

To Productivity Committee (revised 20/01/99)

NSW Legal aid (Sydney)

Victorian Legal Aid (Melbourne)

Law Reform Committee on Technology.

Bureaucratic abuse of the justice system, incompetence, criminal abuses, fraud and malice, corporate breaches of contract and privacy, union inaction, political and media indifference and a general corruption of due process led to false libel, structured dismissal and denial of income that forced the loss of my home. Corporate failures to address an informed abuse forced me to mortgage my home to defer court actions against me over an insured loan despite the 'apparent existence' of 'proof' that the action was an abuse of due process and that the government and corporate bodies that conditioned my losses considered a solution to my case as urgent. All the "proper" statutory organisations failed in their duty of care to protect me. All avenues for protest were exhausted. All attempts to use the media were refused, diverted, censored or corrupted. Legal Aid was inept, incompetent, negligent and virtually non-existent. My only defence and protector has been my knowledge of those laws that statutory authorities are either ignorant of, in breach of their duty, or fail to deliver for reasons that may or may not be improper.

Only a fraction of the abuses are described in the latter half of this document. The first half is addressed in a general way to the expression of a concern for the unwanted effects of future decisions based on recommendations of this committee.

The warranty that the abuses outlined below will not occur has one real guarantee; exemplary remedy:

We live in a "democracy" that has allowed the monopoly of the means to free speech by less than a handful of men and their influence to a minority.

We have enthusiastically grasped technology to become a world leader in gaming at the same time as our leaders are deregulating, privatising, and generally destroying all the structures that the victims of 20<sup>th</sup> century totalitarianism thought they died for.

Radio was used by dictators for political propaganda to disguise their crimes as necessary utilitarianism.

An American used radio for public education. He explained why he was appropriating taxpayer money; 'to create great public assets that would drive the economy out of the depression caused by the fiscal failure of the free market'. He was the only American President to serve a third consecutive term and probably one of the few who deserved to.

Radio, ironically is being used for the opposite purpose these days.

Democracy may arise in a free market, but so did slavery. Freedom is a consequence of experience, education and an adherence to principle.

Democracy may eventually be able to force a free and efficient market; but an unregulated free market is incompatible with democratic principles. If we wish to remain a democracy we must legislate for the guarantee of civil rights to which all other legislation is inferior.

I do not want technology to sing me to sleep with my elected representative's voice while the government 'rifles' my pocket and changes the lock on my house. I have already experienced the latter one more time than any citizen in a democracy should.

The bulk of this document is a combination of a platform published in September for the election and additions on the topic of law and technology submitted to the VLC on Technology in Dec.1998. I have since added the submission on gaming for the productivity committee. Noting that my submission receives the protection of privilege I submit the complete document. Much related material is still in the hands of "public servants" awaiting the perusal of a reasonably informed intelligence able to recognise systematic and endemic abuse.

### SUBMISSION TO THE VICTORIAN LAW COMMITTEE (26<sup>TH</sup> NOV, 1998)

I nominated in the seat of Ballarat in the last federal election to publicise the denial of duty too easily escaped by statutory authorities and the belief that such negligence as demonstrated in my case to be systematic and endemic in our legal system and public service.

I suffered more than a little injustice caused by systematic "failures" to preserve my rights in law. It took many people and powerful institutions to condition my losses. The records asked for, the responses requested, the investigations required pursuing remedy were and are guaranteed by a plethora of laws subject to activation in many cases by decisions made by vested interests. Why were the publicised mission statements of government and statutory authorities ignored? How could their prime chartered duty be refused? Why did officers not perform their statutory duty? Why was and is there no transparency for the decisions in which documents valuable to the prevention of an injustice are concealed from the victim? Why are the organisations and corporations involved not made accountable as required by law? Why are all the statutory pathways to remedy able to be blocked by bureaucratic subterfuge? How can legal guarantees exist if there is no "real" pathway to them?

Technology is as often abused as used in the absence of legislative constraint and available remedy.

I wish to add my view to this important debate in areas which may not only make the progress of the cases through the courts more efficient but also lead to the more important consequence of serving justice rather than it's appearance.

I have acquainted myself with some of the committee material on the Internet. The greater part of it was inaccessible on the local library computer.

I notice the language of one of the committee members alludes to "punters". Ironically, it is the law becoming the province of consumerism in a game of chance that I have become most concerned. I suspect that in a document which pretends to reach all sections of our community that the colloquial expressions of the "Bill" are lost on those people unfamiliar with the language of gamblers and cockney English.

If the law is now to be perceived as a consumer item rather than the rule for a just society and still enjoy the same function, then a real nexus between the consumer and consumer legislation must be concretely established before the sale of majority owned assets to minority groups. That nexus is illusionary for many and only exists for the powerful and the rich. Unless legal aid or the high cost of law is not addressed, the failure to establish this nexus will negate democratic principles.

We should welcome the removal of oppression, but when the dictatorship of a party is exchanged for that of a few economic rationalists under the absolute executive power of a man so ill his hand has to be moved by others to sign his name, democracy is absent. The dramatic "collapse" of responsible social organisation within the Soviet Union as it becomes privatised, and the predatory and partly unprincipled character of its new "leaders" have left all the worst aspects of the system

they are imitating with few of the benefits. The recent assassination of one of their more progressive leaders before she gave evidence on corruption demonstrates the disintegration caused by rapid and unpopular social and economic change. After a whole lifetime of fighting the Soviet Union Bob Santamaria revealed his alarm at the void of social principle that replaced it. It is my opinion that his emasculating effect upon the union movement would be similarly viewed had he lived.

The largely unheralded shrinkage of the transitional Asian “tiger” economies and the buy out of the State owned, Pinochet controlled Chilean telephone company by an Australian fraud should sound a warning to all systems embarking on the firesale of public assets. Omniscience is not the province of economic theorists but it is apparent that some kind of regulation is required whatever the system. Indonesians allowed the privatisation of much of their assets into the hands of a single family. They are now paying for the impoverishment of their public system and the failure to separate secular responsibility and narrow sectarian interests.

Twenty thousand Bougainvilleans lost their lives as a consequence of far off political decisions that dispossessed them in favour of foreign exploitation of their assets. More words were written about the consequences to the share price of the company involved than were written about the loss of lives in the Australian media. Bougainvillian “leaders” in far –off Papua New Guinea used Australian taxpayer funds in a bizarre purchase of mercenaries and other means to kill their own constituents. Main stream commercial media in Australia gave a ‘sanitised’ report to the population to such an extent that this abuse which occurred in the last decade is not generally known in Australia, even today.

The above is the character of present day globalisation; globalisation of abuse, corruption, fraud but rarely of law, remedy and justice. If globalisation alone led to greater efficiency then the more than 70% of the worlds aluminium wouldn’t be used as land-fill since it contains 95% of the necessary energy for it’s manufacture even in it’s waste form. While countries like Australia are prepared to sacrifice their environmental and economic concerns to nebulous multi-national organisations and subsidise wasteful energy practices, no amount of scientific concern will lead to any real improvement in such areas; only the enactment of proper laws and their prosecution can do this. There is no better solution to abuses than laws which can be accessed by every citizen in relation to such activity; the proper arbiter of such practices should be those who must live with the consequences; the proper governance of such practices should be local legal action. Some US States prosecuted the neglect of consumer health by tobacco companies for a just remedy to a long avoided neglect. The cripplingly huge punitive damages awarded against the companies and their consequent change of direction demonstrates the powerful effects of such laws when subject to local activation. Cambodian leaders may be disingenuous about civil rights and their relationship to democracy but they wish to access the principles of consumer legislation for “dumped” toxic waste. The fact that parent companies can escape the intention of laws made in the sophisticated economic environments of the countries their main markets are domiciled in to the disadvantage of citizens unprotected by the same laws in third world countries demonstrates the inadequacy of both the market and the law. Unless such law can be applied globally its purpose is defeated and “globally” institutionalises inequalities and legislative and environmental abuses. It consigns them to places from where no cry can be heard. We “all” must be careful not to aid this process by establishing the conditions for technological abuse in one country to the detriment of accountability in another.

It is shortsighted and parochial to protect companies from consumer litigation despite the evidence for the benefit of it when applied to US parent companies. Why? Consumers and shareholders in advanced countries are not playing “user pays” when they can avoid the real costs of their consumption of resources.

I wish the state full powers of retribution for lawbreakers, but not at the expense of the innocent citizen’s civil rights. Most major crime can be detected by the existing banking laws if the political will was there to do it. Now “leaders” wish to introduce police video of “suspects” in their own homes. Will this technology ever be used for the purpose pretended by a Police Commissioner like the knighted criminal of Queensland (Circa 1980’s) or the more than a few corrupted officers dealing in drugs and protection money or the 240 police in the NSW Royal Commission found to have criminal records? Available video evidence doesn’t seem to be sufficient proof for the prosecution of the friends of Pol Pot. Are Australians now to be actively intimidated by police state “Tripps” of terror into the conformity of an apathetic “mob”? We will not make a better justice

system by driving the wedge of technology between the consumer and law enforcement. The largest city police force in the world is in Mexico City. Only 3% of reported crimes are solved. The mayor and almost everybody else agree that most of the unsolved 97% are crimes perpetrated by police. Would you give that police force the most sophisticated globalised technological “solutions”? It would be more efficient for citizens to video the Mexico City police. A native of that city was able to successfully run a business in Melbourne for two years after “skipping” retribution for a \$2,000,000,000 banking fraud. Whatever the name of a political system, one where the crime rate drops on the day of the police picnic, is not a perfect democracy. The Victorian police commissioner properly recognised the extraordinary compromise to the justice system indicated by his appropriate refusal. But will the same action be forthcoming a few years down the track if we even allow this to be seen as anything but an attack on the separation of powers? The opportunity for such a gesture should never arise in a properly regulated democracy.

Technology only makes justice accessible when it avails the citizen of legal remedy, not its abuse. The poorest peoples bartering with the richest and most depletive consumer cultures to repay impossible debts generated by unethical, amoral, cheats is often presented as a fable of the past. Today’s Central African warlords who are sponsored in their destabilising activities by opportunistic CEO’s of multi-national companies are a classic example of the damage done by the corporate mentality unconditioned by civilised behaviour. Rhodes used the media to successfully represent himself as the archetypal man of character to his English shareholders, while demonstrating the opposite, even by his own standards in the land of the Matabele. Almost the whole of Africa is a monument to globalised greed at the expense of the quality of “localised” liberty. The global strategy of the Church have had disastrous consequences for the Rwandan Hutu and Tutsi as the choice on tribal lines as to who should be educated into the administration only exacerbated and magnified the eventual conflict into an unprecedented atrocity.

