

To; The Australian representatives of the Australian citizens responsible for the safety and well-being of aforesaid people.

C/of Committee Secretary, Senate Legal and Constitutional Affairs,

I am a citizen who relies on your ethical and wise decisions to conduct my life style, which is quite basic. I have noticed many changes in the last few years to the way we, the people have been governed, nay, ruled. The banking RC brought some relief but also the suspicion that the rulings will fall by the wayside and the RC to be a waste of time.

This opinion is widely shared amongst the citizens so I know my words represent a huge percentage of the population, ie. I am not alone. I also, as a VietNam Veteran am receiving vibes of revolt, and this frightens me, as i`m to old to fight for Australia, however I think something must be done to appease the worries of the citizens of Australia, so I submit the following; Please oblige by enacting. Legislation must establish an independent bank funded specialist legal aid cell to represent bank victims when they are subject to legal action by a bank - consistent with the human rights principle "Equality of Arms." This will require banks to be responsible for their clients' legal expenses.

Banks should no longer be able to use this countryâ€™s justice system as a weapon. Bank victims must have timely, proportional, and equitable legal support. Banks may have to be forced into becoming "model litigants." Abuse of the law and legal processes as a weapon to financially decimate their aggrieved clients is no longer tolerable.

Once bankers fully understand that a client has proper access to justice two flow on results will become the norm. First, banks will be unlikely to take a victim on in court - especially if they know the victim has a good case; and second, banks and bankers will be far less likely to engage in unethical, unconscionable, immoral and illegal behaviour. In other words the industry will be forever changed. This is a key driver of sensible and long overdue reform.

Bank warriors demand that corporations, governments ... and particularly banks must act as Model Litigants. How does it look in practice when powerful entities deliberately choose to act ethically, morally and fairly regarding the legal process?

Here are the guidelines we use regarding banks. The bank commits to -

- a) Acting honestly, consistently, and fairly in the handling of claims and litigation;
- b) dealing with claims promptly and not causing delay;
- c) making an early assessment of the prospects of a matter;
- d) Paying legitimate claims without litigation;

- e) keeping the costs of litigation to a minimum by:
  - (i) not requiring the other party to prove a matter the litigant knows to be true;
  - (ii) not contesting liability if the real dispute is about quantum;
  - (iii) using appropriate methods to resolve litigation including settlement offers or alternative dispute resolution; and
  - (iv) ensuring that a person participating in settlement negotiations can settle on behalf of the litigant.
- f) Not taking advantage of a claimant who lacks resources;
- g) Not relying on a merely technical defence against a claim;
- h) endeavoring to avoid, prevent and limit the scope of litigation (including by participating in alternative dispute resolution where appropriate);
- i) Equality of Arms - thereby agreeing to fund their client's legal expenses equal to their own expenditure; and
- j) apologising where the litigant has acted wrongfully or improperly.

Sincerely Australian Patriot  
Colin Shields