

Attention :

Committee Secretary,
Standing Committee on Family and Community Affairs
Child custody arrangements Inquiry
Department of the House of Representatives
Parliament House
Canberra, ACT 2600
Australia

Author:

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NOTE: I am prepared and, in deed, wish to appear before this committee.

About the Author:

Age: 42
Gender: Male

Marital Status:

Divorced after 16 years of marriage
Now partnered to a highly qualified R.N. and midwife who is currently employed as
a Child Health nurse in the public sector.

Children:

Four children from my first marriage, Daughter (7 months, deceased), son (12 y.o.)
son (6 y.o.), Daughter (4 y.o.)
1 Step Daughter (8 y.o.)
1 son (20 months) with my fiancé, born at home, on Christmas eve 2001.

Qualifications:

Fully qualified computer programmer
Currently employed as a secondary school teacher

Police History:

My complete record consists of 1 demerit point for slightly exceeding the speed limit
on the way to the birth of my son.

Financial Position:

BANKRUPT as a direct result of action by Child Support Agency and Family Court
of Australia.

WELCOME TO MY NIGHTMARE....

CENSUS NIGHT 07/08/01

Hey Mr Stats man, I burned you tonight,
You took a while to leave, but now, you warm the night.
Ms Chief Federal Magistrate..., your Orders burned too,
For eleven months I fought alone, but now I'm done with you.

This land of plenty raped me today,
It took my life, my history and my children away.
It took my rights, my reason to be...
It took my dignity..., the things that were me.

The price of my life was not very high,
A fourteen dollar Restraining Order, an A4 sheet of lies.
It took no poof, no reason.....; just a decree.
A *woman* now decided, what was to be.

"I make these Orders", madam justice calmly declares,
Why Chief Federal Magistrate, can't you hold my stare?
"I take your history, your children and your rights away...
You'll pay the bills and you'll see your sons, but only when *I* say."

Oh...., now I understand, why the Federal Police stay close,
They've searched me, scanned me...., the innocent react most.
The world reels again as it did a year ago,
But you're a *man*; stand still, look straight, NEVER let it show.

I love you my sons; maybe I'll see you again,
But the law says its okay, for a man to feel pain.
I miss you at night. Hell, I miss you all the time,
But a woman's rights are far more important than mine.

Tomorrow, I will teach, as I do each day,
I'll smile and explain why students work away.
I'll listen to their stories and I'll hear of their pain,
Listen to their questions, and try to stay sane.

Hey Mr. teacher, can you please explain,
What use is Old Pythagoras? What do I gain?
My best mate just killed himself you see.
What use is mathematics? Maybe next time, it'll be me...

What do I say to these students of mine?
The future will be okay, everything's fine.
There isn't a future. It's just not true,
The future is Hell, for boys like you...

It's okay to lie.... If you are a woman, you can get away with bullshit.
Legal Aid will protect you, even though the victim pays for it.
It'll fight for you in court; lawyers have no shame,
A man killing machine, killing a man with no blame.

Tonight I sit with wine at hand,
Brother Valium, creeps soothingly through this devastated man.
I am so sleepy now, though the tears still streak my face.
But at least Mr Stats. Man, helps warm this very cold place.

There's no place for a man in Australia today,
For \$14.40, you can take his life away.
So strange.....; we have lost so much,
When the life of a bloke is worth fourteen bloody bucks.

Put that in your stats, Mr Stats man, but please tell the truth.
Don't say it's weakness; just say you have proof.
Proof of the lie, that fathers have rights,
Proof of the lie, that everything's alright.

☹

Mr 23% Man.

Mr 23%; that's my new name,
Just 2 days a fortnight, I'm a father again.
The court has spoken, my rights are gone,
For 12 days in 14, the rage lingers on.

Now I am Mr 23%....; 23% father, 23% man.
The victim of a system that doesn't have a plan.
Now they rape me mentally and emotionally, and take away my pay,
"For the needs of the children....", but I have no say.

The needs of the children, just what *are* they?
The love of their father... the time for play.
To be held by their dad before bed each night,
To be squeezed very tight and wished a good night.

Boys need their fathers to become good men,
To lead and guide them, to be their best friend.
Daughters need a daddy, whose hand they can hold,
To cuddle and kiss and learn to be bold.