Any intelligent person of my generation can reel off the names of dozens of politicians, CEO’s, bankers and assorted “tall poppies” who have “fallen” only to rise again abroad, their sudden growth in stature in their new land fertilised with the stolen assets. Only government financial regulation, which includes a practical pathway to remedy, can preclude these events, anything else that pretends to do so excuses fraud. As long as the structures of corporate internationalism are sustained without the force of law constraining their behaviour to “worlds best practice” in morality such international agreements will always be “globalised” fictions to justify the nature of the fraud and the economic advantage it confers on their beneficiaries. The “global” application of accessible consumer and environmental laws is the greatest guaranteed protector of our freedoms, our civil rights and the only possible governor of a free market that preserves democratic principles.

I note another comment from the committee about cases that should take three hours taking five days. In my case three hours would have found me guilty on corrupted and concealed evidence and perjured witness. Five days enabled me to weave my way through the web of deceit, contradictions and errors in the prosecution case. I was sufficiently alarmed at several improprieties to have some misgivings about the authenticity of the evidence as it was to be presented in court. It has taken a multiplicity of abuses of my civil rights since then to turn my mind to an analysis of these events and to gather together in a whole that evidence which was not adulterated but presented to me always in an incomplete or truncated form. Had I been able to obtain the concealed part of the prosecution evidence, which illuminated the facts, I would not have required the unadulterated version of my evidence to prove my case. That I now regard this duplicity by court officials as the minor abuse of myself should shame any bureaucrat who has been involved. I was subject to the unconscionable conduct of court officers, the corruption and concealment of evidence, the constraint of my defence by judicial instruction in the absence of the jury and the previous professional misconduct of at least one legal adviser. I was unable to register my complaint immediately and dissuaded from doing so later. Fortunately I was subject to the “chance” of twelve jurors unburdened by professional ego and unbiased in the way they weighed the “evidence” compared to the determined professional misconduct of some officers of the court. Efficiency is a less meaningful concept where justice requires the absence of corruption and the presence of accountability.

I finally ‘forced’ the matter to trial and successfully defended myself against a false criminal charge brought against me by a gaming authority in NSW. I was bemused that prior to the

education department in that state establishing legal study courses, the teacher at a private girls school should spend two days of the valuable education time of her senior students as audience to a criminal trial. The nature of her position and the special circumstances of criminal self-defence should have led her to ask my permission. Prior to the trial an officer of the court, via a false libel gleefully introduced me to the class, as a "car thief". Some years later (I now believe in an act of contrition for that abuse) another private school offered me a position that I refused. The offer was made via several people connected to a direct deception related to property, breach of privilege and a consequent property fraud. The names of two mp's were bandied about. They had in common, an interest in leisure industries, involvement in financial improprieties and their early departure from political life. What passed as simple 'big-noting' by a solicitor involved in deceptive practices and my physical and mental abuse I now see as connected, and perhaps explanatory of the reason for my treatment.

Public servants cannot serve two masters; their professional allegiance is to their prescribed duty. Their private or sectarian self has the same rights, no more and no less than any other citizen. When breaches of privacy inform the malice and error of sectarian bias to abuse a citizen then democracy is absent. Religion, belief, science and superstition are best isolated from imposing injustice by the principle of separation of powers. Accountability and remedy are the mechanisms controlling this separation. The historical exemplar of the abuse of this principle led through phrenology, Nietzsche and Nazism to the ultimate denial of human rights. It is to escape the repetition of such events that these principles are held so precious and where so held have "honoured" their function. Not a day passes that all other moral certainties seem to dissolve. To discard these principles under any pretext is to throw our sail to any wind. We are at the dawn of the Internet and genetic engineering. There will be a new wave of old 'evils' as incomplete knowledge and DNA are weaved into new theories to explain away the tired "twin" frauds of success and failure. I have already heard the echo of phrenology in the portent of a new pseudo science. Recently an "academic" voiced his opinion on radio that a gene would be found for all crimes. I had no doubt that the speaker wished the sign of your potential to be stamped on your head at birth. Doubtless DNA testing will one-day lead to all the Popes who have kissed the Shroud of Turin being placed under suspicion for the crucifixion! Abuse of civil rights will always reign until the recognition that such rights are acquired by the characteristic of being conscious and the socially required responsibility of being a citizen. We are unable to change the accidental past that gave economic power without merit, and we have no right to steal the futures of the unborn. What we have inherited is the infinite environment of the free mind, the only permanent growth product humanity has discovered. It is not for sale to the highest bidder, It can't belong to a monopoly; schizophrenics and ideologists can enrich but never contain it; only fools choose to leave it. Any activity that threatens it is theft.

Democracy alone preserves the rights and safety of the individual. Its amazing productivity is proof of the power of diversity and the wisdom of its principles. Its ability to allow the most able or "challenged" to find a comfortable niche is as infinite as imagination. To risk, by any means, the reduction of power of the individual is to attack the roots of democracy. The enthusiasm and missionary zeal that one church exhibits in its pursuit of the gambling dollar seems to have no bounds. In Sydney a racing mass is held. One might as well bless a brothel. If this is God's work what are the devils disciples doing? These 'schizophrenic' contradictions to the teachings of the man who spoke in parables but reserved deeds for his more profound messages may be excused as a means to an end. But the act of throwing the moneychangers from the temple seems a demonstration of the opposite sentiment. It speaks of corruption, that the law is not a means to an end but the end that guarantees the justice of means. The temple was the meeting-place of lawgivers and of retribution. The "temple" of law must never be adulterated by economic rationalism.

As an example of the threat I perceive here is my recipe for economic and technological efficiency designed to enrich the few at the expense of the many. Its by-product is the destruction of democracy by corruption consequent to systematic regulative "failure". First lobby the government for tax incentives for affiliated industries so that the capital of the people can be accessed. Then establish a monopoly agent to handle the money flow of the activity and fill it with cronies. One family in Sydney spread their working relationship with the totalisator over four agencies to my knowledge while at the same time owning racehorses with a leading trainer. Conflict of interest seems rife in this industry. Yet the executive pretend that even a casual

interest in betting will prevent people from obtaining an agency. In one state an agency manager actively and inappropriately engaged in the industry has boasted of petty race fixing (he doesn't seem to think it's a crime), and large bets placed at interstate and overseas venues. This person's credentials for a gaming venue seem the opposite to those pretended to be desirable.

Deregulation and a floating dollar all help to hide investment and income. Sponsored ownership and stables and restricted participatory opportunities via a biased selection criteria allow the possibility for corruption. (A few years ago an absentee Asian owner owned a champion Australian horse. He insisted on the jockey of his choice and engaged a Chinese jockey. Although riding what appeared to be perfect races on the beaten favourite in a couple of major races he was attacked by a small but very public vocal minority of journalists, jockeys and trainers and other "sportsmen" for his "lack of vigour" etc. His style was considered inferior to the "highly competitive" riding he faced in Sydney. I've seen many far worse rides by local "champion" jockeys on champion horses that were beaten go without comment. His real offence was that he was an outsider and disturbing to the status quo.)

The control of the industry is given to those who in the past would have profited most by corrupt practices. This makes possible the cover-up of obvious abuse. The jury contains no representatives of the victims of the abuse, ie the punting public.

The conditions for maximum advantage can be obtained by limiting the real time market information available just prior to the event to the people most likely to be able to manipulate the outcome. This allows the most advantageous decisions to be made based on insider information. That of course requires control of media and information technology.

Sophistication of exotic betting to maximise returns on a single act of corruption reduces the probability of detection and allows the best opportunity to hide the connection between event, investment and return.

A signalling procedure is required that enabled the latest betting information or plan to be relayed at any distance, and instantly, so that bets could be placed in such a way as to avoid the regulative requirements for detection of the investment by controlling the size of the transaction and diversifying their location(s). This has the effect of making the systematic detection of fraud unlikely or their connection to the event unprovable.

All that remains to be done is to buy up the controlling shares of the various privatisations and then I can skim the "big bikkies". 5% of \$80,000,000,000 would be as much as the taxman now takes. But of course I will be much greedier when I know no-ones really looking, In the meantime that money would have paid a lot of teachers, built a lot of hospitals, paid for legal aid and been a lot more productive than circuses.

The following events failed to cause an inquiry into gambling! A NSW minister of corrective services washed his criminal bribe money at the greyhounds for years. The Randwick members stand was the second home of a NSW chief magistrate who "fixed" court cases, and received stolen art works. A high executive of the Reserve Bank gambled Freedom for Hunger Campaign funds (almost \$3,000,000, when a million was a "million"); A horse was substituted for another; all either before or in the early days of off-course wagering. Now the rewards are massive, and the fraud easier to perform. Since the first draft of this document was published an agreement for the spread of poker machines into Queensland from a Victorian source has been rescinded; the Victorian totalisator has discovered an amount of almost a million dollars mistakenly placed in an account in the name of a public servant. Just prior to it's publication the author confirmed the discrepancy of 11 seconds between the starting times recorded by the respective computers controlling the NSW and Victorian TAB's for a NSW greyhound race in 1988. Confirmation of this was independently witnessed.

Recent experience led me to uncover the improper circumstances that make major fraud in a multi-billion dollar privatised leisure industry a possibility. The corporation was floated on the stock exchange four years ago at one quarter of today's share value. I gave the evidence to the proper authorities and later to the media who so far have chosen to suppress it. (Almost immediately after offering it to my MP the Liberal Party announced an investigation into gambling.) The technical aspects that would readily make such a fraud impossible and many others like it are easily resolved. Obvious safeguards seem to have escaped the industry watchdogs and the extravagantly (even by world standards) rewarded CEO. The fact that the abuse has received no publicity should concern the shareholders and the former owners, the public. Recent echoes of this

abuse beg the question of the wisdom of much looser laws in relation to the privatisation of enormously valuable public assets than are available to home owners of strata title units. A decision to change ownership of common property usually requires between 66 2/3% and 75% of the unit ownership, depending upon the relevant state. To make your property common requires your permission and everybody else's, ie 100%, unanimity! Why is the theft of property so properly constrained in the laws for private property but not in the area of public assets? It seems the source of enormous private comment, very little analysis, less public debate and sadly, an omnipresent inaction against the tide of minority and "vested" decision. On a recent trip to Melbourne I was able to ride fare free on crowded public transport. Not only did this appear to be tolerated, but encouraged. I was informed non-payment was the norm for certain trips and long periods of time. One young man told me "no-one pays any more". The media meanwhile is "talking down" the value of the system with a fervour. How thoughtful of the government to increase the fares just prior to the disposal of the assets. What a windfall the sudden surge in profitability will be for the new owners. What a bargain price they may expect to pay. I am saddened that I will not be able to join them having already participated in a previous government fraud in another state, albeit as a victim.

In this country gambling is a huge proportion of the economy. Racing alone is responsible for the turnover of more dollars than the defence and welfare budgets combined. It returns to the government in tax alone almost \$4,000,000,000, and it is growing despite the possibility of tax concessions to casinos and racing organisations. Total gambling turnover is about \$80,000,000,000. What Rothwell's and Sir Edward, a Bond or a Connell would not have given for that kind of money flow!

