

FAMILY LAW AMENDMENT [FAMILY VIOLENCE] BILL - 2010

Submitted by: DADS ON THE AIR, AUSTRALIA

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We thank you for the opportunity to make this submission, in response to the proposed Family Law amendments. We do so reluctantly however, as we do not have confidence in a system that calls for public comment, when the calling for such comment is used to give the false appearance that a genuine public consultative process with all the stakeholders, including representatives of the many victim groups, has taken place. We strongly disapprove of such covert manipulative practices and accordingly make this submission available in the form of an open document - in the public interest.

“HISTORICALLY, TOO MANY INNOCENT LIVES HAVE BEEN RUINED, BECAUSE TOO MANY BAD LAWS WERE DRAFTED, BY TOO MANY WHO WERE INCOMPETENT OR UNPRINCIPLED, RELYING ON TOO MUCH MIS-INFORMATION, PROVIDED BY TOO MANY LIARS”

Indeed, the most horrific abuses inflicted on our fellow human beings throughout history, were all once sanctioned and enshrined into the laws of the country in which they occurred. The abuses were widely accepted, because the community erroneously believed the government propaganda at the time, and the media failed to question the accuracy of the mis-information distributed by the spin doctors of the day.

Information sourced from statistics provided by the Australian Bureau of Statistics (ABS) and the Child Support Agency (CSA), indicates that 5.2 million Australians have now been denied access to their families, since the commencement in 1975 of our current Family Justice System. We, along with every thinking Australian, consider this to present a very strong case for our Federal Parliament to initiate an urgent investigation into the obvious need for major reforms. What we continue to see instead however, is the ongoing tinkering around the edges of this destructive legislation, by successive Governments.

The proposed amendments, which define the raising of your voice or throwing a threatening glance as abusive acts, will immediately brand every Australian both as an abuser and a victim, making it even easier to make vexatious claims. Currently similar barbaric State DV legislation is used to separate parents from their children, property and savings, since false allegations can be made with absolute impunity. This establishes a parenting arrangement which favors the perjurer and accommodates the insidious practice of parental kidnapping. Yet perjury is a crime that strikes at the very heart of justice!

Any toxic parent, either a mother or father, who makes a pre-emptive first strike by taking such action becomes a *winner*, as such parenting arrangements obtained by deception, are generally rubber stamped by the Federal Family Court. Incredibly, in such cases the FCA in its infinite wisdom, does not want to upset the established living arrangements with the perjurer, as it considers this to not be “In the Best Interest of the Children”. It is common knowledge, that those working in the lucrative divorce industry regularly suggest this course of action to their clients, as for them the priority is money, not children.

Important questions therefore need to be asked about this seemingly great and urgent need to amend the Australian Family Law act, ostensibly in order to better protect children from allegedly abusive and dangerous non-custodial parents, due to the Family Court forcing them to regularly visit those parents. The implication being that there are many children who are actually being abused by their parents on such Family Court ordered visits, otherwise there would be no reason to make these amendments.

Any such alleged acts of child abuse, would need to have been reported to police and child protection agencies. The police and child protection agencies would have acted on such obvious acts of child abuse, which would subsequently have been the subject of criminal proceedings, resulting in a large number of convictions.

Surely, no National Government in the world would be so incompetent and naive, as to actually recommend amending Family Law legislation, on the basis of hearsay and innuendo, or would they?

There is obviously a paper trail of all these convicted, criminal, biological non-custodial parents, who have been found guilty in a Criminal Court of Justice, of abusing their own children while they were on Family Court ordered contact visits, since the 2006, Family Law amendments came into being.

Consequently, the AG should have no difficulty in providing the nation with the official government statistics of such convicted cases. In fact, unless the Government has the appropriate factual data available to be used as a benchmark, how on earth does it intend to measure the success or otherwise, of any planned new amendments?

A few cherry-picked cases of abuse, does not justify the legislative abuse of all non-custodial parents. Unless we get the facts right and formulate policy founded on facts rather than hysterical spin, provided by advocacy research and anti-shared parenting advocates, the nations' children will continue to suffer at the hands of the most dysfunctional of their parents, in whose control they continue to be placed, by an uncaring and incompetent, leadership and bureaucracy.

If the AG is unable or unwilling to provide such data, it will seriously call into question this whole sorry charade, of an implied Australian pandemic, of Domestic Violence and Child Abuse.