They say silence is golden, but for me its pure hell,
I walk through an empty home.... Silence..., like a death knell.
The bond between father and son, so sacred to real men,
Tears with each parting... we're torn apart again.

From on high she looks at me, this woman I once knew,
I don't recognise her eye's, the place where love first grew.
How she smirks and spits venom with the power she wields,
Skulking behind a Legal Aid lawyers...., the perfect shields.

Gone now. Gone the children who gave me such pride.
The laughter, the fun, the sons by my side.
Silence reigns in my life most days,
Mornings and nights a desolate haze.

But who am I to complain? At least I survive!
40 men a week, simply fail to thrive.
They're found in the wrecks, in the gutters.... on the end of a rope.
The end of a man, who just couldn't cope.

But there is some fun! The truck this morning, seemed so very, very close....,
I could see the drivers face... white as a ghost.
Hey mate, I was just..., having some fun....,
There's not much of that left, for a dad with no son.

I am Mr 23% man, see how I survive,
I work each day, while I die inside.
Hey, Mr 23% man, you're looking pretty tired,
If you don't work harder, you'll probably get fired.

Family Law Act OR Paternal Genocide Act?

Summary:

The family Law Act claims to place the best interests of the children as it's paramount goal. Yet, it has demonstrably failed to do just that. It has become a weapon that is used by many women to unjustly eliminate fathers from their families. It has become the vehicle for killing 40 fathers a week.

Men are denied the most basic right to fair legal representation and those who attempt to fight for their rights to be a father are confronted by a legal system that is designed to defeat them before they even stand before a court to argue their case.

Whilst there are undoubtedly many men in society that deserve what they get, there are thousands who have become disenfranchised victims of this system. Our lives are devastated for no reason, devastated by our former wives who have a powerful structure of courts, bureaucracies and support services in place that have given them the power of life and, in many cases, death, over their husbands.

This submission details a personal case. It demands an answer to the question, "If the best interests of children are of paramount importance to government, then why is it that government legislation discriminates against fathers without justification and, in doing so, causes massive damage to the development of the children whose interests it professes to place above all else?"

Background:

My background is middle class. I am 4th of six children to English migrants. My parents are both over seventy years of age and have enjoyed 50 years of marriage. Of their six children they have raised a soldier, an electrical engineer, a secretary, a teacher, a firefighter and a highly qualified manager. None of my siblings has ever been involved in any illegal activity. Most are married and all live stable lives.

I was married in 1984 to an American. Our relationship was punctuated by a history of emotional disturbance in my former wife resulting from childhood sexual abuse at the hands of her step father, mental trauma resulting from the upbringing she received at the hands of her own mentally disturbed mother and a number of very selfish traits that you only learn about through experience. Despite this, I worked very hard to keep my marriage together and it lasted for 16 years, some of which were very happy.

On September 3rd 2000, I arrived home from work, (as a teacher in training completing the internship associated with my teaching degree), to an empty house, and a restraining order. It was the culminating act of several years of unhappiness that began with the death, (SIDS), of my 7 month old daughter Kyah.

My former wife had never recovered from the devastation of that event and I believe she became mentally unstable at that point in time. The subsequent loss of her father the following year and the loss of a second baby, (entopic pregnancy), in April 2000 finished the process. I stood by her during all these onslaughts and, in fact, saved her life at the time of the loss of our second child, by repeatedly restarting her heart, which had stopped due to massive blood loss.

The person who came out of hospital a week later was a stranger to me; cold, remote, angry, uncaring and bitter. It felt like an iron curtain had come down between us and although I tried many different approaches, I could not make contact. I was eventually "terminated" several months later,

courtesy of a restraining order followed by protracted legal action through the “Family” and Federal Courts of Australia.

Despite a period of incredible mental anguish and emotional devastation, I was able to gain control of my life again. I tried repeatedly to establish a working relationship with my former wife but to no avail, and eventually began a new life of my own. Almost a year later, and to my utter amazement, I met and fell in love with a wonderful woman and we eventually established a home of our own. I currently teach. 2 days per week, the rest of the time I care for my 19 month old son and his stepsister, and fight to be a father to my other three children. Each fortnight, I travel 800km to collect and return my children for court ordered access. Sometimes, I make the trip for nothing.

