian Journal of Public Administration. She also sits on the Editorial Boards for Public Administration, Public Administration Review, Canadian Public Administration, Teaching Public Administration, and the Journal of Management and Organisation. Since 2012, Janine has been an Executive Board Member of the International Research Society for Public Management and she was made a Fellow (Victoria) of the Institute of Public Administration Australia (IPAA) in 2013.

Dr Alida Lancee

Alida graduated medical school at UWA in 1990, and she underwent post graduate training to attain fellowship of the Royal Australian College of General Practitioners (GPs). She set up a general practice in a semi-rural town offering cradle-to-the-grave medical care to local families for over 25 years. She undertook further education in palliative care and was able to provide community based end of life care allowing many of her patients to achieve a ‘good death’. This was achieved through open communication, support, symptom control and, above all, by giving the patients and their families control over all health care decisions. Alida is married and has four daughters.

Professor Carl Rhodes

Carl is Professor of Organisation Studies and Head of the Management Discipline at UTS Business School in Sydney, Australia. His research critically investigates ethico-political dimensions of organisations and working life, with a special focus on justice, equality, resistance, dissent and democracy. Carl’s most recent books are The Companion to Ethics and Politics in Organizations (Routledge, 2015 with Alison Pullen), and Organizations and Popular Culture (Routledge, 2012 with Simon Lilley). He is currently working on a new book, The CEO Society (Zed, with Peter Bloom) which will be published in 2017. Carl sits on the Editorial Boards of the journals Organization; Gender, Work & Organization, Human Relations, Journal of Business Ethics; and Organization Studies.

The AAPAE award for the best PhD paper presented will be presented at the Conference Dinner on Thursday, 22 June 2017 to be held at The Duck Inn. First prize will be an award for A$500 and second prize A$250 and both award-winners will receive certificates.
On 20 March 2017, the All China Lawyers Association published two brief amendments to the Lawyers Professional Practice Standards (Provisional) of 2004 as amended in 2009. The amendments can be summarised as:

First, the amendments include a new Article 4 by adding:

“Lawyers must support the leadership of the Chinese Communist Party and support the socialist legal system as basic requirements of practice.”

Second, the amendments include an additional paragraph to Article 6 by adding:

“Lawyers cannot use lawyers’ status or the name of a law firm to concoct cases, to attack the socialist system, and prohibitions on attacking the socialist system, and prohibitions on jeopardising national security operations. The last section prohibiting collusion or forgery, or prohibiting obstruction of judicial activities also seems conventional.

But the middle part of the new clause is built on a particularly Chinese problem. Of course, parties to a case do not always trust that they will get a fair hearing – or a successful hearing – in China’s courts. One method of “tipping the scales” relies on the fact that the central government is very concerned about maintenance of public order and even rates lower level officials on their capacity to maintain order. Parties to a case can riot, make demonstrations, attract media attention, and otherwise cause public embarrassment for local officials, which reflects on their standing with higher levels. Those officials may then be inclined to use their power over local courts to influence the decision in cases.

The first amendment is a simple reiteration of the recent theme that lawyers must support the Communist Party and socialism. In recent years, this has been reinforced by oaths for new lawyers and by constant proclamation by leaders.

The second amendment has a more complex background. Some of the prohibitions are obvious enough: prohibitions on concocting cases, prohibitions on attacking the socialist system, and prohibitions on jeopardising national security operations. The last section prohibiting collusion or forgery, or prohibiting obstruction of judicial activities also seems conventional.

The first amendment is a simple reiteration of the recent theme that lawyers must support the Communist Party and socialism. In recent years, this has been reinforced by oaths for new lawyers and by constant proclamation by leaders.

The second amendment has a more complex background. Some
handle complaints in the telecommunications industry. I've worked for corporations, NGOs, and government agencies for over a decade in this space. I have also recently read John Ralston Saul's *Voltaire's Bastards* (1992), and I saw some of my own experiences reflected in this book. If you haven’t read it, *Voltaire’s Bastards* is a critical examination of reason which, through a series of vignettes, explores how reason detaches people from the reality they live in. I'd like to describe how the operation of a complaint handling area can often rely on reason or the language of reason, when what it really means is it is following a process, relying on other values, or being expedient.