Family Justice Legislation dictates the “Best Interest of the Child” rule is paramount, however the resulting catastrophic outcomes through the application of this rule, are now well documented. Therefore we also ask, why has the “Do No Harm” principle been ignored in the courts’ failed attempts to do good? It is the primary principle of any social movement or civil society group, that at the very minimum, no harm should be done in their attempts to do good.

During our 10 years as a public broadcaster, we have interviewed many parents who have been a victim of current State DV legislation. Some have been jailed for waving to their children, others for sending a birthday card or present to their child. These parents were the victims of false abuse allegations made by malicious ex partners. Even when the allegations were later proven to be false, they nevertheless lost everything, their children, property, savings and their health, while the false accusers were handsomely rewarded for their criminal acts of perjury and parental kidnapping.

Poorly drafted Family Law legislation such as what is currently in use, made even worse by what is proposed, will sooner or later cause desperate fathers to start making pre-emptive first strikes. Hardly in ‘The Best Interest of Children’, but the anti-sharing lobby would soon start to sing a different tune.

We recently interviewed a mother, whose ex husband was able to deny her access to their children, by using the DV legislation of NSW, to falsely allege she had abused her children. This poor woman was desperate to see her children after not seeing them for several months, and decided to sit on a park bench opposite the school her children attended. She was hoping to catch a glimpse of them as they walked from the bus to the school gate. After a short time the police arrived with a measuring tape to check if she was not within the 500 meter exclusion zone put around their children, which was imposed on her by an easily obtainable restraining order taken out by her ex husband.

Those allegations of abuse were later found to be false and malicious by the relevant agencies and the presiding judge, but her ex was never punished for his perjury, and she has not seen her children since.

We question whether the proposed amendments will be perverting the course of justice, by encouraging large scale perjury and parental kidnapping in our courts? Is our Government perhaps not aware that subornation of perjury is also a crime? Moreover, it is important and relevant to the debate, to point out that currently a retired Australian Federal Court Judge, [Marcus Einfeldt], is serving a 3 year jail term in NSW, charged with perverting the course of justice, **owing to his perjury over a \$70 speeding fine.**

Yet the proposed amendments will ensure that soon, thousands of Australians will be denied access to their families, using legislation which by definition will guarantee that every Australian can be found guilty of some form of domestic violence and abuse on the flimsiest of allegations. It will legally protect perjurers and parental kidnappers, through legislation that will no longer punish the perpetrators but in fact will handsomely reward them in the jurisdiction of Family Law. We consider that in due course, this will be viewed as a criminal act of legislative violence against innocent Australian families.

We hold grave fears for the well being of our communities, as family bonds of kinship are decimated at an alarming rate. At a time when our legislators are pre-occupied with politically tearing each other apart, the electorate is struggling to hold together fragile family relationships, which are under constant threat of attack because of barbaric Family Justice Legislation.

We do not condone violence of any kind, but are appalled by the lack of understanding and indifference shown by our Political leadership and bureaucracy, as to how current Domestic Violence Laws are administered and used to wreak havoc in our communities. Regrettably we consider these so called 'amendments' will do nothing, other than increase the level of human suffering by the victims of a pre-emptive first strike by vindictive ex-partners, causing many more children to lose loving parents.

As a public broadcaster, we are horrified at the systemic government failure and neglect, that 10 years of program research has uncovered, which reveals 5.2 million Australians have now been denied access to their families, since the 1975 commencement of the FCA. This alarming information can be found on the Governments' own websites, and represents more than 23% of our population.

Many of the children who were dispossessed of their families in the 70's, 80's and 90's, are now adults with children of their own. Unfortunately a large number are still of the false belief that their other parent was a horrible, unworthy person who abandoned them, not caring about their child's wellbeing. In most cases, nothing could be further from the truth. Sadly these children were not only denied a happy wholesome childhood, but lost half of their biological family as well. Even as adults, most still live with the indoctrinated false perceptions of reality, which were implanted during their childhood, blissfully unaware that 35,000 of their fathers have committed suicide, due to the forcible loss of their children since 1975. Many others turned to substance abuse as they self medicated to kill their pain.

Given the well documented disastrous outcome for so many Australians, and considering all the devastating ramifications, we call on our Federal Parliament to urgently initiate a Royal Commission, in order to investigate all aspects of the catastrophic way our Family Justice System continues to be administered. The community has grown tired of artificial facelifts and demands genuine reform.

We certainly oppose any further watering down, of already grossly inadequate Family Law Legislation, which richly rewards dysfunctional control freaks for their toxic behaviour, and in so doing, guarantees the continuing decimation of many thousands of family bonds and parent/child relationships each year.

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