**Dear**

Let me congratulate you on your election as a new Member of the House of Representatives representing the new Labor Government.

I write to you to make you aware of unfinished business relating to Labor’s 2019 Banking policies and press release titled:

*“LABOR PLEDGES FREE LEGAL ADVICE FOR SMALL BUSINESSES AND FARMERS BATTLING BANKS”*

As Labor was unsuccessful in 2019 these much needed, indeed critical (although flawed) initiatives were never implemented.

Please be aware the victim community and I personally have yet to experience timely, equitable and proportional ‘Access to Justice’, and we were most concerned that a policy similar to the 2019 policy was not taken by Labor to the recent election.

You also need to be aware that the Bank centric, Australian Financial Complaints Authority (AFCA) has been a significant disappointment over the past three years, to the point that they are part of the problem. In March 2022 an AFCA ruling was overturned by the NSW Supreme Court due to the *“absence of impartiality and independence”*. I am confident, such rulings would be common if complainants could afford to take AFCA to court.

There have been many political attempts to address the issue of ‘Access to Justice’ both generally, as well as some specifically relating to FSP’s, which in this millennium alone included, but not restricted to:

* 20040600 - **Inquiry into Legal Aid and Access to Justice**: Legal and Constitutional Affairs References Committee
* 20090900 - **Strategic Framework for Access to Justice**: Australian Attorney-General's Department
* 20091200 - **Access to Justice**: Legal and Constitutional Affairs References Committee
* 20120700 – **Unaffordable and Out of Reach**: Community Law Australia
* 20170403 – **Review of the financial system external dispute resolution and complaints framework**: Ramsay
* 20140905 - **Access to Justice Arrangements**: Productivity Commission
* 20181100 – **Access to Justice Report**: Australian Small Business and Family Enterprise Ombudsman
* 20181101 – **Australian Financial Complaints Authority** (AFCA)
* 20190204 – **Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry**
* 20190400 - **Resolution of disputes with financial service providers within the justice system**: Legal and Constitutional Affairs References Committee

I can assure you that *‘the ability of FSP consumers and small businesses to exercise their legal rights through the justice system’* has not improved and it could be argued that all the above amounts to no more than placation.

I can say categorically that ‘Access to Justice’ relating to a dispute with a Bank is no better today, than it was in 2004 when the Legal and Constitutional Affairs References Committee Inquired into *‘Legal Aid and Access to Justice’*, indeed I would argue that it is likely worse.

The Legal and Constitutional Affairs References Committee’s 2009 ‘Access to Justice’ enquiry prophetically stated:

*“…At present, reforming the legal system might appear difficult, onerous and expensive, but the committee believes that, ultimately, the investment of effort, time and money will result in significant benefits to all concerned. Otherwise, the committee predicts that within a decade it will again be inquiring into a failing, or failed, legal system and asking, 'why wasn't something done about this ten years ago...”*

Ten years later in 2019, that same committee was enquiring into the *‘Resolution of disputes with financial service providers within the justice system’*

I represent not only myself, but an active cohort of individuals, SME’s and Farmers who number in excess of 15,000.

Can you please advise the long-suffering victim community and I, what Labor intends to do in relation to ‘Access to Justice’ for legacy victims, contemporary victims and those that the Banks will inevitably pursue in the future?

To assist please find attached a proposal of a proportionate, self-funding, Federal ‘Financial Services Law Force’ that would guarantee timely, equitable and proportional ‘Access to Justice’ for all FSP consumers subject to any legal action from an FSP.

A ‘Financial Services Law Force’ would change the culture within the Financial Sector, encourage FSP’s to make better use of IDR and EDR, and would force AFCA to become fit for purpose, but most importantly afford ‘Access to Justice’ for all FSP consumers. A ‘Financial Services Law Force’ will do what all the above have failed to achieve.

A couple of my fellow advocates and I would like to meet with you in Canberra as a matter of urgency to further reinforce the argument and address any questions or concerns you may have.

Isn’t it time to stop the endless ongoing placation and for the new Labor Government to do something meaningful and proportional?