

9TH JULY 2003

House of Representatives Standing Committee
on Family and Community Affairs

Submission No: 136

Date Received: 24-7-03

DEAR MADAM,

I REFER TO THE RECENT MEDIA

COVERAGE REGARDING THE GOVERNMENT'S INTENTION
TO REVIEW CHILD CUSTODY (RESIDENCY)
ARRANGEMENTS

AS I HAVE PERSONALLY EXPERIENCED
ALL OF THE INJUSTICES IN "THE SYSTEM" I
AGREE IT IS WAY OVERDUE THAT SOME FAIRNESS BE
BROUGHT INTO THE SYSTEM, NOT ONLY FOR FATHERS
BUT THEIR CHILDREN TOO

AS IT STANDS NOW FATHERS AND CHILDREN
REALLY HAVE NO RIGHTS IN THESE MATTERS
ALTHOUGH THE FAMILY LAW COURT TRIES TO
CONVINCE US OTHERWISE

THE INJUSTICES I SEE IN THE CURRENT
ARRANGEMENTS ARE AS FOLLOWS

(A) THE CHILD/CHILDREN OF THE SEPERATED
PARENTS ARE ALMOST EXCLUSIVELY AWARDED TO THE
MOTHERS CARE. CURRENTLY 88% TO MOTHERS. 12%
TO FATHERS. THE FATHERS RIGHTS ARE IGNORED

(B) GENERALLY THE CONTACT TIME AND
CONDITIONS AWARDED TO THE FATHER ARE GROSSLY
INADEQUATE AND UNJUST.

(C) THERE IS NO MINIMUM CONTACT
TIME THAT DECENT RESPONSIBLE FATHERS GET

(2)

AUTOMATICALLY. THEY HAVE TO FIGHT FOR IT

(D) SO MANY FATHERS LIKE ME ARE FORCED TO GO COURT (BECAUSE OF BITTER POSSESSING MOTHERS) TO GET REASONABLE CONTACT TIME WITH THEIR CHILDREN.

(E) THERE SHOULD BE AT LEAST A "STARTING" POINT. A MINIMUM TIME THAT FATHERS CAN ACCESS THEIR CHILDREN. THE WAY IT STANDS AT THE MOMENT THERE IS NONE AND AS I FOUND OUT I HAD TO START AT ZERO.

(F) IT IS "GENERALLY" CONSIDERED THAT A DECENT FATHER WILL GET ACCESS EVERY SECOND WEEKEND AND HALF OF SCHOOL HOLIDAYS. IT IS NOT AWARDED AUTOMATICALLY AND AS MYSELF AND THOUSANDS OF OTHER FATHERS FIND OUT THEY HAVE TO FIGHT FOR IT IN COURT.

(G) CURRENTLY THE FAMILY LAW COURT GIVES THE IMPRESSION THAT MEN (FATHERS) ARE INCAPABLE OF RAISING THEIR CHILDREN. THE FIGURES I QUOTED EARLIER BACK THIS UP

(H) I HAD TO GO TO COURT 3 TIMES IN [REDACTED] AND 3 TIMES AT THE FAMILY LAW COURT [REDACTED]

(I) THE FAMILY LAW COURT KEEPS PEDALLING THE LINE THAT THEY MAKE DECISIONS IN THE BEST INTERESTS OF THE CHILDREN. WHAT A LOAD OF B.S. !

ONE ONLY HAS TO SIT THROUGH SOME OF THOSE COURT HEARINGS TO SEE THESE JUDGES, MAGISTRATES OR REGISTRARS WOULD NOT HAVE A CLUE ABOUT BROKEN MARRIAGES AND THEIR CHILDREN. THEY CONTINUE TO HIDE BEHIND THE B.S. THAT THEIR DECISIONS ARE IN THE BEST INTEREST OF CHILDREN

(J) I BELIEVE ONCE A CHILD REACHES 8 YEARS OF AGE IT IS MATURE ENOUGH TO DECIDE WHICH PARENT THEY WISH TO LIVE WITH

(K) I HAVE A FRIEND IN SYDNEY WHO RUNS A "LONG PARENT SUPPORT NETWORK". HE DOES THIS ON A VOLUNTARY BASIS TO HELP DISTRESSED FATHERS. HE SUGGESTED I ACCOMPANY HIM TO PARRAMATTA FAMILY LAW COURT TO SIT IN FOR THE DAY AND LISTEN TO VARIOUS CASES AND THE DECISIONS MADE BY THE JUDGES. IT SHOCKED ME THAT THE BIAS TOWARDS MOTHERS WAS SO OBVIOUS. I SAW ONE FATHER WALK OUT IN TEARS AND ANOTHER ESCORTED OUT MAKING THREATS BECAUSE OF UNJUST DECISIONS

(L) I BELIEVE SOME FEDERAL M.P.'S SHOULD ATTEND SEVERAL FAMILY LAW COURTS FOR 1 WEEK TO SEE THE INJUSTICES BEING HANDED OUT TO FATHERS. IF THESE DECISIONS WERE BEING MADE AGAINST MOTHERS

I BELIEVE THE LAWS WOULD HAVE BEEN CHANGED YEARS AND YEARS AGO.

