

25<sup>th</sup> February 2019

**Senate Legal and constitutional Affairs References Committee**

**The ability of consumers and small businesses to exercise their legal rights through their justice system, and whether there is fair, affordable and appropriate resolution processes to resolve disputes with financial services providers.**

Dear Senators,

**This Inquiry needs to support a change for justice.**

I am an Australian citizen and an aggrieved victim of bad lending practices.

It is devastating to many victims of the non bank lenders such as myself to hear that the Royal Commission has only mentioned the big 4 banks.

We are suffering equally to those affected by the major banks and so we should not be excluded of any justice. All Financial Providers must be investigated

This injustice caused by our lender has led to loss of my home and the death of my partner of 28 years.

It is only fair, just and reasonable that all aggrieved bank warriors receive full compensation. (all that was stolen from them must be paid back)

Fos's comment to my complaint was that my claim exceeded their jurisdictional limit, therefore they closed my file.

Asic recommended that we get legal advice and did not want to help at all.

There exists within the EDR system a culture of greed and dishonesty.

There must be a legislation implemented within the judiciary system and an independent bank funded specialist legal aid cell to represent the people affected and the clients legal expenses should be the responsibility of the lenders.

Bank's ability to use this country's justice system as a weapon must cease and the aggrieved client's to have timely, proportional, and legal support.

There needs to be a push for all Financial Services Providers to become model litigants.

Abuse of the law and legal processes as a weapon to financially decimate their aggrieved clients is no longer tolerable.

Once bankers fully understand that a client has proper access to justice to flow on, results will become the norm. Firstly banks will be unlikely to take on a victim in court – especially if they know that a victim has a good case and also bankers will be far less likely to engage in an unethical, unconscionable, immoral and illegal behaviour. The industry will then be forever changed for the better.

Aggrieved bank clients demand that corporations, governments and particularly banks and non bank lenders must act as model litigants.

**These are the guidelines that all financial services providers must adhere to.**

- a) Acting honestly, consistently, and fairly in the handling of claims and litigation.
- b) Dealing with claims promptly and not causing delay.
- c) Making an early assessment of the prospects of a matter.
- d) paying legitimate claims without litigation.
- e) Keeping the costs of litigation to a minimum by-
  - not requiring the other party to prove a matter the litigant knows to be true.
  - Not contesting liability if the real dispute is about quantum.
  - Using appropriate methods to resolve litigation including settlement offers or alternative dispute resolution and
  - ensuring that a person participating in settlement negotiations can settle on behalf of the litigant.
- f) not taking advantage of a claimant who lacks resources.
- g) not relying on a merely technical defence against a claim.
- h) endeavoring to avoid, prevent and limit the scope of litigation (including by participating in alternative dispute resolution where appropriate).
- I) Equality of Arms – thereby agreeing to fund their client's legal expenses equal to their own expenditure and
- j) apologising where the litigant has acted wrongfully or improperly.

Sincerely

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Yours sincerely

