

SUBMISSION To SENATE And CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE

DATE 01 March 2019

Capacity *Law Reform* from 1985, with passive support from high profile QCs, some judiciary, and my experience in Supreme and High Court jurisdictions.

Responsible for the removal of corrupt court officers.

Lobbied to remove high profile national leaders of business and political party, due to corrupt, and fraudulent collusion - ignored by then bad government.

Researched big business cronyism and collusion in Australia – and how it intertwines, with all bad governments – resulting in endemic collusion across big business credibility, and the self interest of the legal system providing a rotten access to fair and affordable justice for ordinary people.

Collusion stems from the greed and dishonest corrupt practices of executives – not just the bank and financial services executives.

They all have the money, so called credibility, to influence, and obtain legal services that favour their purposes, under our *broken legal system*.

The broken legal system treats ordinary people with disrespect, it denies them fair and affordable justice, and it destroys, and ruins families.

Researched the endemic conflict of interest of legal industry professional conduct and ethics - when engaged by big business - resulting in a broken legal system, that denies justice to ordinary people.

Capacity – continued

Commercial *Leading conservation agriculturalist* during eighties, preventing soil erosion. reducing fuel emissions by 65%. Exploding soil microorganism populations by 1000%. Bio-production, enhancing soil fertility by 20%pa. Increased economic productivity by 50% pa. Prevention of any soil type of soil erosion.

Initiated formation of Primary Industries Bank with foreign equity capital, supported by Liberal Government during Howard Treasury.

Macroeconomic analyst from eighties to present, lobbying industry leaders, state and federal governments and others.

Initiated major resources partnering by passive sustainable methods with Central Government of China from 1992 until 2009 – until the energy and minerals sectors ran out of control.

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(i). *My submission comments* on the referral of resolution of disputes with financial service providers - within the justice system to the Legal and Constitutional Affairs Committee inquiry and Report by 08 April 2019.

(ii). *My submission is directed at executive levels of all governments, and the legal system, over many decades.*

*It is not directed at the hundreds of thousands of good people* in governments, and the legal system, who are powerless to implement change – because the executive levels, are the decisions makers and enforcers.

Perhaps regulators are not entirely to blame, because they manage government policies.

(iii). My words herein follow each item in this Senate And Constitutional Affairs (terms of reference) and;

The ability of consumers and small businesses to exercise their legal rights through the justice system, and whether there are fair, affordable and appropriate resolution processes to resolve disputes with financial service providers, in particular the big four banks considering:

- a. whether the way in which banks and other financial service providers have used the *legal system* to resolve disputes with consumers and small businesses has reflected fairness and proportionality, including:

**ANS. All governments close relationship with the legal system has prevented fairness and proportionality.**

**Volumes of evidence of inaction by all governments for 50 years**

- i. whether banks and other financial service providers have used *the legal system* to pressure customers into accepting settlements that did not reflect their legal rights,

**ANS. The whole country is now aware that the greedy banks executives have used the legal system and bad governments against customers by unfair settlements and non-disclosure agreements.**

- ii. whether banks and other financial service providers have pursued legal claims against customers despite being aware of *misconduct by their own officers or employees that may mitigate those claims*, and

**ANS. Greedy banks and financial service providers have used the legal system – in legal claims against customers despite being aware of misconduct by their own officers or employees that may mitigate those claims – while all bad governments do nothing.**

- iii. whether banks generally have behaved in a way that meets *community standards* when dealing with consumers trying to exercise their legal rights;

**ANS. All banks have behaved badly and do not meet community standards when dealing with consumers trying to exercise their legal rights. Mountains of evidence is available – yet all bad governments have ignored same for decades.**

- b. the *accessibility and appropriateness of the court system* as a forum to resolve these disputes fairly, including:

**ANS. The court system is frequently influenced by big business clients of the legal system – whilst bad governments are too weak and do not to fix the broken legal industry.**

- i. the ability of people in conflict with a large financial institution to attain affordable, quality legal advice and representation,

**ANS. All bad and rotten governments expect ordinary people to sell their houses and other assets and pay the legal system to represent them against large financial institutions.**

**Decades of evidence exist to show clearly – how shameful, inconsiderate and cruel, all bad government’s relationship with the legal industry have been for many decades.**

**Then – the large financial institutions will use their “credibility and power” to influence the legal representative actions, and the courts.**

- ii. the cost of legal representation and court fees,  
**ANS. The cost of legal representation has doubled since the out of control minerals and energy booms – run by many greedy opportunists, who used shareholders funds to pay many lawyers at almost any cost. Ordinary people do not have shareholders funds to pay the legal system. Irresponsible and negligent bad governments stand by the vast majority of ordinary people are denied justice. This is a national disgrace, that for decades, our political and legal systems are obsessed with self interest gain, instead of serving the people.**
  
  - iii. costs risks of unsuccessful litigation, and  
**ANS. As in ii. above, the same financial ruin applies to ordinary people.**
  
  - iv. the experience of participants in a court process who appear unrepresented;  
**ANS. Last desperate efforts to seek justice – whilst self interest bad governments ignore the problem**
- c. the accessibility and appropriateness of the *Australian Financial Complaints Authority (AFCA)* as an alternative forum for resolving disputes including:  
**NO. A typically ineffective outfit, used by foolish bad governments to mislead ordinary people into thinking the government is doing something to help them.**
- i. whether the eligibility criteria and compensation thresholds for AFCA warrant change,  
**ANS. AFCA are nice people – but what a toothless cat it is, run by bad governments who are deceiving ordinary people.**
  
  - ii. whether AFCA has the powers and resources it needs,  
**ANS. Negligent, bad governments, deny AFCA the powers and resources it needs.**
  
  - iii. whether AFCA faces proper accountability measures, and  
**ANS. Negligent bad governments, deny AFCA any proper accountability measures.**
  
  - iv. whether enhancement to their test case procedures, or other expansions to AFCA's role in law reform, is warranted;  
**ANS. Whilst the AFCA exists in it's present form, it may as well be enhanced.  
The whole system must be overhauled urgently, before any level of public trust is restored, and the economy does not follow a similar demise.**

- d. the accessibility of community legal centre advice relating to financial matters; and  
**ANS. Although the legal profession controls and limits such competition, more community legal services for financial matters are required**
- e. any other related matters.

***ANS. All bad government's tolerance of the above atrocious systems – will limit this senate committee's outcome – unless the committee breaks with tradition - and faces the reality of bad governments and the broken legal system. Both are influenced by greedy corrupt executives, who are clients of the legal industry, and who lobby government policies.***

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Submitted to: 01/03/2019

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