I was forced to relocate to another city 200km away after repeated threats of violence from my former wife’s new husband; a delightful piece of filth with a fifteen year criminal history that includes crimes of violence, numerous serious driving offenses and threats to kill. My children now live a life that is little less than horrific by my standards and neither the Family Court of Australia or the Child Protection Agency will do a damn thing to change their plight.

My career has been all but destroyed by false allegations made by my former wife to my employers; three years of pursuing contraventions of Access orders and other breaches, and the thousands of hours of work I have had to put in to learn enough about the family law act to defend myself and the rights of my children to know their father.

In July 2003, I was forced to declare bankruptcy as a direct result of the actions of the Child Support Agency and the orders I am forced to endure under the Family Law Act.

In the third week of August 2003, I go to trial again; my former wife faces 6 contraventions including contempt of court. I have no faith in the ability of this court to deal with her in such a way that she will no longer contravene and I am certain there is no possibility that the children will be transferred into my care despite that fact that Section 68 of the Family Law Act screams that this should be the case. My case file is one of the biggest in the court, and I have little doubt that it will continue to grow.

I provide this information in an attempt to provide a basis for my views about the Family Law Act. I have the highest personal standards of conduct and being a teacher exposes me to periodic scrutiny by law enforcement agencies. My fiancé is a highly qualified midwife and nurse, and comes from an exceptionally gifted family. Believe me, she is no fool, and we have built a life together that many would envy. I have been scrutinized by her family and her equally impressive circle of friends and colleagues at a far deeper level than any bureaucrat could dream of, and I have not been found wanting. I have even worked with her, providing antenatal advice for first time fathers.

In the morning, I can look at myself in the mirror and say, “You are a decent *man*”.

My Experience of the Family Law Act:

The Family Law Act is designed to destroy any possibility of most fathers gaining fair and equitable access to their children. Most don’t even bother to try. It’s the inescapable conclusion that I have come to after years of experience and through discussions I have had with many men, and women.

The fundamental failure occurs at the very start of the process.

Firstly, most men are denied access to legal representation due to the fact that they work and are therefore not entitled to Legal Aid. We either beg, borrow or steal the thousands of dollars required to fight in court, or, if we have nothing left to loose, we go in as a “self represented litigant”, which is a polite way of saying “lamb to the slaughter”. Most give up in despair after their first contact with this machine.... Only the very rich get “justice” in the Family Court.

Secondly, cases take up to 12 months to get to court, by which time the cute little argument called “status quo” comes into play, which basically goes along the lines of “well, she’s had the kids all this time, we might as well leave them in her care”. I believe this is pure corruption.

Thirdly, a father is presumed guilty at the start... A woman can make allegations of domestic violence and there is no requirement for her to provide proof of her allegations. Even when **proven** unsubstantiated, the court turns a blind eye to female perjury... and I can prove it! This attitude seems to pervade all levels of society. For instance, I recently spoke on a national radio talk back station about my case and the presenter used the expression, “where there’s smoke, there’s usually fire”, to describe my plight. It seems the presumption of guilty until proven innocent has become accepted in this “democracy”.

I have spoken to many men. My story is common. Many more men are dead because they could not cope with the trauma inflicted on them.

To cut a long story short, at the end of my case I lost residence of my children,

- Despite the fact that my former wife had already committed multiple breaches of Interim Access Orders and had demonstrated a pathetic attitude to the responsibilities of parenthood.
- Despite the repeatedly stated wishes of my children to live with me.
- Despite the fact that my former wife had stood before the Chief Federal Magistrate and stated that she considered that I had, “No rights as a parent, she had No intention of allowing me to see my children and that my children were better off without me”.
- Despite the fact that my former wife had established a relationship with a known violent criminal with a long history of domestic violence, a predator who is also a suspected pedophile.
- Despite the fact that it was so patently obvious that I could provide a vastly more stable, secure and nurturing environment for my children in both the short and long term.

She has repeatedly breached Access orders since those final orders were brought down, has been convicted of same and continues to seek orders to cease all contact between the children and I.

I have no faith in this courts ability to make residence orders that will be either just, equitable or in the best interests of the children because:

- It has become myopic through its reliance on numerous, antiquated precedents.
- By virtue of the fact that it is an adversarial system in which one party receives legal representation while the other often does not, and,

- Because lawyers have no interest in what represents “the best interests of the children”. They are procedure driven and solely interested in winning their case and collecting their ill-gotten fees. They are the lowest scum in creation.