Any company that deals with a large number of people needs a complaint handling team, especially if it sells something complex or technical. No matter how well an organisation is run or how thorough its business processes are, if a problem can happen, it definitely will. This means that there are complaint handling teams for airlines, utilities, telcos, banks, government agencies, just to name a few. There are second-order complaint handling teams as well, which handle complaints about complaints. These are ombudsmen, integrity commissions, or appeals organisations, such as the Telecommunications Industry Ombudsman, the Financial Ombudsman Service, and so on. Because these teams often handle a large volume of cases, they are driven by processes. These processes will typically dictate what complaints will be accepted by the organisation, how they will be handled, and what kinds of outcomes will be offered to particular kinds of problem. The individual employees and teams that handle these complaints are generally required to act within those processes and policies. A summary of these policies is usually available on the organisation’s website.

Any given case will be handled based on those processes, and so what is ‘reasonable’ for the case manager to do with a case is often what is possible or permissible according to process. In this way, being reasonable or offering a reasonable outcome, is like a diplomatic pouch. Diplomatic Pouches are containers used by embassy staff on overseas assignments to ferry sensitive things back and forth and cannot, under international law, be forcibly opened by a host country. In this way, the language of reason, like a diplomatic pouch, is used by the bearer to shield its contents from view. The values embedded in a ‘reasonable’ process, like the contents of the pouch, cannot be investigated or even asked after without giving offence. These values will influence, often decisively, the outcome of the case. This doesn’t necessarily exclude fairness, and a lot will depend on the individual organisation and the people who work there. However, the outcome to a lot of cases will, unsurprisingly, reflect the priorities of the organisation and its policies. For example, certain things may not be permitted, even if they are fair, because the cost involved in doing them is deemed excessive. These are often not the values people want the organisation to be driven by, especially if they’re making a complaint about the organisation and expect it to be resolved in their favour.

This holds a few practical lessons. Many complainants I have dealt with know this intuitively, and will cut through talk of reasonableness by going straight to the values behind their view, and what they believe motivate the organisation’s view. I argue that we use the language of reason when we are actually talking about values and fairness at our peril. It does little to engender trust and prevents an honest and constructive, if perhaps more difficult, conversation about those values. Secondly, when people use reason in arguing against you, it should immediately raise questions about the values they hold and their aims. Reason is just the bag which holds values together, it is not a value itself. However, the values embedded in the policies implemented by reason aren’t al-

continued on p. 11
This might be a very simple or even silly question to pose, and it might have several responses, depending who is attempting to respond to it. Nonetheless, I pose this question in light of my following observations (which is not exhaustive for this short entry). Many individuals today:

- find it difficult to trust anyone, even their closest friends, as each is fixated on self-interest, and might be referred to as self-centred.
- are unable to find job security, even in a rich country like Australia. It has become the norm that not only the unqualified, but highly-educated individuals find it difficult to attain a job. Described simply as ‘over-educated and over-experienced and would find it hard to fit into a boring job’, is the standard retort of the human resource department.
- have no freedom to speak their mind in relation to what they might feel is wrong in the office environment; in case they do, they are often blacklisted by their co-workers or their friends and acquaintances. Individuals also find it difficult to speak out, in my view, because they might be branded as racist or discriminatory. We have become a nation that tolerates anyone other than the original inhabitants and the first immigrants to Australia. Individuals tolerate political correctness and go with the flow to fit in, which is considered the second stage of moral maturity as analysed by physiatrists and psychologists, but they are forgetting their own values and totally fail to consider the impact of such an action on their families and their future.
- find it difficult to enjoy life. In case anyone wishes to go to a restaurant in the evening, they might fear it would be a struggle to go back to the car without being attacked by someone high on drugs who is not able to understand the importance of freedom in a country like Australia, they just attack without thinking.
- do not have healthy lifestyles, and are unable to walk in the park, as parks have been transformed into dog retreats, or drug addicts’ havens, or drug exchange places.
- find it difficult to feel safe in their own homes, especially the elderly who should be respected and honoured. The daily news provides sad and disturbing images and incidents of elderly people being attacked and assaulted on a daily basis. This is unacceptable in any country.
- are abusing their own bodies through alcohol, drugs, tattoos, and other cutting-edge innovations that seem to have become the norm. This is not limited to those in their 20s – 50s but all ages, with regret, depending on where they reside and where they are in their careers.

