

Date Received.....

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The Secretary

The house of Representatives Standing Committee on Legal and Constitutional Affairs

Parliament House Canberra ACT 2600

As asked by The Honourable Phillip Braddock MP

Federal Attorney-General.

Overview:

This submission is asking for changes to our existing laws, based on personnel encounters acting with a general power of attorney for a family in need, me being an elderly Australian committed no crimes but received the large financial burden to pay in error to law in our local court.

*To have corroboration returned to our laws and be made mandatory to all levels of court hearings in Australia to stamp out wilfully assenting false evidence in Court under oath.

*To have changes to the Magistrate Courts as they act in contravention of the Law and constitution and make their own set of rules to follow with no accountability it seems.

*To have the matter of Perjury taken seriously by the Police and CIB as a more serious crime, and have a district court judge decide if sufficient evidence exists for prosecution when the matter is not confirmed nor denied by the Superintendent Local Area Commander.

Collateral evidence is attached to corroborate this Submission "and to let the parliament see how difficult life is for pensioners and the law".

Dated 20.11.06

Rodney Finn

I believe older Australians are unable to act for another person with a general Power of attorney on the grounds the Magistrates courts ignore the legal obligations of that attorney and they are in court for pursuing the rights of that person and a large costs burden is then payable by the attorney **“when a magistrate hands down a finding in error”**.

Evidence with no corroboration support is evidence only to a degree of persuasion for a conclusion in this matter the High Court would order a new trial even in civil cases on the preponderance of probability.

Common law has evolved a system of rules which are designed to remove all items which might mislead or prejudice the trier of fact and thereby causing an inaccurate finding was ignored in court by Magistrate

Magistrate gave the elegant pretence of participation in the trial system to let the defence feel they had participated in the fact finding process and the court was not unduly worried about whether or not the true facts are found.

The magistrate's discussion was contrary to the tradition burden of proof and in the balance of probability and the genius of common law.

There must be a distinction between fiction, fact, and fabrication in courts this case the balance of probability remained not proven and the plaintiff had not satisfied the burden of proof.

In conclusion I hope this submission helps to highlight the need to have proper laws in place and the correct people to administer them.

Rodney John Finn

Dated 18, 11.06