

We The People
Program 219 September 5, 2016
We the People 219 **The Rule of Fear**



Good day to you. As we watch our freedom being destroyed and Christianity being crushed by political correctness championed by the tax-payer funded ABC, another sinister seismic and dark change is occurring. The rule of law may represent a noble structure but without justice what on earth is the point of the law. In my view justice is now all but unobtainable for the average Australian. Court costs and legal fees are so onerous that the average Aussie cannot afford the justice system. The drought of effective jurisprudence in ultimately delivering justice for all should be measured against the goal of the ancient Magana Carta Libertatum of around 1215, which historically attempted to bring peace and swift justice for all. It said "**To no man will we sell, or deny, or delay right or justice.**" It failed because of vested interests but the notion was correct and lived on for a while.

As listeners will know I am a devotee of democracy, true democracy, which is becoming an endangered species. *Government of the people, by the people and for the people* is fundamental to the concept of justice, for within that powerful phrase must reside freedom and integrity. If justice is denied then democracy fails. We have a legal aid system where governments budget to provide legal support to those who cannot afford the courts and the legal entourage which follow. In reality the budget is so small and the threshold tests so demanding that only the poorest of the poor can obtain help. While that's notable it really means most of us are on our own and when faced with massive legal fees, we may well lose all we have in defending ourselves against a serious charge. That is sheer madness and a failure of the law and the legislators in that, it is unnecessarily complex. Of course the legal industry would have us believe all law is good law and stands even when its clearly deficient. It seems judges will dispense justice against a law which is manifestly inadequate or overbearing but expect the rest of society to act with integrity and without conflicts of interest. If a judge decides an outcome on a law the judge does not agree with, then surely that is a conflict of interest and justice denied. Saint Augustine and Thomas Equinas both referred to this in Latin as **Lex iniusta non est lex** or "an unjust law is no law at all". There are numerous examples of poor laws today and patently inadequate sentencing.

Legal fees and court administration costs are now at the point of being horrific regardless of how many years of study the legal fraternity claim as justification for legal larceny. A solicitor can charge \$500 per hour, a partner \$800 per hour and a QC or SC \$10,000 per day or more. To this add court costs and disbursements and it's not hard to see why legal costs are astronomical and beyond the average person. Each State has a law association which can review costs if you are not happy but that's like one of the chooks in the hen house going to the fox for adjudication. The law is so unnecessarily complex that it's almost impossible to follow as a lay person and that is an indictment on the legislators and the legal fraternity. The law should relate to the common man and the proceedings be simple or straight forward enough for an individual to represent themselves. They are not. You may also hear the phrase that with legal matters the **user pays**. Well, we already have many times over in our taxes and as it's a fundamental of a free society then why must we pay such horrendous legal fees. Remember as a nation, Australia borrows money to give away to other countries yet 6% our of own people live below the poverty line and the rest must pay for inefficient government on a massive scale.

In my view the once respected legal fraternity has changed. The ceremonial robes and wigs have given way to class distinction and arrogance. A few provide free aid and a few put the law and justice first but many do not and if you look around at the major law firms on the Gold Coast most charge like wounded bulls, because they can. This once noble following is in part now an ambulance chasing industry of ordinary flawed people using the law to make a handsome living and the more complex it gets the better they like it. As with so many other matters our democracy is faltering as justice is denied. It's called the rule of fear.

Until next time this is Kent Bayley