Other observations show that:

- individuals who are conservative are considered old-fashioned and should not be consulted – you need to be an extreme liberal to be considered worth listening to.
- individuals are no longer respected for who they are, but for what they own and have. No matter what you have achieved in your studies, and your charitable or voluntary work, if you do not maintain those millions in your bank account you are only a number in any sort of statistics.
- individuals of all ages, status, and backgrounds, are addicted to technology, and communicating with everyone through this medium without any appreciation of who, why, and when... Erasing any sort of respect and appreciation for the relationships involved.
- individuals are terrorised wherever they go through no fault of their own. This is the case inside and outside of Australia – on the trains, busses, planes, going on travel, on study, on business overseas. This limits
the individual’s potential.

- individuals are tortured, persecuted, and killed for no reason other than diverse groups are fighting for the right to hold political power in the 21st century.

And the list goes on ...

Indeed, where are we, as human beings, heading to?

These are diverse issues, but they affect all of us, our communities, and our society. It is extremely terrifying that we are facing such lack of respect, lack of freedom, lack of security, lack of appreciation, and lack of trust. Certainly, we seem to be forgetting our significance as human beings, and think that the more we abuse each other, the more we mistreat and exploit our own bodies, the more modern and sophisticated we are. The more we betray our friends the more novel and innovative we are. The more we accept the twisted ways of life and join the chorus of the modern and the progressive, the more advanced we are.

What we are doing does not in any way, shape or form, meet any of the ethical tests. What we are acting like cannot be referred to as the greatest good for the greatest number of people, if we are examining the issues through the lens of Utilitarianism. Indeed, what we are doing, definitely does not pass the test of Deontology, where we are destroying the higher good, which is ourselves, other human beings, other species, and the environment that we have been appointed as stewards on.

Certainly, this, what we are doing does not pass the test of Virtue. Well, someone might argue that we have the freedom to do whatever we see fit – but, remember the freedom that is discussed here would end when it touches others, who are disadvantaged because of the actions taken by the self-centred individuals who feel that the end justifies the means. This is shameful.

We really need to stop, think, reflect, and adjust the way we are living. We need to go back to the values that this society has been established on. For example, we would do well to return to the Seven Gifts of the Holy Spirit which are: wisdom, understanding, counsel, fortitude, knowledge, piety, and fear of the Lord (wonder), even if we are not religious.

Indeed, we need to go back to the virtues and values, and to re-build society and our civilisation, as the way we are going might spell out the end of the human civilisation.

We have the ability to practically and wisely develop and interpret ethical issues by connecting to our inner-selves, allowing the generation of understanding through sense making of the ongoing changes that create ambiguity and uncertainty in the world (that is more evident in the business world), developing an ethical view.

Let us try to STOP
Let us try to THINK
Let us try to REFLECT
Let us try to RESTART ... in a better manner before it is too late for our human civilisation.

Reference

Dr Theodora Issa
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Even the most rational approach to ethics is defenseless if there isn’t the will to do what is right!

Alexander Solzhenitsyn
(1918—2008)
Russian Novelist and Historian
Nobel Laureate for Literature, 1970

AAPAE Listserv
If you have any information or notices that you would like us to relay to your peers, please email your request to: info@aapae.org.au
have started an ethics consultancy. Talk is cheap: especially moral. In 2011, Angela Hirst wrote, in *My Last Experience Of Ethical Business*¹, that if she wanted to:

‘work for an ethical business, I’m going to have to build that business myself. So that’s what I’m doing now. Slowly, but with a strength and confidence that’s building. ... small beginnings, but I do have quiet, hopeful visions for the future.’

This came from her experience of working for a charismatic figurehead who, as she says,

‘attract people with their words. That’s one of their gifts. But I am yet to find one who is as passionate about following through on their vision as they are in promulgating it.’

Why begin with this? Two reasons. Firstly these quotes express two wishes that I have for applying applied ethics: following through and hopeful visions of the future. Secondly, her experience matches much of what I have seen in 25 years of teaching² and practicing applied ethics: everybody says it is important but (almost) nobody really wants to have it in their workplace (especially if it really is going to make a difference).

So, my intent in starting an ethics consultancy is to make a real measurable difference to actual decision making and actual behaviour (especially in the workplace).

I wish to enable people to know there is a meaningful, helpful, hopeful, place where people can come to gain the knowledge, tools, and resolve to make a real difference where they see wrong³.

### STARTING THE ETHICS CONSULTANCY

The immediate problem was how do I do this?