NSW has one tenth of the world's poker machines but Australia contains only three thousandths of its population. We are one of the few countries actively promoting gambling on the Internet. America introduced the Kyl bill against the unrestrained opportunities for exploitation and corruption that such activities make possible. An Internet racing site will take your money but disclaim any responsibility for paying the debt in the event of transmission error etc. One doesn't have to be a genius to see that this is a one way street. Years ago a bookmaker I had not seen for a long time took credit bets over the phone. It was not until "winners" tried to get paid that they realised the gap between the illusion of success and it's reality. The bookies best mate later became a senior "media" executive.

Most of the opposition to the Kyl Bill in America was entrenched gaming interests and sectarian charities deriving income from gaming activities. The hypocrisy of espousing concern for the poor and then exploiting the very people pretended to be cared for is legend and needs no contribution by me except to point out that in our society gaming and sporting improprieties that seem contradictory to our vocal concerns are endemic. Our government gave a 150% tax break to thoroughbred breeders. Will this prevent a banana republic? Is this to be the only 'productive' industry in Australia? The manufacture of the means to wash illicit money, exploit the unemployed and divert the "profits" to those who can so easily benefit from the plethora of uninvestigated and "globalised" corruption of the various gaming codes? Is there any study to demonstrate the destructive nature of such decisions? Do our regulators not understand that when you create the conditions for vast sums to be made available to the emptiest minds by simple acts of corruption they divert money away from useful and productive purposes and make vulnerable all the institutions of good government? The effects of prohibition in America had the opposite effect to the intention (one hopes) of the legislation. It drove the liquor and associated industries underground into the hands of gangsters and rippled out to corrupt the highest offices in the land. Today the prohibitions for different drugs do the same, generating even larger amounts of income to be "sanitised". It is the washing of such money that governments make not only easy, but a means for the corrupt to increase it manifold when government pretends efficient outcomes from financial deregulation. Prohibition, or licencing inadequately regulated monopolies, where vast sums of money are made available to people whose only skill and purpose is to exploit the demand for pleasure or pastime by fraud, is another name for bad law. It is bad law that leads to such corruption, not "no law". And it is the application of a lot of good regulative consumer laws and their efficient delivery via technology in the US that has reduced the scale of the detrimental effects of these early errors. We apparently have learned nothing from this experience and are now parodying the very act that almost destroyed democracy in America and created the conditions for so many subsequent abuses. To increase gambling turnover while deregulating financial activity and decreasing real spending on education is the philosophy of fools. It is certainly not a formula

for an enlightened democracy. We are creating a problem from a solution. The totalisator was established to take the commerce of racing out of the blackmarket and to relieve the burden of the taxpayer. It was a successful and profitable solution for the community. Now it is being returned to a deregulated market. The market didn't solve the drug problem it made it worse and made its social effects much more damaging than any prohibitionist imagined.

Free markets don't exist and prohibition doesn't work; only a justice system informed by democratic principles has demonstrated an effective governing of economic functions. Most authoritative economists become famous by being the only ones to predict real events or explaining why they didn't. Hardly any economic theories survive the test of time except the most basic. Why? Because economists remove the cause of all economic theory and relegate it to a simplified absolute, or negate it altogether. It is the great pseudo science of the modern age; It's errors are legend but it's followers push behind it lemming like to the nearest precipice. The most stable, productive, democratic nation in the world is the one that recognised the source of creative human activity, the right to choose your actions, the right to profit by them and the right to defend them against the force of corporate violence. That is the first cause of government and all others follow from it and our natures. Our nature demands freedom and requires altruism; only democracy delivers both; only just laws deliver democracy and only remedy preserves and guarantees equity!

Widespread corrupt practices such as those exposed by an ex jockey on Sixty Minutes, and universally disputed by almost all of his peers in public, have continued unabated and are rife in the three codes of racing. The jockey spent several years abroad at a banker's expense after a racing scandal. The banker had previously been warned off racetracks for two years for his involvement with two policemen on a matter relating to betting. The State premier recommended him as a financial adviser to the government; the premier later was convicted of a criminal charge. The banker's advice cost the taxpayers millions of dollars. In a later incident it required several people to "carry" the bankers heavily backed Perth Cup winner from the course. Although the horse won by an extraordinary margin he pulled up abnormally distressed and unable to stand unaided. Despite his "background" the banker was engaged in a financing deal for a publishing empire. He received for his efforts a multi-million dollar fee. He was later found guilty of financial crimes involving huge sums of money. He is by no means the only instance of a banker, huge sums of other people's money and racing fraud. Another mate, although released in 1956 on a good behaviour bond for a confessed "intent to steal", learned that "form" is no "handicap" in Australian financing. He was able to borrow billions; I can't borrow the records of interview for refused loans or the recorded evidence for criminal interference in my ATM banking records.

Recently we have seen the re-licencing or the re-entry into racing of people barred from the racecourse because of their involvement or knowledge of improper practices. These are people who access the more successful trainers and owners. Australian racing improprieties rarely lead to criminal convictions although their breaches often have the character of major fraud. After a protest was lodged in the recent Caulfield Cup (required by propriety thanks to the transparency of the event caused by technology and the media), no alteration to the result occurred. The first and second placegetters in the Melbourne cup were put out of the race by the most severe interference. The winning jockey was fined \$20,000 and suspended for a month but the connections kept their substantially greater winnings. One of the jockeys was recently involved in another feature race and protest in another country where the positions were reversed under protest. Upon the Caulfield Cup result would have hinged millions of dollars of win and place, quinella, exacta, trifecta and quadrella dividends and millions in bets with bookmakers. It was reported that the English lady owner thought it most likely that she would have lost the protest and that the Melbourne Cup winning jockey thought the interference had cost him the race. Propriety requires such protests to be upheld. Sailors Guide, from Australia won the Washington International on protest although beaten easily by a considerable margin after less obvious interference. Another Australian Melbourne Cup winner Lets Elope lost a major US race on protest despite winning it easily. That the local protest was commented on so sparsely and without analysis in our media should be cause for concern. The winner was given a great deal of publicity as a second rate animal and nowhere near the quality of the other European Horse. Either those reporting these events were misinformed, incompetent or deliberately obtuse. Although not fully qualified for the race the winner took his place in the field by the discretion of officials over two fully qualified locals. The rider of the beaten favourite, the rider of the coming Melbourne Cup



and other jockeys were then seen in the company of men who have been the most successful modern punters in the Melbourne Cup (the largest single betting market event in Australia). The media is the means by which the placing of bets in the largest single wagering market in the country can be influenced. The media in NSW employs a former jockey who manages many successful jockeys, as a radio and TV tipster. The apparently legal conditioning of billion dollar markets by a person actively engaged in the profession makes the rules against such activities in the stock exchange look comic. The two largest media owners in the country and one of the biggest horse owners in the world were partners in the successful tender for the licence of the NSW lotto industry. This was done against widespread public opposition and the interests of public ownership. A few trainers have stables containing hundreds of horses, often have multiple starters, owned by some of the richest absentee owners in the world. This effectively removes the owner's surveillance of training programs and creates the artificial circumstance of a small group of large stables with the executive power of owners and having almost a monopoly of all group performers. Most have stables in different states and some families have stables in different parts of the world. They take their horses to international venues. Some have had horses whose performance at Group One are much more consistent than their performances in much inferior races where they have been heavily supported by public money. A handful of jockeys monopolise the riding at major carnivals and metropolitan meetings. Now a horse may win a large wager for a gambler in another country remote from the regulative requirements of the country in which the gambler is domiciled. He may rationalise his investment in a third country, preferably an island where the regulations are minimal and as 'plastic' as the transactions they have been designed to mask. By these means he burdens the taxpayers of all three countries with the negative effects of his activities. This 'boom' in racehorses as a commodity is as illusionary in its productivity as the trade in tulips in the 17<sup>th</sup> century. The only difference is that now it is defrauding the desperate poor and not the gullible rich.

Many jockeys are known gamblers at several casinos A leading jockey had been suspended for "tipping" while in silks via mobile phone. This is an offence that should carry a life ban, if any official does not understand why, I am available to give an abridged hour lecture on the topic. Our duplicitous nature over these matters is exemplified by the recent cricket debacle. What Dawn Fraser would have given for the officials in charge of these events to have been available when she was denied the opportunity of her 4th straight gold medal in the Olympic 100 metres.

The absence of proper scrutiny in the gaming codes is exemplified by uninvestigated yet obvious irregularities. It can only be assumed that such abuses are known by the authorities, tolerated and allowed to be exploited. If not, it seems extraordinary that such abuses are so easily tolerated when no new technology is required to discover them yet those who fail to prosecute their dangers wish sophisticated technology and invasive laws to be made available for "suspicions". The failure of scrutiny in these areas is reflected in my more immediate experience. Consequently through such abuses and systematic failures cynicism creeps into the public culture and I suspect is the reason why Australia is one of the few "advanced" countries where politicians lie openly, often and when caught out attempt to justify it without consequence. One politician who commented that lies were part of political life is now an employee of a major media owner. The proper reason for the generosity of the taxpayer funding the declining days of societies political leaders is to allow them to enjoy the benefit of service to the community without the perils of income failure. If they are instead to exploit relationships formed as a consequence of public service then their ambition for alternative financial reward should relieve the taxpayer of any special financial obligation. I wonder when in response to forced retirement or criticism, many politicians raise the concern that their efforts would "earn" millions in private life. Are they talking of learned skills or do they mean that is what their 'privileged' knowledge is now worth to those who can buy it? Retired politicians have a special responsibility to avoid "suspicions" or otherwise of conflict of interest. Perhaps some reading of Ghandi and Mother Teresa would convince them of the fallacy of the old myth about peanuts and monkeys. (Democratic principles should require clear direction along appropriate guidelines for politicians to remain in receipt of very generous rewards.)

How and what questions communication technology will 'force', how they are addressed and who addresses them will determine the course and character of our lives. Such technology can prise open the closed doors of bureaucracy. It can either force the recognition of a necessary morality or the loss of all ethics. If we allow it an ungoverned part in our culture we may be the captive and

unwilling witnesses to the denial of principles that guarantee the “freedom” to participate. That the accidentally powerful should pretend the wisdom to control these processes is to preclude the advantage the technology makes available to all. The application of sophisticated technology to arbitrary suspicion would satisfy the ‘dreams’ of Grand Inquisitors whose idea of justice is authentication of ideological intent not necessary evidence. What the Internet can do if allowed to is challenge the legal system to fulfil its promise of justice for all. That is the minimum requirement of a democracy.