(M) SOME FATHERS I SPOKE TO THAT DAY HAD REACHED DESPERATION POINT. ONE IN PARTICULAR SAID HE ONLY HAD CONTACT WITH HIS SON FOR 2 HOURS EVERY SECOND SATURDAY AND HAD TO BE SUPERVISED BY A RESPONSIBLE PERSON OR HIS EX WIFE. CASES LIKE HIS ARE NOT UNCOMMON AND IT STUNS ME HOW A FAMILY LAW COURT CAN MAKE A RULING LIKE THAT. THE WORD OF MOTHERS APPEARS TO BE ACCEPTED BY THE FAMILY LAW COURT AND THE FATHERS RIGHTS ARE IGNORED.

(N) ONE OF THE MAJOR PROBLEMS THIS GOVERNMENT WILL HAVE IN REFORMING THESE LAWS COMES DOWN TO ONE WORD "MONEY"

BASICALLY IT MEANS IF FATHERS ARE AWARDED A FAIR & REASONABLE TIME WITH CHILDREN IT WILL MEAN LESS TIME WITH THEIR MOTHER. LESS TIME WITH MOTHER MEANS LESS "MONEY" FOR HER.

- (1) LESS MONEY IN CHILD SUPPORT
- (2) LESS MONEY IN CENTRELINK BENEFITS PENSIONS ETC.
- (3) AND PROBABLY A LESSER SHARE IN PROPERTY SETTLEMENTS CURRENTLY AT 60% TO 75% BEING AWARDED TO THE MOTHER

NO DOUBT WOMENS GROUPS WILL GET TOGETHER TO LOBBY THE GOVERNMENT NOT TO MAKE ANY CHANGES

(O) I RECENTLY HEARD ON RADIO THAT WAYNE SWAN (LABOUR) SAID HE WOULD OPPOSE ANY CHANGES. HE IS A DICKHEAD / WHAT WOULD HE KNOW ABOUT IT? HAS HE GONE THRU DIVORCE AND CHILD CUSTODY MATTERS?

(P) I MANAGED TO GET ON RVE TALKBACK RADIO AND HAVE MY SAY AND WAS ASTOUNDED HOW MANY OTHER FATHERS WERE SHOWING THEIR FRUSTRATION IN THE CURRENT SYSTEM.

(Q) I FIND IT UNACCEPTABLE THAT SOME FAT JUDGES CAN SIT ON THE BENCH AND TELL ME WHEN I CAN AND CAN'T SEE MY DAUGHTER.

(R) AT THE END OF MY CONTACT WEEKEND WITH MY DAUGHTER SHE OFTEN CRIES AND PLEADS WITH ME WHY SHE CAN'T LIVE WITH ME. HOW CAN I ANSWER HER? HOW DO I TELL A 7 YEAR OLD THAT BECAUSE OF STUPID LAWS IN THIS COUNTRY THAT SHE MUST LIVE WITH HER MOTHER

I APOLOGISE THAT THIS LETTER IS SO LONG BUT I FEEL VERY STRONGLY ABOUT IT AS SO DO SO MANY OTHER ANGRY AND FRUSTRATED FATHERS.

FINALLY I WOULD JUST LIKE TO DETAIL
MY OWN PERSONAL CASE.

IT IS AS FOLLOWS

(1) MY WIFE MOVED OUT OF THE FAMILY HOME AND WENT STRAIGHT TO CENTRELINK WITH A SUPPORTING LETTER FROM HER GIRLFRIEND STATING THAT MY WIFE AND I NO LONGER LIVED TOGETHER. CENTRELINK NEARLY FELL OVER THEMSELVES THROWING MONEY AT HER.

AT NO TIME DID THEY CHECK WITH ME TO SEE IF SHE HAD MOVED OUT.

(2) MY WIFE MADE THE FOLLOWING STATEMENT TO ME THE DAY BEFORE MOVING OUT. "I AM GOING TO DO WHATEVER I HAVE TO TO STOP YOU GETTING ACCESS TO OUR DAUGHTER"

(3) HER FIRST ATTEMPT AT THIS WAS THWARTED BY HER SOLICITORS ADVICE THAT SHE WILL NOT BE ABLE TO ENTIRELY EXCLUDE MY CONTACT.

(4) HER NEXT ATTEMPT THROUGH HER SOLICITOR WAS THAT I AGREE ONLY TO HAVE CONTACT WITH MY DAUGHTER ONLY 3 SATURDAYS (6 HOURS) PER MONTH. NO NIGHTS AND NO SCHOOL HOLIDAYS. ONLY 36 DAYS OF 6 HOURS PER YEAR!