While in academia I spoke at specialist conferences, industry groups, and professional societies. This resulted in a small amount of *(pro bono)* work trying to educate professionals, but I felt that this was too little and in some cases too late. Also, as an academic, my institution was uninterested in me making a difference; grants, publications, and teaching were the Key Performance Indicators (KPIs) I needed to meet. Who cares if any of that made an actual difference? Not university management.

Since, leaving academia I resolved to make a difference.

To carry out this vision and keep in mind the caveats so eloquently expressed by Angela, I have done several things to try and make a practical difference.

*ABN* - I searched the appropriate government websites and registered a business name:

**Ethics Consultancy**

This was a legal requirement at the start of the journey to legitimacy.

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² In February 2017 I retired from academia.

³ It is commonplace for many organisations and individuals to say that ethics is important. It is less common for them to live an ethical life.
MAKING A DIFFERENCE WITH THE ETHICS CONSULTANCY

Then came the hard part, getting established!

Website - I created a website (https://ethicsconsultancy.com.au) explaining what I do, listed my credentials and academic research, and outlined the services I offer. I also acquired a domain name.

Business card - I had a business card developed to hand out (see below) even though this still seems forced and somewhat tawdry.

Alliances - I have formed alliances with other consultants to offer my services as part of larger packages of training/education for management.

Marketing Strategy - It is my intent to figure out how to get to the people that have the delegation to be able to engage my services. How else can I make a difference?

More on the Website
My website laments the fact that ethics is one of the first things to get ditched when the going gets tough.

The failure to live ethics can be seen in the popular press on a daily basis. What is not seen is what is done about it. Individuals find it extremely troublesome when something bad or wrong happens; either, to them, or witnessed by them. Frequently they have a sense that something is wrong, but may not be able to pinpoint what to do (or if anything needs to be done) about it.

Workers in this position are distracted and unproductive.

They may be at a loss about what to do. Do they try to fix it? Do they keep their mouth shut? Do they work in a dysfunctional environment or with a dysfunctional colleague? Do they quit? People facing ethical difficulties often see problems with others’ work or habits, are unproductive, and harder to retain. Unethical things always happen in a group setting and, usually, within the group the affected individual belongs to: The culture of the group may be the problem or it may be particular individuals within the group.

Marketing
Having been an academic of the old school for a long time, I have a hard time shaking the feeling that reaching out to the people that need these kinds of services is somewhat distasteful; moneygrubbing. However to really make a difference it is simply not good enough to speak to a captive audience at a conference or publish a paper that few will read. I am currently seeking advice from marketing professionals on how best to reach out to those that would benefit most without looking like I am simply touting for business.

Conclusion
The endeavour is very young. How will it go? Do others share my passion to want to actually make a real difference? As a member of the AAPAE, my wish is that other members are sufficiently emboldened to want to try this themselves.
RESTORING ETHICAL LEADERSHIP IN YOGA

In the last edition of Australian Ethics, Josna Pankhania in her article The Ethics of Yoga (Summer 2016) reported how the Australian Royal Commission into Institutional Responses to Child Sexual Abuse had raised serious organisational questions of ethics in the yoga community. Her article also questioned how it was possible for such widespread abuse of power to exist for so long in an environment that professed to offer a retreat for seekers of enlightenment.

Exploitation of any kind couldn’t be further from the intended goals of yoga, and the Royal Commission has challenged everyone in the yoga community to critically examine how and why things went so wrong and to take swift action to bring about change for the better. While yoga has always had an ethical code, somewhere, somehow, these basic moral principles were allowed to be ignored.

Yama and Niyama are the ethical precepts set forth in Patanjali’s Yoga Sutras as two of the eight limbs of yoga. Put simply, the Yamas are things not to do (restraints), while the Niyamas are things to do (observances).