The administration of sport is a social and political reflector. Winning at all costs versus the way you do it explains the difference between the chance of being kicked to death at the opera against the same chance at soccer. I suspect that the zealous espousal of the benefits of sport that often constrained us all to the opposite behaviour of our ideals confuse character with conformity. The main difference between the publicised “private lives” of America’s politicians is public access, technological advance and transparency. One US president has fallen this century because of the same three things and a free press, another is on trial. Such principles are the best protection of our freedoms and their abuse the greatest danger to our civil rights. Whether one sees a victim of human weakness or a male “bimbo” with poor judgement seems a matter of ideology rather than objectivity. When our human foibles, with or without (consenting) partner(s) are confused with the integrity of public office, we fail to discern between the merely idiosyncratic or comic and the profoundly dangerous. The present president would have escaped the charge of deceit by chanting the famous amendment to the constitution. Whatever citizens wish to do by mutual agreement within the law and their own home should never be the subject of some public servant’s “suspicion”. It is contradictory to the most fundamental concept of democracy to introduce such a practice. It may be argued that the threat of organised crime proves the exception to the democratic imperative, but that exception would easily be revealed by different means through proper financial regulatory processes. That is the proper criteria for “suspicion”. Otherwise suspicion will be subject to bias, sectarian or other oppressive improprieties. For once this crack is opened through it will fall professional privilege and the state becomes the instrument of fear instead of the facilitation of freedom.

Anyone who has seen “The Mask” and not marvelled at the special effects does not understand that now all forms of digital sources are compromised as to their value as evidence. All legal argument based on such video evidence will have the status of audiotape. It is now possible to show any two or more creatures in the universe in a compromising situation that they may not have experienced in real life. A future leader could have a video made of his main opponent engaging in any behaviour that the majority finds morally repugnant without any “real” event supplying the content. This should be kept in mind when legislating the evidentiary power of such technology; its real usefulness is in the governing of proper due process. It should strengthen not weaken our belief in the system of common law we have inherited. It should make us err on the side of conservation. It should increase our respect for the jury system and its proper regard for the wisdom a broad spectrum of human experience brings to analysis and equity, not the remote logic of automatons nurtured on privilege and removed from basic human experience.

Many years ago the Lord twins were involved in some breach of football rules. Despite the existence of video proof of the event, an identifying number on his back and the presence and analysis of many “football mad” Melbourne lawyers, the breach went unpunished. That lesson has been repeated in this country all of my life. What it has done to our society has been to establish in the general population a belief that there are people and groups beyond the law, and sadly, that “justice” is only for those with the money to purchase it.

If the authorities wish to view videos on “suspicion”, I recommend the following.  
22/10/98 Perth Races, Race 3. Watch the official TAB video recording of the race including the three or four minutes prior to the race. On the basis of my perceptions I placed a bet on a “long shot” winner. I have found this incident repeated several times and have always backed the “long-shot” winner indicated with one exception when a riding error led to the horse running second. Of course breach of privilege means that from now on this behaviour will be exhibited without it’s previous statistical accuracy if the “suspicion” is well founded. For another interesting Video replay, look at the pre-race line-up for race 5 Ipswich greyhounds on 30<sup>th</sup> October 1998. It may help your intuition to know that the favourite was the only dog in the betting. In trotting try 16/1/99 race 4 (for something different) watch the horse that takes your eye at the start in the last 200 metres. The first two examples are the most interesting in relation to their coverage by the

totalisators official visual media and the status of the markets. The latter is just par for the course in trotting.

I can't remember what interested me in these events: Race 1 Newcastle Harness, 12th December 1998; Geelong Harness, 27<sup>th</sup> April 1998; A Randwick race won by Where's Dancing; It could have been something visual, starting time, pre-race line-up or start.

Some time ago a race had five related people 'piloting' starters and the rank outsider of them won it. I don't suggest that anything suspicious happened but should such a circumstance be allowed to arise? Aren't we just systemising a mechanism easily corrupted? It seems extraordinary that the people who police the benefits of competition in the market don't see the obvious world's worst practice of it in gaming.

There is more than a little media material that upholds the belief that horses often are not 'given every chance'.

I note that the newly privatised NSW tab bought the television coverage from the previous media owner. One of its new on camera presenters "haunted" many of my visits to my local tab in Sydney as I was defrauded of my property. This may have been as accidental as another famous on camera face appearing in a neighbouring property inspection when my mortgage was foreclosed. Several representatives of the various codes 'furtively' presented themselves to me alongside others obviously informed (I assume as a consequence of breach of privilege). Several attempted to convince me that my suspicions of improper practices were groundless. Despite this the subsequent drop in the success rate of racing people represented to me as I published and publicised my complaints, indicates the validity of my experience and views.

I leave these "suspicions" to be tested by the army of paid "public servants" whose responsibility it is to analyse and deter such anomalies. Racing fraud is widespread and endemic and the most obvious abuses have grown under technical surveillance. That this is so in an industry where the turnover measures almost 20% of GNP should have alarm bells ringing everywhere in a democracy.

Let me suggest another unrelated investigation that I believe will prove fertile. Compare the starting times on the computer sheet records race to race, State to State, ie Supertab to Old Tab to NSW Tab etc. They will not be the same in all cases, two examples 9th of January 1997, Geelong Harness races and 9<sup>th</sup> of April 1998 race 9 Dapto greyhounds. If they are the same always then they have been tampered with. It would probably be interesting reading to analyse bets made and cancelled after the start for the last decade.

American gangsters so enriched themselves during prohibition that they were able to corrupt due process even when caught. In Al Capone's case only death and the enforcement of financial regulation by the taxman proved incorruptible.

He would have been 100 early in 1999; he went to jail for tax evasion in 1947 and in 1948 Italy revised the constitution to "safeguard" the state against hidden agenda for the second time in half a century. The banking crisis three decades later showed how unsuccessful they were to the detriment of Italian taxpayers, judges, magistrates and citizens.

We have created the perfect conditions for organised crime to destabilise our society. It could not have been done better if planned.

I doubt the two naive young men who shared with me the excitement and fun of a night of recent racing would have been quite so eager to waste time and money on it as a leisure pursuit if they thought that the outcome might be rehearsed.

My submission is concerned with protecting the citizen from technological abuse adding to systematic abuse. Solutions appear to me to be easily adopted and not extraordinarily expensive. I will be satisfied if a more general and informed debate begins before the subterfuge of technological advancement masquerading as social and economic development leads to an irreversible decline in personal freedom.

I applaud the committee's published aims and I submit this document as a qualitative demonstration of the harm that is done when a citizen is denied the opportunity to enjoy the civil rights guaranteed by law. I have interspersed the document with comment directly related to my concerns about how technology can be applied to prevent such an abuse of democratic principles. Many abuses suffered by me are only referred to in passing. Their description exists in detail in documents in many government departments. I do not know if an indirect message received recently from such sources is warning or threat.

*The original incident that led to the events complained of began in 1982. I was arrested and held without charge. I was later charged with the crime of stealing. I had committed no crime and I believe that a proper investigation made now would lead to the conviction of at least one and possibly two people for the crime I was charged with; If indeed such a crime occurred. The judge berated the senior arresting officer for failing to mount an objective investigation after an admission forced by my cross-examination. The systematic abuse of rights guaranteed by law, the corruption and concealment of evidence to cover up that abuse and the perversion of justice by officers of the of the court induced the waste of thousands of dollars of taxpayers money and eventually to the loss of hundreds of thousands of mine. Malice, perjury and bias conditioned by legal officers' led to the chronic criminal harassment of myself by public officials and private entities conditioned by false libels, evidence of which has only surfaced now many years after the event.*

*Although I had not made a formal complaint about the police I was asked by my counsel prior to a hearing to confirm that no allegations would be made in court. I would give no such undertaking. I had seen the content of a document in possession of counsel and subpoenaed by me. It confirmed my recollection of events. I was confident that the evidence called by me would be sufficient to defeat any fictions raised against me when related to the necessary evidence of the plaintiff. My barrister left and went into conference with officers of the court. He returned, visibly shaken and told me that a "mix-up" had occurred that meant that the case would not be heard today. Three such "mix-ups" were to occur on different occasions until I suggested that a visit by me to "A Current Affair" might make the court more efficient. I was much more naive then and thought the proposed 'threat' was sufficient to find a courtroom. In any event the hearing that was "impossible to hold today because of the lack of a courtroom", became possible 5 minutes after the 'threat' was made. I welcome any inquiry including a retrial, as I am certain that the permitted evidence and existing transcripts of my trial demonstrate the contradictions in the witnesses' story that should have been investigated. With the hindsight of the now revealed evidence of concealment I believe that even in the absence of investigations, admissions or corroboration of corrupted evidence there is sufficient material to force an inquiry. NSW officials informed me that my complaint was too old to be investigated during the NSW Royal Commission. I wonder how many such cases were refused and judged "too old"; such criteria seems only applied with regard to the power or position of the complainant. I thought I had won my case when I left the courtroom. My experiences on the racetrack should have told me you are not allowed to beat the "club" in NSW.*

Here follows the original document, some extraneous material has been deleted...

*Additional comments are in bold Italics and underlined.*

...DOING TIME BUT WHERE'S THE CRIME?

9/9/98

This document is an edited version of incidents that describe a long battle with bureaucrats and the courts that led to my financial destruction. The indifference displayed by all the statutory authorities and political and professional organisations and representatives involved only further compounded my difficulties. The insufficient response of almost all contacted political representatives from all shades of the spectrum has demonstrated a need for a more "hands on" approach being necessary for advisers to such an office. Had I been able to harness the energy and concerned demonstrated by candidates in 'election mode' during the "off-peak" period, my case would have been easily resolved.

In 1982-3 I was involved in a court case. Evidence was concealed and corrupted by officers of the court. I sacked counsel when the story of the other side was altered to fit the facts that I could prove. I recorded a conversation between a witness and myself after which he withdrew from the case. This

person held a high position in the gaming technology industry. A person of the same name now holds a high state government appointed gaming office in NSW. If it is the same person he would have been instrumental in discussions that led to the privatisation of public assets in NSW and other decisions in relation to gaming offences. He would have twice acted in important deliberations that might have been subject to new analysis given the official unpublished complaints made prior to these decisions. I have given the details of serious criminal allegations to several government departments. One of the people concerned has since been named in the NSW Royal Commission and investigated over another matter. A person having knowledge of a serious professional misconduct in relation to my case attained a high honorary office in the NSW legal fraternity . Another , a criminal lawyer of note reluctantly refunded my pre-paid fee after he failed to turn up at court because he was double booked . A detailed summary of these and more serious allegations is revealed in several documents retained by government authorities.

After I was driven to despair by the corruption of my case and the plethora of acts of professional misconduct and court “errors”, I decided to defend myself. I WON MY CASE despite the most draconian attempts to prevent me from telling my story in court. On driving home the brakes failed on my late model vehicle . At the time I thought this just coincidence.

I changed my address and on entering my new home I was subjected to a long campaign of harassment. I suffered physical abuse and assaults upon my person some of which I reported to the police and later to my federation because later evidence indicated a subsequent connection between public servants, my harassers, and my employer.

During the period the police failed to investigate my complaints they sent at least two psychiatrists and several social workers to my home, all of whom were told the story above, but when asked later to confirm their involvement by the Education Department’s health officer, seemed to have suffered group amnesia.

