



**Family Law | Pre Mediation Advice | Child Support  
Domestic Violence | False Allegations | Discrimination**

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**Community  
Service Awards**  
2001, 2002,  
2003, 2005,  
& 2006

21/7/2010 file saved.

Professor Rosalind Croucher,  
Australian Law Reform Commission

Re Family violence: Improving Legal Frameworks consultation.

Dear Prof. Croucher,

I appreciated the opportunity to express the opinions of the stakeholders in Men's Rights Agency during the telephone link up with those representing men's/father's points of view and the ALRC.

As I mentioned, we had already decided to "boycott" the inquiry because it is blatantly discriminatory towards "men and their children". We did not come to this decision lightly, but after observing the methods employed by various government and quasi-government bodies to inquire into family (legal and social) policy issues it seems pointless to continue participating in processes that are designed to come to predetermined conclusions. We have also concluded that not only is there no point by contributing to such inquiries, we are in fact enabling those charged with conducting inquiries to claim they have consulted widely with all interested parties if we do participate.

So you will understand our view that the process of consultation being restricted to a select group, who are focused on elevating the issue of domestic violence in family law in order to negate the efforts to allow children maximum access to both parents prior to the publication of the Consultation paper is unacceptable. The Consultation paper contained more than a thousand pages of, presumably, carefully considered proposals, formulated after your initial consultations which you then expected the rest of the interested yet not consulted stakeholders to respond to within only a thirty-four day time frame.

As I pointed out during our telephone conversation I feel the duty of the ALRC should have been to advise the Attorney General that the 'reference' is manifestly biased towards women and will disadvantage men and their children, contrary to our international obligations under the treaties and conventions we have signed. I refer to the submission from Roger Smith for the detail.

I also cannot understand the advice provided to another person who sought to comment on the biased nature of the inquiry. Mr Cannock originally advised the ALRC that he would not complete his online submission due to its biased nature. He asked the question in an email dated 1<sup>st</sup> June 2010, "Why were not men's rights groups consulted in the process of preparing the material" and was advised that the Terms of Reference for this Inquiry come directly from the Attorney General, and the ALRC is not able to address issues that fall outside these Terms."

The commentary contained in the Parliament Inquiry into the ALRC 1994, Summary & Recommendations would leave one to believe otherwise.

28. The independence and objectivity of the Commission is founded in part in its statutory nature, and in part in the independent management and operations of the Commission. There is no power for the Attorney-General to be involved in the formulation of reports and recommendations. Nor is there a power for the Attorney-General to direct the Commission in connection with the performance of its functions or exercise of its powers.

The Member for Banks, Mr Melham, who was Chair of the House of Representatives Standing Committee on Legal and Constitutional Affairs at the time of the Law Reform Commission of Australia inquiry, advised the House during the second-reading speeches about the similarities of the roles of both the Attorney General and the ALRC.

*“The Attorney-General is there to provide proper advice in relation to the existing law.*

*The Attorney-General has really the same role and function as the Australian Law Reform Commission, which is there to keep us all honest and not to pander to prejudice in the community or to the lowest common denominator, nor to advise politically or in a partisan fashion. It is there to assist us as law-makers and to provide the Attorney-General with independent and proper advice.”(Hansard 21/8/96 p.3454)*

On the same day our current Attorney General, Mr McClelland as the Federal Member for Barton identified the three overriding principles for the government in terms of the legal system.

*“Firstly, all Australians should have equality before the law. Secondly, regardless of their place of residence, should have similar rights and privileges and thirdly, Australian should have equal access to legal services. (Hansard 21/8/96 p.3456)*

Mr McClelland also thought it important to comment on three other issues i.e “*complementary laws between the Commonwealth, the states and Territories; to have regard to such of Australia’s international treaty obligations as are relevant; and to take into account the implications of it recommendations on lowering the cost of justice.”*

He also mentioned that “*the High Court (of Australia) recognizes that Australia is part of an international community and that what happens in that international community will affect the very fabric of our own society and infrastructure of laws itself. That is, in my opinion, a highly desirable eventuality and trend. It is one which I believe will continue, largely irrespective of which government is in power.”*

If the calls of the National Council to Reduce Violence against Women and their Children are acceded to, and legislation is initiated favouring women and their children I suggest we will be in breach of our international obligations; costs of justice will rise as it is a well known fact few men/fathers are successful in gaining Legal Aid to defend a domestic violence allegation or even to prosecute their own application as a victim; any sense of justice being seen to be done will be lost as the longstanding principle upon which our system of justice is built i.e. “innocent until proven guilty” is ignored.

I have attached the submission we made to the Chisholm inquiry as I indicated I would. The content is relevant to this inquiry though not specifically written in response to the ALRC discussion paper.

I do hope that after all I have said, I will not read that the ALRC has consulted widely with all interested stakeholders. It seems to me that the consultation with ‘men’s groups’ only took place after the release of the consultation paper and at the urging of Greg Andresen and Micheal Woods.

Regards  
Sue Price