



Committee Secretary
Senate Legal & Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
(F 026277 5794)

Courts Legislation Amendment (Judicial Complaints)
Bill 2012 & Judicial Misbehaviour & Incapacity
(Parliamentary Commissions) Bill 2012.

I submit my views in the forlorn hope that
a real effort may be made to address a
numbness, rot, all, flaws in these proposals.

1. If the purpose of the Judicial Complaints
Bill 2012 is to generate a new respect for
the Courts & Judiciary in thinking & caring
Australians then the proposers are
delusional.
2. We see this effort as the convergence of
two elements of the "one percenters" to
keep their foot on the throat of the
"ninety nine percenters" - the citizens -
the disadvantaged, the helpless & the
hapless.

The lawyers & Canberra public servants

do not engender any respect in the citizens of Australia.

3. We see the deal as - if there is no independent scrutiny of judicial behaviour then there should not be independent scrutiny of public servants.

In NSW we have a Legal Services Commission flawed by its composition - no trade, nurse, teacher, engineer, as a citizens representative. Now an ethicalness. Two judges to one other. There is no ICAC to look into Public servant behaviour & never will be - the proposers will never consider it.

The political parties do not have the intestinal fortitude to force it to be established although it is demanded by Australians.

4. So anything less than an Independent Legal Services Commission is a contempt of the people

5. Title - is Inconceivable on at least 2 counts

"A Bill for a Act to amend the law relating to complaints about Judges & Federal Magistrates, and for other purposes"

It must include "... Judges, Federal Magistrates Tribunal Members & Registrars".

6. Registrars

With the ~~rise~~ use of the use of Registrars in the Commonwealth legal system there is no effective complaint process to address their behaviour.

If you claim the Chief Justice ^{or} CFM are appropriate "handlers" then the documented evidence is impartially does not get delivered.

To follow this forward a complainant then has to complain against the CJ or CFM & where does that get lodged. A newspaper report said Bryant & Pascoe would be exempt from a complaint process.

So the proposed system is a joke. They await public examination as no ethical complaint system stands.

7 While Registrars are engaged under the Public Service Act there is not appropriate complaint process available to address their acts & omissions. CJ & CFM have & continue to fail in this regard.

8 Tribunal Members

As cost pressures on Courts increase work will be force fed to Tribunals. There is no appropriate complaint process for Tribunal Members & Tribunal Registrars

9 So while there is an urge, in my view under-estimated, to have a Complaint process for Federal Court Judges, there is no recognition of the damage perpetrated in the Tribunals & by Registrars of

Courts & Tribunals

Why not expand the horizons & clean up all entities in the Commonwealth Legal system?

10 Mandates

As the CJ or CFM can appoint whomever to be a "handler" I will wager FM Bauman & FM Slack would be outraged to have their work audited or investigated by say Principal Registrar. I would support their Honours in such a contemptible process. But it can & has occurred.

The handler must surely be a judge of the Federal Court. The gravitas of the situation demands decency even if the respondent not a fine fellow. It is called democracy.

For the Federal Court a special provision is required to have an external & "superior" status person to be the handler. It is not acceptable in view of the mismanagement & malpractice in the Commonwealth Courts & Tribunals to have a standard expected but unstated.

11. Ultimate Test

The current proposals do nothing to address the misbehaviour in the current Commonwealth Legal System.

The proposals demand challenge & filings will have to be made in the Federal Court to address the mismanagement, malpractice, corruption & cover up of corruption that currently exists & is well documented.

Once the first case rolls how many will follow, possibly thousands.

The Federal Courts & Tribunals in their arrogant, contempt of the people & the individuals failures to adhere to their oaths simply believe (a) nobody will take on the power of the Commonwealth

(b) nobody will expend the vast financial sums to go after the Commonwealth

(c) nobody believes the citizen will get a law go, forget natural justice & procedural fairness, in a Commonwealth Court taking on the Commonwealth in the behaviour of another Court.

"The price of liberty is eternal vigilance"
Mous faithfully

W. J. PEARSON (M.A.)