I was employed by the NSW Department of School Education as a secondary mathematics teacher. During the period of employment my wages were debited directly to an account at the bank and then later to the Teachers Credit Union. For an extended period of time my expenditures were restricted from within the structures of the financial system. I was left in no doubt that this was done to interfere with my private gambling activities, activities related to the circumstances of my first case. There is strong evidence to confirm this. I informed my federation and I requested an official inquiry. A request for the supply of such evidence was later refused on spurious grounds. This is a criminal offence against the banking laws and it remains uninvestigated by NSW police and the NSW Ombudsman.

Towards the end of 1993 I became concerned at the increase of job-related harassment and its coincidence with *reported* criminal harassment and home invasions. I had earlier endured a prolonged period of assaults, telephoned death threats and chronic sleep deprivation around the clock and was fearful of the effect of these upon my health. Within the school, friction had been caused by my stand on some matters of ethics and equity. *Ensuing executive action confirmed my judgement.* An examination was rescheduled consequent to my complaint to the acting head teacher about an improper marking procedure. Whatever the cause, after a change of management in my department I became concerned about the security of my position. I approached the retiring headmaster, told him my concerns and volunteered to transfer. I was advised to stay. I should state that I had just recently received a reference from the retiring head of my department, which stated the unstinting effort, and energy I brought to my position was “...humbling...”

Whatever the old regime thought the new one determined in the New Year to rid them of me. They did not however simply tell me; they did a “blitzkrieg” on me, that for sheer malevolence and bastardisation would have made Machiavelli blush. Several colleagues asked me what was going on and expressed concern at the unprofessional way I was being treated . People entered my classroom unannounced, left private unbalanced and I believe deliberately biased derogatory reports in places of public display, made, and then failed to keep classroom appointments. The inconsistent educational and sociological expectations of the department as represented to me appeared impossible to satisfy and often contradictory. As a consequence of this unprofessional treatment I informed the departmental head I would not allow any further disruptions of my classes. I was called before the new headmaster and in the presence of a union delegate (there to “protect” my interests) was stood down, but only after I had pre-empted any action by rising from my seat and saying I ‘was too old for this rubbish and I was leaving’. No account of this appears in the partly fictional and libellous report of

the Headmaster. (I can only understand the treatment received by me during this time in the light of documents containing false libels obtained through freedom of information. That understanding does not lead to recognition of any justification for the abuses sustained or the professional misconduct demonstrated. If necessary I can make a powerful case against my treatment on any grounds the department wish to choose. At least one would require me to be critically analytical in areas that will be embarrassing to them and perhaps needlessly destructive.)

Despite numerous overtures to “my federation” for legal advice with regards to the many previously reported abuses and their relationship to my employment, the Teachers Federation did nothing. Despite being constantly informed of my lack of income, the legal action taken against me over the insured loan and my medical retirement nothing was done.

I was over fifty and in debt for an amount that could have been paid easily by the quick release of all the moneys I was entitled to (The debt was an insured personal loan (a little over \$10,000) .My unencumbered assets, including my home being valued at approximately \$550,000). Although they were willing to sustain the medical diagnosis that prevented me from escaping unemployment I was not allowed by the parties involved to access it to prevent the encumbrance of my property forced by the informed threat of litigation. If the diagnosis was or is true then that event was disgraceful and the ensuing events impossible to justify.

A colleague urged me to approach my federation with a legal representative although he could, or would not, tell me why. I said I would certainly seek clarification of my position with the Teachers Federation and my employer . All attempts to obtain legal advice from the Teachers Federation led to a dead end , one call to them aborted by their officer because as she later attempted to excuse her behaviour... ‘It was being broadcast over the office loudspeaker and she was afraid I was going to say something with legal implications’. Certain actions indicate that serious offences by public servants and others were being covered up. I will save the expansion of these matters for the necessary remedial actions if I can ever find a statutory legal authority that performs its chartered duties.

It is to remedy the disgraceful process by which I was vilified, abused and then neglected, and finally, maliciously manipulated into the loss of my home and consequent financial destruction that this statement has been written

After the loss of employment, then income caused by these events I attempted to register with the CES as unemployed. I have written confirmation from them that **THEY INSISTED** I obtain sickness benefits. The next few months were just a circus of uncommon stress to me as first the DSS would allow and then disallow my benefits on an almost fortnightly basis , the credit union threatened to sue me over the loan which was insured against the loss of my job . An officer of the credit union admitted under cross-examination by me in court in an action brought against me for the insured loan that my sickness allowance was accessed to pay the debt. Without income, I scrounged the rubbish bins of my affluent suburb for the throwaways of the rich to sell at garage sales in order to survive. The DSS showed their concern by sending me a letter acknowledging they had information to this effect . The Department medically retired me after a conversation in which I told the health officer about the above events during an obligatory interview. He asked me why I didn’t leave my home when harassed to do so. I told him that it was because I was being harassed. He seemed to think this was an irrational answer . He said he could not find any record with the institution that employed the psychiatrists and social workers mentioned above . He asked me would I return to work for the Department . I said no . he retired me . At no time in that conversation did he mention to me the necessity for treatment . A letter was sent by my employer to recover immediately a \$1200 overpayment and then after the mortgage of my home I received another stating I was entitled to it. The conversation with the psychiatrist, the denial of those people involved by the police after the winning of my case indicated that I was indeed the victim of some form of bastardisation. Much stronger evidence of this awaits a court appearance or a proper approach to mediation.

For a long period I was convinced that the only explanation for the abuse I was suffering was that I had been registered as a mental patient without reference to myself. That seemed the only possible explanation for the involvement of police and health department officials in the defrauding of my property rights; in the breach of privilege revealed by my co-workers conversations and actions; by the receipt of letters of punitive demand from my employer written before their directives (discovered via freedom of information); by other letters suggesting an urgent concern in relation to these matters. Other documents obtained from several public service departments contain false libels that supported this belief. At the same time a Government

**department has been persuaded to confirm that one such libel had no informed substance and that the libel was not a consequence of breach of privilege. Yet it is sustained in other departments without the authority of medical opinion. I am too old to bother about what others think of my mental status, but if they wish to comment upon it and establish it to my detriment in hidden libels then as a committee of mostly lawyers you will understand the plethora of duties and legal requirements that binds such organisations to their contract with the consumer, in particular the principle of duty of care, the neglect of which is obvious in my case. If it is sustained coincident with a training program the negligence is compounded.**

To say that I was sick at heart at these events would not describe the depth of my feelings and the betrayal I felt at the union movement's indifference to my plight. It was because of my sensitivity and regard for several institutions, both public and private that I sought a definition and resolution of the degree of known interference in my affairs. None of the many approaches made were successful in establishing any perceptible regard for my position. I did not learn until much later that the new Principal (an ex cluster director) had blatantly libelled me and in one case had reported a meeting and discussions that were completely fictional. I recovered this information after a prolonged disregard for the law by various government and taxpayer funded organisations through freedom of information . If the claims in the report are true, "union" indifference was conditioned by an untrue defamation of me by the very federation officer who volunteered her protection of my interests. The new principal constructed a completely fictional account of a meeting with me, seemingly, for no other purpose than to extricate himself from the legal consequences of his actions.

I went to the State MP for North Sydney and told her my story . I received a call from a departmental officer that was unsatisfactory and inappropriate to my concerns and contradicts other written and oral statements. I again went to the MP's office to find out whether that call was in response to any inquiry made by her at my request . She said that she had done nothing . I insisted that it was her duty to ascertain the truth or otherwise of certain beliefs and concerns about the position I was in . I informed her that any failure to do so would be publicised . I arrived home to be confronted by two commonwealth policemen who alleged I had made a threat to the MP. I informed them that I had made a promise , not a threat , the substance of which was that inaction on my complaint would lead to publication of such inaction . I then told the police a little of my story and they couldn't get away quick enough **before my concerns would force them to an inquiry**. I then received a letter from my Federation, which claimed to have been helping me since 1988. A later letter declared the false statement that I was not even a member of the federation.

**If the Teachers Federation of NSW were helping me since 1988 then they must have the records of many instances when on visits or by telephone I told them of my greater concerns in relation to certain abuses. If they have acted in my interests, then with the exception of one obvious case that has not been apparent to me.**

My loan was insured against the possibility of medical retirement, the insurance company, knowing this, still would not honour repayments to the insured loan and the Credit Union threatened legal action. I went to the DSS and again to the Federation and contacted the Federal member at Chatswood . (The MP's assistant acquired some fame later on Channel Nine's "Sixty Minutes" when she related a taxpayer-funded tryst abroad with another MP who was then her lover). I wrote some limited allegations in a document and gave it to her in her office . I also forwarded it to several concerned parties . A short while later an unidentified man came to my home and spoke of the contents of the letter and the dangers of having written it and warned against any continued pressure by me . Later conversations with people in the MP's office pretended no record of the several visits made over this matter . Several people told me I had made a powerful enemy, who, or what enemy I still do not know, but I am more willing to believe this proposition today having been the victim of chronic home invasions, privacy abuses and intimidation. I was financially destroyed, deliberately, and recovered evidence indicates, with malice.

I had been forced by the legal threats of the credit union to mortgage my previously unencumbered home for \$50,000 after the Commonwealth bank refused me a personal loan of \$10,000 to pay out my INSURED loan. I informed the bank manager and the mortgage solicitor and the agent of my difficulties. **Why was it not legally required of these people to address the circumstances of my loan to the principal party causing its necessity?** The bank manager in communication with the various parties took a week to decide and then offered an impossible "catch 22" conditional loan based on her contact with them, which indicate breaches of banking ethics (if not law), duty of care, and privilege. Even when my financial crisis was obvious and it was known to many who had a statutory duty of care towards me I lost more than I owed by their negligence. This is revealed in many of the relevant

documents recently obtained. Still the federation failed to help me. I sought evidence to support a criminal allegation but was denied it by a financial organisation on spurious grounds. Despite reporting these crimes at the highest level I am still denied the legal remedy their investigation would force. White colour crime in this country is deliberately hindered by the very organisations the taxpayer funds directly and indirectly to investigate it. I have sought to identify the source of banking offences through the relevant statutory authorities but all deny responsibility. The legislated protection of the consumer has no regulatory process by which the remedy can be accessed without financial self-destruction. I now understand the ease with which banking fraud goes undetected. How alarming and insidious the converse amplification of petty fraud now seems to me.

