

Michael Fox

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Committee Secretary
Senate Legal and Constitutional Committee
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Parliament House
Canberra, ACT 2600

30 May 2011

Dear Secretary,

Re: Inquiry into Family Law Legislation Amendment 2011

I would like to submit the following points to the Committee Conducting the Inquiry into the Family Law Legislation Amendment, for their consideration.

1. It is my belief that if this Committee were to truly understand the proposed amendments and how they will translate through the Family Court and into real life situations, with a view to 'prioritising the safety of children in parenting matters when children or families are at risk of violence and abuse', then firstly you must investigate and understand how all the **current** family law legislation actually translates, once again, through the family court and into the real world situations.

It is my firm belief that when you (the Committee) conduct this process of investigation, you will undoubtedly draw the conclusion that the Family Court, as a means of dispute resolution for 'separating families' is an archaic, dysfunctional system that only serves to prolong the dispute resolution process at unfair and unreasonable costs to families, both financial and emotional.

Common sense tells us that the government should not have legislation and/or protocols in place that serve as an antagonist to the already difficult process for separating families. Therefore any amendments should be viewed only as temporary and 'making the best of a bad situation'.

With that said I believe the first recommendation of this committee should be that the government embark on a broader enquiry that looks at the entire 'industry' of separating families, including all laws, protocols and systems of all government and non government institutions, with a view to understanding if the current system is

fair and reasonable (especially given it currently takes 100's of millions of dollars per year from struggling family and gives it to the law fraternity, whilst in exchange giving them extended deliberations and nonsensical outcomes). We have reached a point in time where we need a contemporary overhaul of the 'Industry' of the separating families, in order to ensure all government legislation and policy serve only to assist separating families in a positive manner, (i.e. making a rough journey quicker, smoother and that most importantly with NO wealth or gender bias).

I would like to expand on this further and request the opportunity to address the Committee.

2. Another by-product of your thorough investigation into how the current and proposed laws translate through the system and into real life situations, will inevitably be your new found awareness of the fact that there is no media allowed into the Family Courts, therefore leading to no open reporting on trends and statistics, the 'industry' therefore operates with a lack of accountability that is unsurpassed in our modern society.

Therefore I believe it should be a finding of this Commission that all current and future legislation would benefit from open media access to all Family Courts for the purposes of public reporting. This reporting should extend to all facets of the Family Court process with the obvious suppression of the names of all parties involved, other than government bodies and/or representatives (i.e. magistrates, clerks etc).

I would like to expand on this further and request opportunity to address the committee.

3. Parent Alienation is the systematic negative re-enforcement and/or manipulation of a child, with the sole purpose of undermining an otherwise loving relationship between a child and a parent. Parent alienation is a form of child abuse and it is time the Australian Government recognised this fact and addressed it as 'abuse' in this legislation.

Parent alienation is recognised as child abuse in Brazil and this has been understood in the western world since the early eighties. Therefore with all the evidence (readily available through any reputable research institution) as to the negative emotional and mental impact of parental alienation on the wellbeing of a child, it is time that the Australia Government also ratified this as a form of child abuse in the current legislation.

I would like to expand on this further and request opportunity to address the committee.

With regard to any other proposed changes or existing laws, I would ask that you closely scrutinise them with a firm view to establishing whether they are in the best interests of our

children in order to ensure that we are continually making the legislative process both child safe and child friendly, so we are able to raise our children from broken homes to be healthy, well adjusted adults.

Yours sincerely

Michael Fox