<table>
<thead>
<tr>
<th>YAMAS</th>
<th>NIYAMAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(external disciplines—restraints)</td>
<td>(internal disciplines—observances)</td>
</tr>
<tr>
<td>Satya (truthfulness)</td>
<td>Sauca (purity)</td>
</tr>
<tr>
<td>Ahimsa (non-violence in attitude and action)</td>
<td>Santeṣa (contentment, self-fulfilment)</td>
</tr>
<tr>
<td>Asteya (honesty)</td>
<td>Tapas (austerity, purification, transformation)</td>
</tr>
<tr>
<td>Aparigraha (non-possessiveness, non-attachment)</td>
<td>Svadhyaya (self-study, self-knowledge)</td>
</tr>
<tr>
<td>Brahmacari (chastity, aligning oneself with the higher reality)</td>
<td>Isvara Pranidhana (cultivation of faith, surrender to the higher reality)</td>
</tr>
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</table>

Moving forward, the Yamas and Niyamas should be considered as foundational ethical rules within the yoga community and must be observed by all. The Yamas and Niyamas are a form of moral imperatives, commandments, rules, and goals that offer a framework for reflecting on past child sexual and other abuses, as well as providing guidance for taking action, however belatedly, in relation to the past injuries that have been caused within the yoga community. In this regard, Satya, Asteya, Ahimsa, and Tapas, remain the most important principles.

For further debate and discussion about restoring ethical leadership in the yoga community, please feel free to contact:

Dr Josna Pankhania, Email: yoga.ethics@outlook.com

... somewhere, somehow, these basic moral principles were allowed to be ignored.
ways visible, because reason is a diplomatic pouch. Alternatively, the complaint handler representing the organisation may not be able to deviate from the process, even if they disagree with the values in the process.

This idea is explored more thoroughly in Voltaire’s Bastards, however I hope this shows that business processes aren’t ethically neutral and are embedded with values. This is evident to me from my experience as a complaint handler, and these parts of an organisation should be a focus of research into professional and business ethics.

Mr Liam Moore
Email: liammoore@me.com

{ the president’s report (cont.) }

those of us who ‘do ethics’ – whether in academia, the professions, or other applied areas – can perform. We can help remind people that they are already ethical beings.

Every day, pretty much every human being thinks about issues of fairness and respect, whether in the context of their friends and family, their workplace, or their government. So too, each may feel a swell of righteous pride, or the sting of a guilty conscience. But we live in a world where such feelings may live only a subterranean life, unexamined and almost unconscious. Talking about ethics, and thinking about ethical problems with others, helps bring out these precious parts of our humanity, changing the way we think about ourselves and what we stand for. To my mind, this offers some hope that the institutions we all depend upon can be made to work effectively and legitimately – because they can be peopled by thoughtful, enterprising and ethical human beings.

With that hope in mind, I look forward to seeing many of you in Sydney in June.

Regards, Hugh

{ congratulations }

Professor Debra R Comer of Hofstra University, New York and Associate Professor Michael Schwartz of the Royal Melbourne Institute of Technology were presented with the Primeaux Award for Best Paper at the 23rd Annual International Vincentian Business Ethics Conference in Buffalo, New York in October 2016.

Their paper, Adapting the Jewish Spiritual Practice of ‘Mussar’ to Develop Business Students’ Character, applied the tenets of Mussar, a centuries-old practice of moral education that is consistent with contemporary virtue ethics, to craft tools business educators can use to guide students along a person-alised path of character improvement. The paper has since been accepted for publication in Business and Professional Ethics Journal.

The Primeaux Award honours the late Patrick Primeaux who was a founder of the Annual International Vincentian Business Ethics Conference. He was also a founding editor – along with Moses Pava of Yeshiva University in New York – of Research in Ethical Issues in Organizations (REIO). Volume 8 of REIO was a festschrift in his honour and the first issue co-edited by Michael Schwartz and Howard Harris. The current editors are both long-standing members of the AAPAE. REIO — The official journal of the AAPAE
http://www.emeraldinsight.com/series/reio

FOR THE NEXT EDITION OF AUSTRALIAN ETHICS

The tentative closing date for submission for the Summer 2017 edition of Australian Ethics is 10 October 2017 — All articles, news items, upcoming events, book reviews, interest pieces, etc. are welcome. Please email the editor at: charmayne@enya-lea.com.
The broad purpose of the AAPAE is to encourage awareness of, and foster discussion of issues in, professional and applied ethics. It provides a meeting point for practitioners from various fields and academics with specialist expertise and welcomes everyone who wants or needs to think and talk about applied or professional ethics.

The AAPAE fosters and publishes research in professional and applied ethics, as well as attempting to create connections with special interest groups.

However, the AAPAE does not endorse any particular viewpoint, but rather it aims to promote a climate in which different and differing views, concerns, and approaches can be expressed and discussed.

**AAPAE Charter**

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