*A monopoly owner of the Italian TV industry advertised the part of his personality he could afford to show and became PM. Only later when the more unsavoury aspects of his success that had been hidden became known, did he lose that position. Media owners easily bend the will of indoctrinated voters when their technological monopolies are protected. We sell our games to media monopolies but in doing so give something irretrievable away. A change of rules and a new "patent" and you must pay for what was always free.*

*We have allowed the gaming industry and the media it feeds on to become a privatised monopoly. We have taken advice from minority vested interests to do so. The most potentially lucrative and corruptive industry possible has been taken from the taxpayer and positioned for a takeover by organised crime and this time there are no prohibitionists to blame. Hopefully the Internet will not be subject to the proprietorial limitations that seem to inhibit our journalists. The casino of course will want to use it as a means to expand its gambling interests.*

*I wonder that we are so naïve as to repeat the corporate theft of the late 1980's by the same game under the different name of privatisation in the 1990's and under the same inadequate rules. In the previous decade petty criminals graduated to high political office, merchant bankers and media induced folk hero while stealing taxpayer money as they smiled at the cameras. Critics, and you could hardly find any, were suffering the "tall poppy syndrome"; it is the favoured phrase of frauds, along with entrepreneurial or economic "genius". That whirring noise you can hear isn't the cicada, it's a hundred years of dead ancestors spinning in their graves at our gullibility, stupidity and apathy as the wealthy minority robs the community. And it is being done in much the same way as it was done to me.*

Why do our media easily find corruption abroad, but can't even sniff the dead body of it under our noses here? I made several protests within the structures of "union" meetings and organised industrial campaigns over the apparent inaction of my federation. Unidentified sympathisers visited my home. I made a public protest at a large industrial rally that obtained saturation media coverage. I came home to find the foreclosure of my "rolled over" mortgage although the solicitor for the lender had confirmed its' remortgage less than a week earlier and only days before had sent the principals to inspect the property.

Now under threat of losing my home because of these unresolved difficulties, I advertised my unit to let in order to obtain income to repay the loan. Someone altered the advertisement without my permission. The following week I re-inserted the original advertisement but after a day of waiting without response in the highest rental area of Sydney, I discovered that my telephone line was tampered with, that calls were being blocked. I held the toneless phone to my ear and waited, eventually there was the click indicating active tampering, dial - tone re-appeared.

I had previously received death threats. Now a dead animal was left outside my door, people who were obviously informed came to see me during the publication of several of my complaints and made ominous remarks about the repercussions for "whistleblowers". Few were identified except by their pretence at power and influence. An identified suspected source boasted an intimacy to the highest office.

I had asked the credit union to obtain the records that would prove the illegal manipulation of my wages and was refused them. I have since obtained through freedom of information damning evidence that everyone involved knew that I was eligible for the insured re-payments, that my case was considered urgent and that the Teachers Federation were informed. I had fulfilled the insurance conditions to satisfy payment of the debt. The insurer had sent an investigator to my home and I had told him I was the victim of a fraud perpetrated by public servants as a consequence of either their criminal abuse of my privacy and person and/or a defamation consequent to the case I had previously won when defending myself. I could not tell him who was doing it, I could only tell him what had happened and offer my suspicions as to the cause. The insurance company part paid an amount of



several thousand dollars after this interview, but without prejudice to any further action, They refuse to satisfy the total debt. This action seems bizarre on that basis alone without the recently recovered expressions of concern in relation to this matter. I confronted, wrote to, or contacted some thirty MP's through their offices or directly through the parliamentary assistants at the NSW State parliament houses. I contacted Victorian State and Federal MP's . I have found the library of much greater use , and my personal protests the only effective 'enzyme' for response .

Were I an MP approached with a similar case I would have used the weight of my authority to resolve the matter as it should have been quickly ,simply , at no cost to the taxpayer . I would have been disturbed by the abuse of civil rights, by the negligence then so obvious, by the injustice. But worse than all of these things is the extraordinary expenditure of taxpayer funds to "trample" on my rights. It is not as if I had pursued the possibility of remedy with or without menace that these actions were taken against me. I would have been satisfied to be allowed to obtain some other employment; to avoid the inescapable circumstances deliberately imposed on me by others.

My home was placed in the hands of an agent by the mortgagee . It was damaged , left open and unattended during this period . Three times the locks were changed without prior reference to me. I awoke one morning to find this being done without the courtesy of a door knock. All of my possessions were placed in the street where they were stolen or given away . Every casual visit by the solicitor with his clerk (contact rarely more than a few minutes) cost me \$400. \$20 for the bridge tolls every time he crossed the bridge(real cost either 20 cents or a dollar) . Cost of just the forced sale , about \$40,000 . losses incurred before this many thousands more in interest ,fees and charges I should never have been liable for . My home was sold \$100,000 below the price obtained from an independent assessor only weeks before . The psychiatrist who was too shy to confirm her previous contact with me was discovered talking to the agent when I returned early after an open inspection of my home . She ran from the building when asked for identification .The agent refused to supply the potential buyer's list when I requested it. It appeared to me that most of these events were designed to force me to capitulate to an admission of a mental illness to cover up the criminal behaviour of public servants. If I was as ill as some of the documentary evidence indicates then I would not have been, and should not have been, capable of rational decisions made during this period. I would have been subject to an informed duty of care in relation to several organisations and the insurance company. There would have been demonstrable gross negligence.

***I reported several criminal acts to an officer at the North Sydney police station. This officer had previously "interviewed" me after the loss of my position but prior to the loss of my home. His surname was the same as a man who acted suspiciously on several occasions in relation to offences I have reported in detail to other authorities. The man had informed me that "council" (or was it counsel) had decided I must lose my home. A North Sydney council member had represented himself as a real estate salesman while in the company of a known agent. I reported this and the matter of the blocking of my finances, a criminal offence against the banking laws to the police. The officers' attitude was that as the events were in the past and no longer happening, "end of story". By this logic there are no crimes and a police force is unnecessary. A previous attempt by me to engage police "help" ended in me being threatened, I believe defamed, and restricted in access to my own property. This seems explicable in the light of received documents as evidence for impropriety. Had I been able to bypass the human barrier to my complaints, these complaints would be a matter of record. A standardised complaint form able to be accessed at the first instance of legal abuse and networked to all courts and MPs' offices would preclude a lot of wasteful abuses of civil liberties which emanate from the public service. A watchdog for the watchdogs, which asks questions such, as is an organisation involved in you complaint? Answer yes leads to the next level... what kind?... insurance... union...do you have any complaint to register...etc. Answer yes leads to invoking the participation of the organisation where there is a duty of care. It is at this level that mediation is most useful. It should not be invoked at the later stage of massive collateral damage and irreversible harm, requiring costly solutions. Concerns about privilege and security may be addressed by cryptology and 'technical' identifiers. Nothing so intimidates the person liable to 'do the wrong thing'into proper actions than the knowledge that deliberate neglect is recorded somewhere and can be accessed, at a later date if necessary, to remedy the abuse. Nothing is so frustrating as to know the law is being abused and that you are powerless to pursue remedies legally guaranteed. Since the only activated reports in these cases would be those that are useful to support the allegation of abuse they should lead to a reduction in such abuses and more efficiency in the legal process, but more importantly, greater access to just outcomes. Frivolous abuse of such a process are easily controlled and of less concern than the abuse of procedures. It is not necessary***

***that the data be made available in an unencrypted form until the cause for appeal to it. A description of the allegation or complaint could be committed to the client's hardcopy and protected by both or either public or private Keys. The facility to file such a report would prevent many of the abuses I am concerned with.***

I had reported a bizarre event because of its relationship to a professional training program to my employer and my 'union'. A well-dressed apparently normal young man boarded a bus in which I was the only passenger and proceeded to abuse me verbally across the known range of gross invective. He only desisted and leapt off the bus when I rose from my seat. I discovered by accident that this man was a patient of the same psychiatrist involved by the police in previous allegations of her professional misconduct. I went to her office to obtain her knowledge of the criminal harassment I had suffered. The patient was in the waiting room and rose to apologise to me for mistaken identity although I did not immediately recognise him. After this event the psychiatrist contacted me and offered to "help" with the claim against the insurance company that she was communicating with. I received a note from the psychiatrist offering to mediate in any negotiations with the insurance company. This was the same psychiatrist who failed to confirm her role in my harassment to the Education Department health officer who retired me; the same psychiatrist who would not give her name when challenged by me for identification; She ran from my home. Her registration on the buyer's list was improperly concealed from me by the estate agent. As a consequence of my complaints about the "shy" psychiatrist running from my home to escape detection, I was billed for three security men employed to eject me from the forced auction of my home. When I insisted the agent identify the psychiatrist via his client list he not only refused to show it to me but he informed the solicitor who then sent me an intimidating letter. He billed me for the security officers he employed to remove me from the auction site. At this stage I was now indebted for just over \$100,000. I was told there was more to come. Despite my forcing NSW Legal Aid to respond to the first clause of their charter ... 'To protect the imminent loss of a taxpayers home' ... and a letter from the solicitor confirming this, and the debt encumbrance now still only a little more than 20% of the value of my property, Legal Aid could not find the means by which I could protect my asset. I believe this is gross negligence. They had already been informed of other matters of professional and unconscionable conduct. Had I been able to register my concerns electronically without interference then, I would now be in a position to be properly compensated, or the abuse of process would not have happened.

While the property was in the hands of the agent who allowed the opportunity for malicious damage, a man harassed prospective buyers loudly "talking down" the property. The same claim was made against the agent in my absence. I have reason to believe all of these events were orchestrated and not coincidental. As I was returning to my home after the auction I was warned from appearing at, I noticed the man near the three security men was the "patient" of the psychiatrist and I challenged him for identification as the crowd dispersed. Another man emerged hastily to prevent me talking to him but not before the younger man had identified himself by name. I then found out that they were father and son. I have submitted details of this affair to legal and statutory authorities in NSW and requested the relevant names be submitted to police for investigation.

I lost my home at the mortgagee auction, but only after personally confronting the leaders of the federation at the highest levels. Legal Aid failed to prevent the loss in several acts of gross negligence. The solicitor instanced a conversation with a Legal Aid solicitor in the itemising of his bill. I desperately tried to recover the losses that the legal threats and forced sale of my property had caused me, but only compounded my difficulties.

Even then the credit union sued me for the debt despite knowing that I fulfilled the insurance requirements for the balance of the loan. After several court appearances requested and then aborted by the litigant at their request and in full knowledge that not only should they not have sued me but that they indeed owed me money for repayments made by me after they were aware of my medical retirement, and that each appearance required me to now travel the 2000 plus km round trip by bus from Ballarat to Sydney, they failed to turn up to a hearing. I was complimented by the registrar on my persistence and advised that "people like me changed the law". On her advice I had the matter unconditionally struck off and returned home. **But what law had I changed?**

I was after compensation for my losses not a hollow victory over an action, which should never have been brought before the court, and which had caused the irreplaceable loss of the only possession that guaranteed my financial independence. Why had Legal Aid not been able to save my home? How could I lose so much while under the duty of care of so many public officials? How could so many

MP's and public servants fail to resolve the abuses which they were employed to prevent? Why did statutory authorities not regulate the processes they were created for? And if I was a "crazy" why wasn't duty of care employed?

I then made a public protest at the International legal conference in Melbourne.

I interrupted three seminars and a press conference. The Attorney's Generals of the several states and the Commonwealth were all present. I gave a general if not detailed outline of the many abuses I had suffered at least three separate venues. Within a week I was again litigated against over the previously "unconditionally struck off action". I returned to Sydney twice again to contest the matter although by this time I had exhausted myself physically, mentally and financially. Given the high level of exposure I assume that this was an admission by the authorities that I was indeed a sane person able to be litigated against. Otherwise, this would be an inexplicable result.

