

1. Law in Australia is founded on English Law being the Westminster System, which is based on the Law of Inquisition. We now live under a Police State (once referred to as a “banana republic” by a prominent politician);
 - a) Therefore we have to prove our innocence, and are under a misapprehension that we are innocent until proven guilty. This misapprehension is in fact American Law not English or Australian Law. Our Parliamentarians from time to time refer to this belief, which is contrary to fact and is simply wrong.
 - b) As to our democratic rights, as time goes by our rights are eroded and we no longer have the freedom of speech and the rights to peaceful demonstration. The Judicial System has become an arm of the tax collector to support our failing financial management position, where budgets are not met and are understated. This goes to support the fact that we have become a “banana republic”.
 - c) As it stands today the police, protective service officers and security guards (etc), hold more arms than the underworld have ever held. Once police were un-armed and their presence was effective, productive and respected. They did not need to rely on intimidation to do their job.
2. Our Judicial System is not open and transparent, and hides behind convoluted phrases using a language which is not in the common place and spoken by the community;
 - a) Simple language should be adopted and used. Say what you mean, and mean what you say.
 - b) Australia was once based on the simplicity of Law in giving a man/woman a fair go, in what was perceived to be the “lucky country”, which no longer exists.
3. On/or about 20% of Politicians are Lawyers who are driven by self interest’s;
 - a) Take for example the *Federal Building Control Act*, is based upon Consumer Protection, it ignores the rights and interests of the Builder, therefore it is one sided. It requires the builder to perform and should they not do so they are stripped of their assets and their rights to build. Yet the consumer and his banker are not required to provide proof of funds, security for payment and bank guarantees to the full amount.
 - b) A Builder in Australia is paid in the arrears and is therefore the quasi banker and unsecured lender for the consumer. Hence there is no security for payment provided to the Builder within the Act.
4. Banks fail to ensure that their Clients have adequate funds to complete works contracted, even though they lend on a L.V. Ratio. They also engage Quantity Surveyors who should be engaged as independent and impartial consultants, as purported. It has been found (by experience) that they are bias and self serving towards the bank, being its client and the banks client.
5. The State Governments find themselves having to remedy the deficiencies in the *Federal Building Control Act* by applying a bandaid in the form of the *Building and Construction Industry Security of Payment Act* (“**B&C.S.P. Act**”). This was enacted to introduce fair play and to remedy an imbalance in the *Federal Building Control Act*;
 - a) The Federal Governments failed to identify as to whose jurisdiction the **B&C.S.P. Act** would fall under. It was left to the State Governments to apply individual forms, which is not uniform, which is contrary to the Acts intent and its original uniformity;

- b) In Victoria the Supreme Court sort to take charge and control of the **B&C.S.P. Act**, and impose their own interpretations of the Act and its intent, thereby acting contrary to Parliaments rulings;
 - c) The Supreme Court of Victoria chose to take charge of the **B&C.S.P. Act** and elected to ignore the rules that were applied. They choose to ignore the terms and conditions of the Contract (e.g. Australian Standards and MBA Residential Contracts), executed between the parties, as if they had no worth.
6. In the Supreme Court, an Honour elected to allow a review out of time, without requiring the lodgement of the adjudicated amounts into Court. His Honour also ignored to take into account the definitions incorporated within the Contracts, and quashed the adjudications, rendering the **B &C.S.P. Act** ineffective.
- a) This 'first ever quashed' adjudication was issued against a group of companies owned by a Lawyer. This Lawyer wound up the companies and disbursed the funds, rendering the Builder impecunious. The builder had no alternative but to place the company into voluntarily liquidation, which rendered him and his family "Homeless", despite the fact the company was trading profitably;
7. Judges are not in touch with the community and live in a bubble;
- a) In the past, the members of the Court had to participate in the community (i.e. going to Church and/or participating community based groups). This gave them insight into the will and concerns of the people and their community.
 - b) Courts cannot expect judges to be a master of all matters. There should be greater diversity in jurisdictions, and judges that excel in these jurisdictions, individually.
 - c) The Courts cannot have the expectation of expedience in proceedings, and be clock watchers for the sake of productivity, which can render (and has rendered) unequitable and unfair decisions.
 - d) Should a judge have erred in his decision and it is revealed in associated proceedings that they have done so; the expectation of the community is that the Judicial System should and must remedy any and all errors, not just ignore them. That in itself is a travesty of justice, and becomes a kangaroo court which is the principle of inquisition.
 - d) For further example;
 - i) In addition a proceeding commenced on/or about 2004 where building works were suspended in accordance with the **B&C.S.P. Act**. The **B&C.S.P. Act** was commenced via The Supreme Court by the builder, only to find that the Court was ignorant of the Act. The builder was placed in the position that he had to abandon the **B&C.S.P. Act**, and had to recommence via Writ in a new proceeding, which is still afoot to this day.
 - e) The community has an expectation that it can rely on the Judicial System to provide Natural Justice and Judicial Independence, in a jurisdiction established to deal with these issues with the power to render binding judgement, and not have to seek authorization from an alternate jurisdiction.
 - f) I also refer you to the John Viscariello matters afoot, who is a lawyer battling injustice within the Legal System.
8. The legal profession is a protected industry, and is a Monopoly;
- a) It demands payments in advance, and when that is expended they dump you, leaving you high and dry;
 - b) The average person cannot afford Justice. Lawyers charge from \$300 to \$600 per hour, plus the cost of Barristers which range from \$800 to \$12,000 per day. You are also charged for every phone call you make to them and they make to you. They are also allowed to charge you on/or about \$1.50 per photo copy, where as Officeworks charges you 10c;

- c) I have found that projected estimates given by Lawyers in proceedings cannot be relied upon nor are they binding as they can be plucked out of the air, and are not based upon a mathematical conclusion;
 - d) Should you challenge and dispute a legal account you are required to pay the full amount billed before any investigation by the relative department (Legal Services Commissioner), even though the account is excessive;
 - e) If a Lawyer self represents himself he is still allowed to claim costs, but you as a self represented litigant are not, therefore the Courts are bias and not impartial;
 - f) A Lawyer has right of Judgment against a client even if a dispute and/or failure in consideration exists or occurs. They may lodge a Caveat over the client's assets, and seek recovery.
9. I have had no other alternative but to be a self represented litigant, as a result I have had firsthand knowledge and experience in the following jurisdictions, where Lawyers and officers of the Court table false and misleading affidavits, statements and briefs to expert witnesses, and conduct themselves contrary to the Law. Such conduct has been ignored by their Honours even though such conduct and actions are in contempt of the Court and a breach of the law. Here are a list of the jurisdictions I have appeared within;
- a) AAT;
 - b) VCAT;
 - c) Magistrates Court;
 - d) County Court;
 - e) Supreme Court
 - f) Supreme Court of Appeal;
 - g) Federal Court;
 - h) State and Federal Ombudsman's Office
 - i) Adjudication Process in Victoria;
10. The Courts are prejudice against Self Represented litigant's, and rely on you becoming frustrated by the process and want you to give up and abandon your proceeding;
11. If you are not in a marital dispute or charged with a crime, legal aid is not available for you.

Regards,

Steve Phillips