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Access to Justice
Productivity Commission
P.O. Box 1428
Canberra City, ACT 2601.

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To Whom It May Concern

Following a request from Justice Action, I am writing to submit my opinion on the system of Civil Law and the increasingly difficult access to legal representation.

Firstly I should say that I do not mind if you use my name and the contents of this letter for you inquiry.

Apart from my opinion, I feel that the only way I can contribute to your inquiry is to share with you the details of my unsuccessful pursuit of legal representation which has been going on since 2010. The unprofessional corrupt dealings of the Correctional and Legal fraternity toward hampering my bid to gain legal representation for a negligence case against Fulham prison where my right arm was deliberately broken by their CERT security team officers forms the basis of my story.

I am disgusted at the 'run-around' I have received from the legal fraternity and that money rules the law these days and it appears that prison officers and police can get away with anything. I know that as a prisoner, you may not believe anything I have to say, however I am prepared to sign statutory declarations and/or take a polygraph test to prove my sincerity.

The details of my case are as follows:

On the 18th March, 2010 I was 'accommodated' in the punishment/isolation unit (colloquially known as the 'slot') at Fulham prison and several CERT team security officers entered my cell and threw me off the bed onto the concrete floor and one expertly broke my right arm (snapped humorous bone) and I fainted (NB. This cell does have a camera and there is CCTV footage of the assault). Obviously this has caused me much pain and even serious mental anguish.

Initially after some recuperation, I contacted Legal Aid who advised me to contact a 'no win, no fee' lawyer and I contacted Slater and Gordon to mount a case for damages against Fulham prison, but so much for their motto "**no challenge too great**" because I was advised,

after three weeks of waiting, that they will not take the case, because it is my word against Fulham ! This is kind of strange because, as I said, there is video evidence of the assault. Anyway it all comes down to money in the end and if there is a slight chance of losing, S. & G. and it turns out other 'no win, no fee' lawyers do not take on the case !

My count so far is 34 lawyers/Q.C.'s which I have contacted with most not even bothering to write back. A further inquiry to Victorian Legal Aid resulted in them not taking interest as (quote) "a personal injuries claim against the Office of Corrections [is] unlikely to be successful."

As you can imagine, I have no money and I believed that the possible compensation for any lawyer or legal service that takes on this case would be an attraction; however Pro Bono appears to be a dirty word these days. Please believe me when I say that any legal case I could have mounted was never particularly about money, but recognition of this use of extreme violence on a prisoner, as there is no record of the assault in my prison or medical files.

Obviously, obtaining the CCTV footage would form the crux of any report and it appears that everything the 'powers that be' can do to stop me getting it is in operation. The Ombudsman has investigated this incident following a request from the OPI and their conclusion that 'restraint' resulting in a broken arm, mutilation of the nerve, and permanent disfigurement was 'minimum' force appears ludicrous to me and just reaffirms that this government service is no longer impartial.

I have battled for over a year with VCAT to obtain a copy of the offending footage without success and I have organised a compromise with the Department of Justice to allow any legal reps. to view the tape

). I am not sure whether this compromise is available to government inquiry representatives or if it would be relevant, however you have my permission to view it.

I understand that the problem with the footage is the fact that members of the Fulham CERT team 'accidentally' cover the camera lens when my arm is deliberately broken, however considering the mental trauma, pain, and ongoing disability I have suffered I would like to believe that a judge would be sympathetic.

Consequently, I have tried to pursue a claim for negligence, rather than assault, as despite any sort of expert martial arts/combat advice, the officer in question who broke my arm would obviously just lie in court and be believed. The blocking of the camera by these officers should in itself be justification for a legal case and has similarities to this same practice which you may remember was perpetrated a few years ago by Victorian correctional officers forcibly obtaining D.N.A. from prisoners, which was widely reported in the media.

I hope that you are as outraged as I am that supposed professional prison officers can commit this type of extreme violence on an individual and seemingly get away with it.

Also these 'No Win, No Fee' legal firms should be charged for false advertising as they will never take on a case which has a chance of losing and there are charges whether there is a

win or loss. As a final insult, my inquiries to the Victorian Law Institute resulted in an opinion that no Law professional has to take a case, which is true, however the refusals by over 34 law firms to even consider my case smacks of a deeply seated corruption in the Victorian Legal fraternity.

In conclusion, I understand that I am a criminal who has committed a heinous crime which I seek remorse for every day, but it appears that any form of legal service is not available to prisoners and the poor in our society alike. It does appear that legal services are blocked to me and those on low income.

Mine is only one individual case and I will still endeavor to gain legal representation, however as mentioned Pro Bono is a dirty word these days and I hope this inquiry instigates change toward this ongoing corruption.

If you require any further information please do not hesitate to contact me at the above address. Here's hoping for change.

Yours Sincerely,

Jonathan B. Horrocks
B.A. (Latrobe), BLit. (Deakin), M.A. (Deakin)

“Individuals are sent to prison as a punishment, not for punishment”

(from 'Revised Standard Guidelines for Corrections in Victoria' (2004 Para. 1.21) in '*Retreat From Justice: Human Rights Law In Australia* (2nd edition-2004) by N. O'Neill, S. Rice, & R. Douglas).