During the final hearing over this insured matter I cross examined the witness for the plaintiff and managed the admission of a contradiction that I believed was pertinent to a previous allegation about the criminal manipulation of my finances. The litigating lawyer responded angrily and requested an immediate recess after which I was so constrained by procedure that I requested an adjournment to obtain expert legal advice; I was refused. I felt unwell, the temperature outside was over 40 degrees and I had not slept for two days of bus and train travel. I obtained a doctor's certificate confirming a heart condition immediately after the judgement against me. A letter of appeal for which no reply has ever been received was forwarded. No attempt has ever been made to satisfy the judgement. No further action has been taken to recover the debt. ***The solicitor for the Credit Union remarked that I should be suing the Teachers Federation.*** On my return home from the hearing the evidence of gross libels and fictional accounts of events that at the time would have triggered legal remedy had I been aware of them were waiting in my mailbox, some years after first requesting them and many hundreds of thousands of dollars too late.

A full description of events was sent to Legal Aid with a request, later denied, for action. Hundreds of pages of reports on these matters have been written to many MP's and Government officials including attorneys general and Ombudsmen. Not one identifiably formal investigation of any allegation I have made has ever been confirmed or appeared apparent to me. I avoided what I construed as an unofficial, improper and inappropriate parody of an approach for mediation within the confines of the court because of the legal, financial and unjust constraints such a hearing might mean.

My home at present day values would be impossible to replace at the cost of my total losses today. It was in one of the highest demand areas, in an exclusive harbour front garden zone. To replace it would require some hundreds of thousands of dollars more than my losses. ***I voiced my belief that it was my only hedge against the uncertainty of old age to my professional peers, often.*** I now face an uncertain future in an unstable world as a consequence of multiple acts of corruption and gross negligence the proof of which I have had to tear out of the public service against their opposition to their own policies. I have had to inform more politicians and public servants of their duties than one in my position should have to in any country that purports to be clever, progressive and democratic. It is only since I have adopted the tactic of forcing written and signed responses from other parties that anything like compliance with statutory and ethical requirements has been offered. Any technical changes must allow this possibility. ***Technology must not allow just access but the possibility of remedy when privilege is abused by public servants. Interaction between the government and the governed must be transparent. Technological solutions must be addressed to transparency.***

I have received via FOI an admission from a Government Department that a damaging libellous statement made by their officer in documents obtained through Freedom of Information legislation was opinion and not supported by any evidence from any authority. ***The department has since changed in its organisational structure and name and that can be the only reason for the incompetence of the Legal Aid authorities in not informing me of the "classic libel" revealed in the documents given to them.*** Similar false libels have appeared elsewhere in material supplied to me via the same procedures. On the basis of these and other reports, I have been denied the benefit of an inexpensive solution to the unconscionable legal threats of the informed litigant. I have forced a response from a loan manager within a major bank that although she had lost details of my approach to her for a personal loan to prevent litigation for payment of the INSURED LOAN AFTER MY MEDICAL RETIREMENT. She recollected that I had indeed applied for a loan. I suspect the details are hard to recall because of the legal implications that the response has with regard to the banking laws. Should they magically reappear then I would be litigating against those who litigated against me without any possibility of losing the case.

When I felt the abuse of due process in law in my first case, I was angry and asked the Law Society to pursue the matter, which they strongly advised against because of the damage I would incur financially and personally. I realised how bad that advice was, although I believe it was given in good faith, when I read the Royal Commission reports in NSW. One of my former legal advisers was named by others in relation to another matter.

There is a fundamental flaw in any society where wealth, position skin colour or any characteristic is used to discriminate; that leaves the course of justice harder for some than others. Where there is no recourse to law there is no right. Where there are no rights, there is no Democracy.

We are privatising our assets to promote growth in the economy but we are reducing access to justice. This is contradictory. In an “americanised” economy the opportunity for disputes will expand not contract. *That is why America and Japan have many more lawyers per head of population than Australia has. These are the hidden costs in sophisticated market economies that are necessary to the preservation of democracy. The perfect market economy does not and cannot exist, near perfection has to be regulated. Accessible remedy creates employment and helps to make market economies efficient. The efficiency of market economies requires accessible law by definition and that seems to be demonstrated by history and recent world events. In short the government cannot restrict access to remedy and expand the market economy. Such a process will be fatal to democracy and the society we intend to protect. It would eventually be terminal for the “free” market.*

Americans litigate because the constitution and the common law are the only recourse to justice in the land where nearly everything is privatised. In a privatised economy, for justice to prevail exemplary remedy must be accessible to all “consumers”, not the province of rich corporation and individuals easily able to circumvent due process by delay. *Those groups that promote a different kind of law for the poor, that of mediation, of restricted remedy, of whispered deliberations behind closed doors pretend wisdom undiscoverable in my reading of history and in my experience. The same open justice system with the same access to all is the necessary requirement to allow the scales of justice to tip to democracies advantage, and to ensure that the lady holding them for ever remains blind to their influence. If money becomes the barrier by which some circumvent the path of due process by delay we shall not arrive at Justice but approach something, the “smell” of which will warn us we should have avoided. I have been alarmed at the approaches made to me by people connected with the gaming industry but informed by government department breach of privilege. I have never been approached by any identifiable government investigator over these matters with the exception of one man who showed me a foreign consul police credential.*

It should not be necessary that a man’s life be destroyed before justice begins to take effect. A proper response from legal aid, even at the late stage indicated by the mortgagee’s solicitor, would have found a satisfactory resolution to the parlous circumstances caused by others. *Had I been able to register my concern at the abuses suffered at every step in my original trial I suspect I would not ever have seen the inside of a court room. Had I been able to register my complaints immediately and electronically where they could have been monitored by all those ‘watchdogs’ which pretend to safeguard our interests many of these events could not have happened. Had I been able to register electronically my concerns about the reasons given for delay and adjournments the taxpayer may have informed data about the waste caused by lawyers and courts using adjournment and delay as tactics to pervert the course of justice. The best remedy to this is to require a standard response from parties involved in cases to register comments relating to delay and adjournment. It is staggering that this was not done that it was not even seen as desirable, let alone efficient or necessary. Why did I have to wait almost five years to discover the negligence and/or duplicity of public authorities? Why was the insurance company and the ‘union’ involved not required to resolve the matter prior to the action taken over an insured matter by a client ‘forced ‘ out of his job? Was the recovery of the documents supporting my claims deliberately delayed out of malice or just gross negligence or is it to conceal a cover-up? How often does this happen? How many people have been intimidated into inaction? Why did the insurance company pay only part of the claim after I had advised their investigator that my medical retirement had the character of a fraud forcing my involuntary compliance? If they did not believe me then they must have believed I was incapable of rational decision thus invoking their duty of care. If they did believe me then the same principle required informing the police and my employer. Why would they not supply me with details of the investigation report? Why were they not required to report such a claim to the police or medical authorities involved? Why can I not access the report of the investigator? Why have the police or some investigatory authorities not become involved? Why do the concerns pretended in*

the documents now made available contradict the actions or inaction of the various parties? Why was my complaint of criminality with relation to the banking laws not investigated? And why can't a person enter any courthouse and by the available networks contact the relevant supplier of information, avail themselves of court documents or status of cases in progress in which they are principals after some form of finger or other identification?

What is the benefit of highly sophisticated technology subject to the whims of unsophisticated public servants? In all of the aspects of my case where I see a solution to an existent systematic problem, that solution requires getting rid of a "middle-person". The clerk who sits on files or sends you to wait for someone he knows is not there. Who pretends (and sadly in my experience) often has the power to deny access to guaranteed civil rights. Whose personal whim or dislike can preclude or pervert just outcomes. Whose ignorance or other inadequacies allow them to become a tool of a more informed abuse by their superiors. . That is what technology must be addressed to. That is far more important in a democracy than making a more powerful tool of oppression. Inadequate data and poor planning are the recipe for disasters. Radiated damage is often immediately imperceptible except by systematic effect or sophisticated detection. There will be no obvious 'Chernobyl like' dark cloud of warning.

I suffered several thefts before and after the loss of my home. I have spent hours with officers as they battled there way through computer systems in two different states. On return to the station in one such case none of my identified goods were in the computer records. I found what I thought was my property being sold in a second hand shop. It was admitted that the goods were purchased from a thief. I made an allegation about the theft to police. How can an acknowledged thief sell an obviously new video with an unmatched hand control and not be subject to scrutiny? And isn't there a contradiction in wanting to video "suspects" while making the activity of a known offender easier and less accountable? How is the recording of the correct serial number on the stolen goods in the computer going to address its sale under an easily forged serial number? How can it be claimed that Victoria has 20% less crime when crime goes unrecorded and virtually uninvestigated?

A more efficient approach to property loss is to remove the police from the responsibility of reporting it in detail. Let the insurance claims be made by accredited small business as an immediate 'log of claim by the victim. It can then be passed on to the police who are saved their valuable time. This would be an effective alternative to the present practice and would create employment. It would force a more efficient and less costly contractual arrangement between insurance company and victim. Why is this wasteful procedure endured? One drug addicts activities can create the sort of paper work that must frustrate police and waste hours of valuable police time. Still my property is not on the police computer? Wouldn't this part of police work be better handled by properly accredited and regulated small business? Isn't this work more related to the insurance policy of the victim when we speak of property crime? Why should not the victim be required to enter their losses themselves? There are a lot of jobs available in this area and no doubt the consequent focussing of the insurance industry might even lead to lower premiums ? The proper logging of stolen property data will then allow accurate reporting of property theft not the fictions of the moment.

*The committee refers to world's best practices and the globalisation of legal resources as if our law was globally accepted; as if the laws of a democracy were subject to some metaphysical overseer guaranteeing the certainty of just outcomes. It is from within democracy that it's greatest protection and its greatest danger emerges. World's best practice led to the sporting prowess of East Germany before the Berlin wall fell, and to the present day superiority of elite drug addicts in almost any sport you wish to name. The law does not easily lend itself to the concept of Worlds best practice. Law is no longer a thing writ in stone. Our law is the fragile protector of our hard won freedom. The illusion of efficient facilitation must never take precedence over justice for consumers. The technological solution to a wrongly convicted thief in some Arabic countries may be a micro-surgeon. The same defendant in Stalinist Russia might have been considered right of the political spectrum and suffer accordingly. In McCarthyist America he might have been perceived as left of centre. If he was Jewish in Hitlers Germany he would be a non-person under state law and be without civil rights. World's best practice will be better when the world becomes a better place, until then state data banks should be regarded with the distrust that history says is their due. Any dictator can make law but only just laws make democracies and perhaps that is why real ones are so few.*

*Our law evolved from the rules for getting to heaven, to democratic concerns about creating rules for heaven on earth. To treat laws as a commodity is to completely misunderstand what the law is what it does and how it effects our daily lives and continued safety. The law in a secular democracy must not fail the test of preserving civil rights. If it does, or if the effects of technological change lead to the same result, then it has failed the democratic imperative and must not be adopted. Yes, let's have world best practice for technological solutions to technical problems, but economic problems that are a subset of evolving and emergent principles do not avail themselves easily of simple rationalism. I sat here for one of a two-day hearing and heard the word Justice too infrequently. Worlds best practice and the best practices possible require legislation which prevents bad practices by at least adequate, and where possible punitive damages.*

I have now read enough law to understand the gross and unconscionable negligence of many aspects of my case. It should have been as obvious to the Legal Aid office as it was and is to me.