Understand me clearly. I have been so disgusted with the treatment I have received at the hands of the Family Court of Australia that I no longer consider myself a citizen of this country. I have been denied virtually every basic right I considered fundamental to my understanding of what it meant to be an “Aussie”. I have been denied virtually every basic right to which I believe a *man* is entitled. I have no faith what so ever in the ability of the Family Court to rectify the gross inequity of its current attitude towards residency. Any such change must be achieved through binding legislation that does not allow for “judicial interpretation”.

A teachers perspective:

I have worked in the public and private sectors for a number of years and have been employed as a teacher for the past 3 years. I have taught in six public secondary schools in most curriculum areas, but usually up to top course level in the areas of Mathematics, Science, Information Technology and Materials Design and Technology. I also occasionally mentor students who are seeking university entry and follow that through until they exceed my capacity to help. I do this for the pleasure of seeing a young person achieve their dreams. Yes, some of us still do things for purely altruistic motives.

In the secondary school arena, I interact with hundreds of teenage children and have become acutely aware of the devastating impact of social “policy”, (both explicit and implicit), on the outcomes for boys in particular, but also girls. I have witnessed the plunge to “slutiness” of most of the female side of this species with a sense of great sadness.

The reasons are quite clear.

The boys who cause most problems in my classes and have the worst outcomes, lack the basic idea of what being a man means. They have no self-respect and even less for their female peers. Many do not have male role models in their lives, or come from families where the “father”/“step father”/“defacto father” or “mothers current sex partner”, is equally deficient.

Many of the females I teach describe how their “mothers” behave, and plan to emulate the role model well. I have been told quite bluntly by several 14 to 16 year old girls that they intend to, “fuck six different blokes, have six kids, and live off welfare”. The males have such low opinion of these females that they are only too happy to oblige them.

On occasion, I confront my students, head on. I talk to them from the perspective of a 42 year old *man* and guess what happens? Girls sit quietly and ask me why they are treated so badly, They lament the lack of a real fathers or “safe” men in their lives. Several boys have cried from the sense of hopeless confusion they feel because nobody has been there to teach them how to be a man. Its heart rending for me because I see my own children in their eye’s, if I ever give up the fight to be a dad.

Governments bleat incessantly about the breakdown of social values, when it is government policy that is predominantly to blame. Government policies actively work against the family. Men have been effectively eliminated from hundreds of thousands of families over the past 30 years. We have been demonized to the point where we are too bloody terrified to teach in primary schools for fear of having our lives destroyed by malicious accusations. By the time kids get to secondary school,

the damage is done. Vulnerable boys have become uncontrollable predatory little thugs and vulnerable girls have become \$20 hookers.

I see very little hope for most of them. I assess students adhering to curriculum standards, and as a result, my classes typically have 75% fail rates. It scares me witless for the future of this country.

Addressing the Terms of reference:

What Factors should be taken into account when deciding the respective time each parent should spend with their children post separation:

- How about one of the most basic of human rights, the right to live with the knowledge that you will be able to parent your children without that right being arbitrarily destroyed by an incompetent, myopic kangaroo court?
- How about the presumption of innocence supposedly enshrined in our constitution?
- How about the right of a man to live without the threat of losing his life at the whim of a vindictive woman?
- How about the right of a child to know their father and spend a fair amount of time with him?
- How about the right of a son to a male role model in their lives who is blood related?
- How about the mental impact on a father who is unjustly separated from his children?
- How about the importance of ensuring as much contact with BOTH parents as is possible so that children develop a balanced sense of *self*?

Should there be a presumption that children will spend equal time with each parent?

Why shouldn't there be such a presumption? Any alternative represents BLATANT DISCRIMINATION. It is well documented that the role of a father in the nurturing of children is as fundamental as that of the mother, in all stages of a child's development.

It is now FINALLY being recognized that the role of fathers in the development of boys is particularly crucial and cannot be marginalized.

There can be NO credible argument why both parents should not have equal residency rights to their children given that the parents do not themselves pose a demonstrable threat to the welfare of the children.

Under what circumstances should such a presumption could be rebutted?