(5) I THEN HAD TO ENGAGE A SOLICITOR TO TRY AND GET ME A REASONABLE CONTACT PERIOD

6) THE TO-ING AND FRO-ING THEN WENT ON WITH MY SOLICITOR AND HERS FOR ALMOST 3 MONTHS (AT \$195 AN HOUR)

7) EVENTUALLY AFTER CONSIDERABLE EXPENSE AND MANY TRIPS TO [REDACTED] MY WIFE WAS FORCED TO ACCEPT THAT I HAVE CONTACT EVERY SECOND WEEKEND AND HALF OF SCHOOL HOLIDAYS

IT COST ME ALMOST \$8000 IN LEGAL FEES TO "BUY" TIME WITH MY DAUGHTER

IF A MINIMUM CONTACT TIME COULD BE INTRODUCED ALL OF THAT ANGUISH AND EXPENSE COULD HAVE BEEN AVOIDED.

8) AS AN ATTEMPT TO FRUSTRATE MY CONTACT ARRANGEMENTS MY WIFE THEN MOVED FROM [REDACTED], TO OF ALL PLACES, [REDACTED]!

SHE HAD NOT FORMED ANOTHER RELATIONSHIP AND DID NOT HAVE A JOB TO GO TO, IT WAS PLANNED TO MAKE IT AS DIFFICULT AND EXPENSIVE FOR ME TO HAVE CONTACT IN THE HOPE I MIGHT GIVE UP.

AGAIN THE FATHER HAS NO RIGHTS!
I NOW HAVE TO TAKE EVERY SECOND FRIDAY OFF WORK (I AM SELF EMPLOYED) TO DRIVE THE 216 KILOMETRES AND 3 HOURS [REDACTED] TO PICK UP MY DAUGHTER FROM SCHOOL THEN DRIVE BACK HOME [REDACTED]

ON SUNDAY AFTERNOON I THEN

HAVE TO DRIVE HER TO B [REDACTED] STATION
AT 3PM SO HER MOTHER CAN COME
BY TRAIN - ONLY TO A [REDACTED]. THIS IS
ANOTHER 60 KLM. ROUND TRIP FOR ME

I ASKED THE COURTS THAT THEY
MAKE HER AT LEAST SHARE EQUALLY
THE TRAVELLING TIMES AND EXPENSES THAT
I NOW HAVE AS A RESULT OF HER
SELFISH MOVE [REDACTED]

AS PART OF PROPERTY SETTLEMENT I
WAS FORCED TO GIVE HER MY NICE CAR,
A FORD FAIRLANE GHIA VALUED AT OVER
\$10,000 BUT SHE REFUSES TO DRIVE DOWN
TO MY PLACE TO PICK UP OUR DAUGHTER AS
IT COSTS 'MONEY'

INSTEAD SHE GETS A \$2.50 DOLE
BLUDGER TRAIN FARE

THE COURTS DECISION IN NOT
MAKING HER SHARE THE PICK UP TIME AND
TRAVEL TO MY HOME IS ONCE AGAIN
DISCRIMINATION AGAINST ME. SHE MOVED
SO FAR AWAY - AT LEAST SHE SHOULD
SHARE PICK UP TIME & EXPENSE WITH ME

I AM NOW FORCED TO TRAVEL A
TOTAL OF 14,700 KILOMETRES PER YEAR TO
PICK UP MY DAUGHTER. A COST ACCORDING TO
NRMA OF 42 CENTS PER KLM = \$6174 PA
THIS COST DOES NOT INCLUDE MY

LOST INCOME FOR EVERY 2ND FRIDAY NOT WORKED.

LEGAL ADVICE I SOUGHT SUGGESTED THE FAMILY LAW COURT WOULD NOT STOP HER FROM MOVING AWAY IRRESPECTIVE OF THE COSTS AND INCONVENIENCE TO ME, NOT TO MENTION THE STRESS MY DAUGHTER NOW HAS TO ENDURE TRAVELLING A TOTAL OF 8 HOURS EVERY 2ND WEEKEND

DOES THE FAMILY LAW COURT CARE ABOUT THIS? — OF COURSE NOT BUT THEY KEEP REMINDING ME THEY ARE MAKING DECISIONS IN THE CHILDS BEST INTEREST / BS

(9) I APPROACHED MY SOLICITOR IF I COULD TAKE ACTION TO TRY & GAIN CUSTODY (RESIDENCY) OF MY DAUGHTER

THEY SUGGESTED THAT MY CHANCES OF WINNING SUCH ACTION WERE VERY SLIM UNLESS I CAN PROVE SHE IS AN UNWORTHY MOTHER OR A CRIMINAL

THEY SAID THEY WOULD BE HAPPY TO TAKE THE MATTER TO COURT BUT WARNED ME THAT MY COSTS WOULD BE \$18 - \$20,000 AND I OBVIOUSLY CANNOT AFFORD THAT

I WOULD SINCERELY APPRECIATE ANY ASSISTANCE YOU CAN GIVE US "FATHERS" BY GETTING IN ON THE TABLE OF PARLIAMENT AND NOT BEING SWAYED BY ALL THE "DO GOODERS"

IF I CAN SUPPLY YOU ANY MORE
FACTS OR INFORMATION I AM AVAILABLE ANY
DAY [REDACTED]

THANKING YOU

P.S.

I ALSO HAVE PLENTY OF GRIPEs ABOUT THE
CHILD SUPPORT AGENCY BUT I WILL LEAVE THAT
FOR ANOTHER TIME

AGAIN THANKS