When I fought for my rights all those institutions created to protect them were ineffective. Their only published efforts were disadvantageous to me and preclusive of my legal rights. I went to my political representatives and they would not, could not, or were unable to help.

When I protested at the inaction of public servants others came to intimidate me.

And when I spoke out public servants sought to silence me by libel and manipulative legal practices. The deliberate effects upon my health, I regard as more serious than the enormous financial loss I have suffered.

Instead of feeling shame for their errors they blamed the victim of them.

And even now that shame has been unveiled the system for remedy is in the least inactive and ineffective in it's failure to govern it's fault and remedy it. How could this happen? How could it be allowed to happen? More importantly, it can not be allowed to happen again.

*(The following has since been adopted by the federal government, which allocated some 25 million dollars to an education campaign to address these matters. I congratulate them on that initiative. )*

AGAINST ALL THE STATUTORY PROTECTIONS AND LEGAL IMPOSSIBILITIES OF THIS HAPPENING, IN THE SPOTLIGHT OF THE MOST PUBLIC PROTESTS THAT COULD BE MADE, I SUFFERED THE KIND OF BUREACRATIC ABUSE THAT SHOULD BE IMPOSSIBLE. AND I SUFFERED THE KIND OF LEGAL ABUSE THAT PRECLUDES JUSTICE.

BUT MORE SERIOUS THAN THAT IS THE DISGRACEFUL MISUSE OF ENORMOUS RESOURCES TO HINDER THE VERY PROCESSES AND TASKS THEY ARE ALLOCATED FOR. THIS IS THE DIRECT CONSEQUENCE OF FILLING POSITIONS WHICH REQUIRE KNOWLEDGE, ETHICS AND INTEGRITY WITH PEOPLE WHO DO NOT UNDERSTAND THE LATTER CONCEPTS AND ARE OFTEN LACKING IN THE FORMER.

I AM CERTAIN THAT THIS COULD BE BEST REMEDIED THROUGH OUR SCHOOLS. IT SHOULD BE AS COMPULSORY AS INCOME TAXES TO HAVE A WORKING KNOWLEDGE OF ETHICS AND INTEGRITY. COMPARITIVE MORALITY IS AS IMPORTANT TO A JUST SOCIETY AS LAW. IT SHOULD NEVER BE LEFT TO THE RANDOMNESS OF RELIGIOUS INSTRUCTION. WE ARE WITNESS TO ALL OF THE MAJOR RELIGIONS FACTIONALISED AND OFTEN IN UNSEEMLY CONFLICT. WE HAVE SEEN THE FAILURES OF IDEOLOGY AND OLIGOPOLY. AS SOCIETY BECOMES MORE SECULARISED MORE PEOPLE ARE BEING MARGINALISED FROM THE BENEFITS OF FULL PARTICIPATION.IT SHOULD BE A PRE-REQUISITE FOR ENTRY INTO ADULT LIFE TO KNOW YOUR CIVIL RIGHTS AND RESPONSIBILITIES. PEOPLE WITHOUT THESE CONCEPTS ARE UNLIKELY TO BE USEFUL CITIZENS. CITIZENS, PUBLIC SERVANTS AND POLITICIANS WITHOUT THEM ARE A DANGER TO US ALL. THESE LESSONS SHOULD BE GIVEN AS PHILOSOPHY, NOT RELIGIOUS INSTRUCTION BY LAY PREACHERS ALLOWING THE OPTING OUT OF STUDENTS. IT IS THE CONSEQUENCE OF THIS MARGINALISATION WITH REGARD TO EDUCATION IN MORAL PRINCIPLES THAT LEADS TO THE IGNORANCE AND PERCEIVED APATHY OF THE SECULAR CITIZEN IN RELATION TO THEIR PUBLIC RESPONSIBILITIES AND DUTIES. MULTICULTURALISM REQUIRES A GENERAL APPROACH FOR ALL CITIZENS. WITHOUT SUCH PARTICIPATION DEMOCRACY BECOMES SUBJECT TO THE

UNBALANCED OUCOMES OF WHISPERED BICKERINGS, SECRET AGREEMENTS, HIDDEN AGENDAS AND WASTEFUL PROJECTS BENEFITTING THE FEW.

A PROPER RECOGNITION THAT ALL PEOPLES AND CULTURES HAVE LAWS AND THE RELATIVE IMPORTANCE OF THOSE LAWS WOULD LEAD TO A RESPECT FOR DIFFERENCE IN CULTURE AND CHARACTERISTICS.

THE PART PLAYED BY HISTORY IN FORMING THESE CONCEPTS AND THE EFFECTS OF THE CONCEPT ON HISTORY MUST LEAD TO GREATER TOLERANCE, AND DIMINISHING DISCRIMINATION. *It should lead to an expansion of responsible citizenship.*

I THINK IT WOULD RADICALLY CHANGE OUR CULTURE FOR THE BETTER. I THINK THE WORST FORMS OF DISCRIMINATION SUCH AS RACISM CAN BE MADE VIRTUALLY OBSOLETE. WE CAN AND I THINK ARE MOST LIKELY TO BE THE FIRST COUNTRY WHERE THIS IS NOT JUST PROBABLE BUT POSSIBLE. THAT WE MUST ATTEMPT TO DO SO BECAUSE OF THE MULTICULTURAL NATURE OF OUR POPULATION IS NOW A NECESSITY

IF WE ARE SUCCESSFUL IN THIS WE NEED NOT BE EMBARRASSED BY OUR LACK OF PYRAMIDS AND TEMPLES WHEN STRANGERS COME TO VISIT US.

Ian Harrison, 105 Gladstone St. Ballarat  
(Independent candidate for the Federal seat of Ballarat)

PS:

- (1) I was forced to obtain 400 plus pages of typewritten court material at a cost of \$1.50 a page in 1983. I obtained such material only after improper delays that jeopardised my defence. At the same time photocopied A4 would have been available at 5 cents a page (or less in today's money); that probably translates to almost two thousand dollars of unnecessary expense in present day terms. Add that to the cost of counsel, two thousand dollars per day up to ten thousand dollars a day. In my case it was a lot of money to pay to people I would not invite to a card game. ). If I were in the same position today I would expect to be able to access such transcripts by networked computer in court, in real time. Anything less than that possibility is perverse given the technologies wide availability.
- (2) A record of the various hearings and appearances detailing the charge and state of progress must be made available to principals in a defence; It precludes the abuse of the justice system. I have neither read nor heard a good argument against this.
- (3) Where any statutory requirement is to be fulfilled it should be easy for any citizen to obtain details from a "user friendly" database. Computer software should "walk" the inquirer through the relevant material. For example, such questions as, "is an insurance company involved"... answer yes leads to "Have you notified the legal department of your insurance company"...answer no leads to the requirement to do so. Similar queries for other organisations would lead to the establishing of the evidence for duty of care requirements and "force" the compliance of organisations in that relationship with the consumer.
- (4) Where public officials fail to respond to complaints they must be made accountable. The best way of ensuring this is to see that such complaints are registered in such a way as it can be later demonstrated that such a complaint was made. I suspect that the attention of technical advisers to the efficient solution of this problem would revolutionise our society, open participation and change cultural attitudes. It would be the greatest safeguard against political abuse.
- (5) Regulators should take a long hard look at the loss of remedies available as a consequence of the reduction of FOI available to the consumer following privatisation. If it is impossible to

remedy negligence then contract law is a farce created to preserve or exclude. If the Trade Practices Act only has teeth when the more powerful party wishes to use it as a punitive measure then it is a fraud upon the community along with its partners, deregulation, globalisation and privatisation. These things only have meaning if a real and available remedy is created for both sides. When laws do not condition responsible behaviour they may lead to social and economic disintegration. It may be that our unhealthy exploitation of the gambling instinct is a sign of this. Do our "leaders" really want us to become a country of consumers of everything produced elsewhere; of environmental vandalism in the name of globalisation; that allows multi-nationals the opportunity to escape punitive measures in one country and at the same time capture the economic advantage by the backwardness or absence of legislation in another, to the environmental detriment? The most powerful and productive economies in the world may be the most privatised, they are also the most regulated, their remedies are the largest in magnitude and their civil services the most expensive and in America's case the most extensive in the world. We are told they are the most efficient and advanced. Then to do other than to copy them in respect of the remedial aspects of their system is to sentence ourselves to the company of countries like Angola and Rwanda whose social systems are in the chaos of constant flux because their diamond or copper or "banana" economies are subject to the exploitation of powerful monopolies reaching into the depths of their lives and culture through the vulnerability of their institutional and political organisations.

- (6) (a) I do not claim to be an expert on court video. I would not have wanted a reaction caused by false witness or disputed evidence to determine the mind of a juror or lead to trial by media. An innocent person charged with a criminal offence is a victim. It only compounds the injury into a massive defamation if the event is videoed without permission. Whatever the outcome on this matter it is unlikely that a blanket videoing would be justified in unrepresented cases. I think we have already acquired some of the more distasteful forerunners of merging the legal profession with acting in that a Melbourne firm presently "coaches" expert witnesses. Such counselling of expert witnesses is probably the best argument for not rushing court cases. It takes some time to "break" a rehearsed statement. In my case the interference of the judge in the proceedings when my cross-examination rattled expert witnesses only protected falsehoods. People used to telling the truth don't need to rehearse it.
- (b) If video is to be used in criminal trials then the full extent of the judicial direction pre-trial must also be recorded. In my case judicial direction seemed to occupy half the time, and seemed designed to limit my argument to the prosecution's knowledge of my case which could not have extended beyond the limits of communications with sacked counsel. Since the jury is absent for pre-trial direction this would partly safeguard the defendant with regard to the corruption of court records and subsequent appeals.

I appeared before the Law Reform Committee because I do not wish any other citizen to be subject to the abuses I have suffered.

I note the following. Very few members of the public were in attendance. In fact on the day I presented the only one not representing an organisation was a criminal lawyer who stated many of my concerns from an informed viewpoint. I wish the document to be placed on the Internet in full because it demonstrates the explosion of personal and collateral damage, which ensues when access is denied.

PPS: Sadly I overrated the NSW Legal Aid commission who have been unable to find anything which concerns them in my submissions. I suspect a proper investigation into my case will find them surplus to the requirements of their charter. I might add that my approaches to the Victorian Legal Aid Commission have been just as disappointing.

Feel free to publish all of the above on the Internet. If you don't others will. It is a concrete remedy I seek not the goodwill of the ineffective or the hot air of hypocrisy.