

Submission No: 1087

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Secretary: .....

8 August 2003

The Committee Secretary  
Standing Committee on Family and Community Affairs  
Child Custody Arrangements Inquiry  
Department of the House of Representatives  
Parliament House  
Canberra ACT 2600



Dear Sir/Madam,

These views and the attached statement of facts form my submission to the inquiry.

It is my belief that the Inquiry has an unique opportunity to change the conceptual basis on which traditional family values are reflected in the Family Law Act as well as critically examining and exposing the fundamental flaws and negative performance of the Family Law Act since it was introduced in the 1970's. In my view the Committee needs to get out of the square, carefully consider the submissions of all the self interest (serving) groups and professions and possibly reflect/examine the past to obtain a solution that will provide the best result for our children.

There is no performance criteria or fact, which can be drawn on and measured against that shows that the Family Law Act has performed successfully in respect to the issues of child custody, access and property. My experience has been that the Family Court has been obsessed with the notion that parenting largely rests with the mother and the Family Court's decisions have been skewed towards this notion on most counts since the Act was introduced and up till now. This premise was and is completely flawed as the research now demonstrates conclusively.

In respect to the terms of reference of the Inquiry that states

- (a) given that the best interests of the child are the paramount consideration:  
My contention is simply...

**"fundamental family values provide an as of equal right for both parents to the parenting role and to property that are as a direct result of the family union".**

- (b) whether the existing child support formulae works fairly for both parents to their care of, and contact with, their children.  
My contention is simply...

**"the child support formulae take into account the shared level of care as well as the ability and earning capacity of each parent to meet the reasonable needs for the care, welfare, education and support of the child".**

In my case in which I contested a property settlement case for 2 1/2 years, I found the legal profession to be as what Judge Davies of the Qld Appeals Court described their method of charging breeds negligence, incompetence and dishonesty. The legal fraternities input to this inquiry should in my view be scrutinised with the greatest of suspicion. I became a self-taught expert in family law property settlement and have researched and studied just about every paper, submission, High and Full Court decision concerning post separation earnings including the AG option papers on Family Law reform etc.

With the help of [REDACTED] I won my case as a self represented expert on the doorstep of the hearing. My own research and experience shows that there is an inextricable link and synergy between property settlement and childcare. I am pleased to learn that the practices of Canada, NZ and possibly the UK following the House of Lords decision in the White case there may be a swing towards equalising property settlements. It is noted that the legal profession maybe slowly inching this way. Some attitudes in the Courts are thank god.

My case example as summarised in the attached Statement of Facts shows that I am financially privileged however given my financial capacity I would not get any special consideration if I was to contest an access application for contact and care up to 50% of the time for my three children. It would be seen to negatively impact on the child maintenance payable by me. It would have the effect of reducing the weekly payment of \$624 per week significantly. The mother would and has fought this tooth and nail irrespective of the interests of the children. The children's interests have run a poor second to self-interest.

In 1986 I was ordered access and contact with my daughter (now 24 years old) every second weekend from 10.00 am Saturday to 5 pm Sunday. What a cruel joke this was. Is this fair and was it in the best interests of my daughter, of course not. This is the sort of thing that Fathers have had to put up with, quietly hiding their anger and seething with rage underneath. If you haven't felt it you have no idea of how cruel this treatment has been.

I find it unbelievable that we are debating an issue that is so obvious that it has been unjustly and unfairly handled in the past. Thirty or forty years ago it would have been inconceivable to consider that the father was banished to the chook house and only allowed to mix and play with the kids at the whim and discretion of the mother backed up by their sponsor the Family Court.

I have read all the supercilious comments mainly directed at men made by the various Family Court Judges and find that they are so far up themselves and enmeshed in such a ballsed up system that they are blind to the fact that they have got off on the wrong track entirely. There none response and no solution to the AG option papers was pathetic and it just shows that they can only be used as journeymen for the future.

I am so glad that the research shows that equal parenting is good for the kids. What a revelation and it simply shows that we were right and the legislators and legal system got it totally wrong and should go hell for leather to correct it as a lot of people have a lot to answer for.

This issue is not a major problem if an even-handed approach is adopted. Disparity will always cause and generate conflict. The findings and recommendations of the Committee should be short, unambiguous and clear to all us simple souls who have had to put up with this monumental blunder of the 70's. It is up to you to have the guts to put a stop to it and set down fair rules that are right for all the stakeholders and not the hangers on including the Family Law food chain that has exploded out of all proportions over the past 30 years.

Lets not kid ourselves this is all about money, leverage and the grab for it. Is this in the best interests of the children, of course not? I am in a far better financial position to look after and support my children however by virtue of the rules and precedents in place I am denied the right to equal parenting. Maybe if I was to spend another \$100,000 or so I may get the ante upped a notch or two. No, no I am sick of it, as is most fathers that have been put down and bludgeoned at one time or another by the Family Court and the legal system on this issue. It is time to wake up and look at the cruel hard facts and act decisively. This Committee has got to get it right.

I trust the Committee is provided with enough evidence that highlights and fully exposes the flaws in the Family Law system. I am sure you will get your fair share of anger, resentment, hurt and bitterness that is mutually shared by the Fathers that are in a similar position as mine. I am very lucky that my case is not bad however most of the fathers that I know have some sad and in some cases tragic tales to tell. I am truly sorry for their predicament and plead on their behalf to give them a fair shake which I have no doubt will translate into a better outcome for the kids. Please give them a go.

Yours faithfully,

A large black rectangular redaction box covering the signature area of the letter.