TO THE HONOURABLE PRESIDENT AND MEMBERS OF THE SENATE IN PARLIAMENT

We, the undersigned concerned citizens, petition the legislature to begin the process of changing to a truth-seeking (inquisitorial) legal system.

As Justice Russell Fox said, justice means fairness; fairness and morality require a search for the truth; and truth means reality, and further that "The public estimation must be correct, that justice marches with the truth." Yet our adversary system does not try to find the truth; it has numerous anti-truth mechanisms, including six rules which conceal important evidence from jurors.

Civil and criminal trials take from weeks to over a year; at least 1% of the people in our prisons are innocent; fewer than 50% of defendants tried are convicted; while rapists, inside traders, price fixers and tax evaders are rarely convicted. Not surprisingly, a 2005 survey published in a paper given at the 2007 'Confidence in the Courts' conference found that 70% of Australians have little or no confidence in our courts or legal system.

In truth-seeking systems, as in France and Germany, the innocent are rarely charged, let alone convicted; 95% of those who are charged are convicted; while most civil and criminal trials take about a day. Annette Marfording's 2010 UNSW report 'Civil Litigation in New South Wales: Empirical and Analytical Comparisons with Germany' found that litigation costs are considerably higher in New South Wales than in Germany.

A truth-seeking system will thus be both much fairer and less costly. And the change is achievable - we already use the inquisitorial system to find the truth at inquests, Royal Commissions and standing commissions on corruption.

Victims of the current system include almost everyone: victims of crime, police, doctors, people in business and industry, journalists, families and children, and the community in general including the taxpayers who fund it. We thus believe that an informed public will support changing to a truth-seeking system, and therefore ask Parliament to implement such change.

NAME	SIGNATURE

Please return to M. Cotter, 10 Victoria St, Preston, VIC, 3072 by 1st November 2011