

[REDACTED]

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Gross misconceptions are not corrected in Law, eg :

test for apprehended bias is whether, in all the circumstances, a fair-minded lay observer with knowledge of the material objective facts 'might entertain a reasonable apprehension that [the judge] might not bring an impartial and unprejudiced mind to the resolution of the question

OK this bias must be at least perceptually offensive in the mind of an observing public, NOT guessed

Next we have an erroneous finding .. specifically italicised :

Family Court Judge Professor the Hon Richard Chisholm AM explains: Since the court determining the bias question has no evidence about what the public actually thinks – *and the public does not in fact know about the situation* – it has to guess.

Hon Justice MD Kirby correctly points out ;

Hon Justice MD Kirby AC CMG described the hypothetical observer's qualities as follows:

Such a person is not a lawyer. Yet neither is he or she a person wholly uninformed and uninstructed about the law in general or the issue to be decided.

Whats more that person may be familiar with the matter under consideration in some cases completely independent, from a professional background\\

Also courtroom staff may perceive definite bias yet never enter into that decision process, Staff are best equipped to perceive actual bias on unnatural attitude alone

The need to view the circumstances of claimed apparent bias, as best they can, through the eyes of non-judicial observers , may be sourced directly from questioning Court staff presiding in the matter, who are familiar with the Judge attitude and emotional reactions., R.T.

Prejudice and impartiality .. An impossible separation

At risk of bias , standards have been set through which dismissal may be sought by a litigant on perceived bias of a Judges attitude toward at least the complainant. It is found , Supreme Court Judges have disdain to excuse themselves when valid visibility is brought to attention of the Court , instead enjoy overturning a complaint by quoting ad-nusiem case law instances that cannot be relied upon, when direct complaint is witnessed by independent members to the party as apprehended bias

Younger Judges are found in this impatient practice for reason of vocal personal desire to condemn the applicant. It does not get any more obvious, and such attitude destroys faith in the present legal system.

Less often such bias may extend favourably towards the other party, to cause a level of perceived bias to the opposing member of the proceedings. Both of these situations are common perceptions after a judgement, yet difficult to isolate for an atypical defendant or plaintiff engrossed with comprehending the legal course of a hearing , often punctuated with foreign terminology and quotations of case law, that may well prejudice the case on lack of true common ground basis.

For example ..

Due to departure in the fundamentals between Islamic "common ground basis" purported to be found in case law , on case law examination and reliance by the English judicial system, many decisions have been passed down without attention to evidence, or complete disregard to evidence presented, merely on time constraints pressuring overloaded Courts and Judges to hand down expedient orders, that constitute miscarriage of Justice (if complained in Appeal

Leaving aside Islamic principles, Plaintiff Counsel has remarkable effect on a Judges viewpoint, having an armoury of case law to embellish principle upon the present situation (in both positive and negative aspect) that upon skillful presentation affects the Judgement in a biased favour to that often embellished presentation. Thus another source of judgement bias arises by a displayed pleasure of an argument wherein a Judge thanks counsel for their learned methods in bringing attention to an otherwise non-obvious technicality such as a failure to convey legal responsibility to a defaulting borrower of simple means causing actual failure to repay a commercial loan for which debt the guarantor must be forgiven due to inadequate advice on origination of the loan.

These forgiveness Orders are passed down much too often, when that family takes a speculative risk in buying a commercial property knowing full well their financial circumstances cannot repay, yet case law is relied upon to forgive many situations of millions of dollars when others in receivership have arguments more definitive of unfair treatment at hands of criminal solicitors, who perjure the Court with application and argue through counsel that have selective hearing in terms of events , saying instead it is most unfortunate these things occurred, but that is behind us, and we need to move forward in expediting an outcome, rather than "bring out the dead" (who have been rewarded) in the passage of pre-court collusion among parties.

Many examples are found, one, an owner of a development application parcel of land, was cheated out of \$10million by an issue of timely payment of council rates (paid months late) yet was unable to stop the sale of his land in default judgement. Counsel has found skill in departing ownership of valuable property when the litigant is without legal support (generally the case in rising costs world we live)

Yet another major jurisdiction, Criminal, where severe bias is found.

Once again we have the Crown relying on case law, made of Velcro and readily stuck to an accused , in some instances not given opportunity to defend his case , in a plea of unchanging innocence across years of injustice by hands of prosecution wanting a predetermined result.

This is a significant area of abuse , that falls blind of even ICAC complaint due to inadequate law of police investigating themselves.

How does an informed community continue to be satisfied with gross prejudice from a police network that have the power to influence Judgement at the higher Court level, starting with District, and leading to CCA Supreme Court Appeal. Outrageous refusal of an appeal process by the CCA has occurred directly from the District Court appeal , with no explanation as to why that refusal, only advice of the refusal, which is on the face improper as constituting legal advice.

So where does it end ? We see it in America, with brutality and street violence, in a denser population modality that infects the rest of the world. Certainly many factors need to be addressed starting from over-powered policing and their prosecution and influence on Crown solicitors who practice case law in Court, that has major influence on the Judgement. One factor is the overloaded legal system, there is no proper attention given to most cases , nor proper Court time allocated sometimes wasted due to Counsel leaving details to the 1st day in Court

Easily seen is a Judges impatience while a chambers meeting is conducted, or Counsel members collude with how to divide the spoils of a case, bringing new figures into the courtroom only after 30 minute private talks whilst the Court is in session. These practices must stop, or be awarded against the legal team for unpreparedness. Further affecting the temperament of the Judge in an obvious lacking of due process.

One solution is to begin all procedure with written submissions, that must be arbitrated, such as is available at the State & Commonwealth level, when the applicant so desires, given his competence in a live rendering of the facts is usually incomplete. Such submission is then passed to legal aid on a specialist area selection process, or assigned to a lawyer giving pro-bono service, for amendment and questionnaire to the litigant for response. Law by Letter is a most appropriate method to resolve or Amend Facts efficiently in most cases before they get to Court.

A most damning criminal obfuscation is failure to legally advise the accused of his right to interact with the Fact sheet, as proposed by the prosecution and finally the Crown. There seems to be absence of advice to that effect, causing many to fall foul of laws that dont apply to the actual events. Once again this precipitates a failure at Law in a public eye, if examined logically, reducing faith in a legal system that carries embellished evidence against a victim found guilty without due process

When a public awareness of Due Process as a fundamental right that the Attorney General guarantees to support and provide, is made clear, many condemned victims shall voice on social media for a revival of legal right without prosecution interference for many cases where prejudice overruled fairness in due process, or complete absence of due process resulting in miscarriage of Justice.

There is much to improve, and Artificial intelligence as currently replacing doctors, is a sure thing of the future in fair and reasonable Justice. Rus Talisin Sydney 2021