The only circumstances where equal residence rights should be rebutted relate to a failure of either, or both, parents to act in the best interests of the children. An equal residence balance should only be subject to review in circumstances where a parent is PROVEN to have acted in a manner that is detrimental to the best interests of the children either by:

- a) Inappropriate personal conduct such as drug or alcohol abuse or exposing the children to actual or possible abuse at the hands of another person, including abusive step-parents.
- b) Acting in such a way that it is a direct threat to the welfare of the children. For example violent behaviour toward the children.
- c) Acting in such a way as to unjustly deprive the other parent of fair access or in a manner designed to damage or destroy the relationship between the children and the other parent.

Before any review of residence is considered, mandatory counseling and or parental education programs should be provided.

In what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents.

Children have a fundamental right to access to their extended families and other persons who have a positive influence on their development. Children should have the right to specify themselves what form such contact should take where appropriate and when there is disagreement between the parents. Blood relatives should have an automatic right to apply for such access with rebuttal provisions provided.

Whether the existing child support formula works fairly for both parents in relation to care of, and contact with, their children.

The CSA is a barbaric bureaucracy. For most men, the very concept of a bureaucrat telling them how much they have to pay “to be a parent” to their children is an obscenity. Further, the child support Act effectively dooms a man to poverty.

For example:

- I have three children; that equates to a CSA assessment of 32% of my income. In 2002, I lost 55% of my wage to CSA deductions and PAYE tax before I even began to try to live.
- I was left with massive debts after the marriage ended, including joint debts. I had NO nett assets. None of this was taken into account by the CSA.
- I had to establish a home FROM SCRATCH and *at short notice* (10 days) so that I could see my children overnight. This was not considered relevant by CSA
- I now incur the cost of traveling 800km per fortnight to collect and return my children to the contact center where Access is implemented.
- I have no say what so ever in how CSA deductions from my wage are used. Instead of making provision for the university education my children deserve, my former wife spends the money on cable T.V., clothes for herself and items for her own benefit.
- Despite being unemployed, the CSA has continued to accrue a debt in my name.
- I have been subject to ongoing harassment by this bureaucracy through repeated demands for payments, garnishing of my wages and incessant demands for money they know full well I do not possess.

- My access level equates to just 23% of my children's time. That has been further reduced by repeated access breaches.

Further, the child support regime makes it virtually impossible for men to build a new life after they have been "terminated". I was lucky enough to form a new relationship, but when my fiancé fell pregnant and subsequently had to leave work, I was left with no way of supporting us except through borrowing money.

No provision was made in CSA calculations for the fact that I was a contract employee with the state education department. It was impossible for me to accumulate any savings what so ever. I subsequently lost my job to an employee with right of permanency and was driven head long into bankruptcy in July 2003. I have since regained part time employment. My credit rating has been destroyed. I will almost certainly never be able to afford to buy a home of my own.

Further, despite repeated documented examples of blatantly supplying false information to the CSA, that agency refuses to prosecute my former wife. In fact, I have been told, directly, that the agency will not pursue a mother. In my opinion, this agency exists because government policy has so screwed up families in this country that marriage has been rendered a worthless institution. Fathers have been left to pay the cost of poor policy decisions and, in doing so, government has further fostered a culture that encourages the disintegration of the family unit.

I hate your Child Support Agency with a blood lust and, like any man with an ounce of self-respect, I will NEVER tolerate its existence or its constant intrusion into my life.

Conclusion:

Several politicians have been forced to acknowledge the gross defects in the Family Law Act. They have now made an attempt to gain information to hopefully correct one of the greatest and most tragic inequities in this legislation.

I have detailed here my personal experience; that of a normal, law abiding honest and decent ex-Australian. My story is horrific, and all too common. As a professional, with long-term experience working with young people, I witness on a daily basis the devastation of children's lives that the Family Court contributes to. It makes me both sad and sick to the stomach. Your Paternal Genocide Act is barbaric and unjust. It is an insult to manhood, an insult to fatherhood and an abomination against the rights of the child.

The winds of change have begun to blow and unless this government seizes the opportunity to act NOW, those winds will inevitably turn into a cyclone, perhaps a radical "men's liberation movement", or something far, far more violent. I will fight this Act until I die for the simple reason that I have three sons. Change it, or thousands of men will get together and tear down your bloody court system brick by bloody brick.