

Submission No. 729

Date Received: 9-8-03

Secretary: _____

From: kelvin [REDACTED]

Sent: Saturday, 9 August 2003 3:14 AM

To: Committee, FCA (REPS)

Subject: Committee Secretary Standing Committee on Family and Community Affairs House of
Representatives Parliament House CANBERRA ACT 2600 AUSTRALIA

Mr Kelvin Warburton
1/11 Elm St Bayswater
Victoria 3153
8th August 2003
[REDACTED]

Dear Sir,

My submission is simple and I hope it will have some input into your Inquire.

Over the last few years i have come to expect little help for my child in regards to his rights through the family court.
the Cost of trying to at least maintain my child rights has forced me to loose time from work , I live not far from my child and we have a great relationship and i have strived to maintain that at great financial cost to me .
It seem that the system forces parents to go back and forth like ants on a sugar hunt. all because one parent seems to twist the Orders to suit their needs with out any regards for the child's rights at all.

I have had to take my last funds from my supra to fight an up and coming case just to protect my child's rights.
the legal aid system is of no help to a child at all , with the costs of child reports being \$1200+GST and they are at times useless as the reporter only sees' the child for 20 minutes or so .

The legal aid system has a limit but being unemployed how do you defend a child's rights with out help when the other side has legal council . i for one have no knowledge of the legal jargon and get frustrated when council for the other side used this and that to confuse the issue and what more delays the proceeding as it to stall for time, hoping that the cost of litation will force you to drop your case.

As father and parent you have two choices either walk away from the child and the system or fight till your forced to say i cant fight anymore and allow the emotional and sometimes physical abuse to continue in the home where the child resides.

I could not walk away and it has cost me every thing i have and also ,emotionally as well as time consumed in preparing affidavits for court talking time from my child and myself.

The structure of legal aid for a child or my self is limited yes but it also has a committee that you are told you can appeal to if you think legal aid is wrong to refuse you.
So you write to this review committee and they overturn the decision made by legal aid in your favour, and yer the legal aid body then said no way anyway way the still tell you no. So i wonder why a review committee is in paid anyway to make a judgement either way and the legal aid body said well we are not going to follow your judgement. so this is a waist of time and money. it should be like the court system if a higher court said ok the a lower court cant say to hell with the high court.

Legal aid is a system of suits paid from 9-5 then go home we as parents have to wait with delay after delay and then told by a suit no way cant deal with this its knock off time , so to speak.

Something needs to be put in place where a child has funds for them to help with the parent defending their rights under the UN charter article 9. as the legal system of solicitors are having a field day with delays and costs also making you pay and pay just to get rights for you and the child.

After all the rights of the child is what the system is for but it seem a long way from being what it is meant to be. children go through so much emotional stress mostly around the divorce and the it continues for years after when one parent is just saying to hell with it im doing what i want to do never thinking of the child's rights at all.

16/08/2003

There are a great number of fathers that have been forced to cop it sweet and walk away because of the what the other parent dictates how things are going to happen. this is bad for the child and the father or in some cases mothers too. and i have a friend that is female that has the same problems as i do with the system.

the child should have equal input from both parents in every thing if the system is to work they have to be told in simple and straight words that they are both responsible and the court will not tolerate one parent dictating to the other parent about what happens in regards to the child or children.

The court wonders why there are so many children deprived of the other parent some choose to do it but 99% of parents want to have the same time as they did when the marriage was together so to maintain a relationship with and for the children. However other parents dictate come up with all sorts of excuses about the child and also make up story's about the other parents new partner too. this has the system in a spin as these allegations are just a ruse in most cases to take the child away from the other parent. Its all a revenge match for the breakup of the marriage if i cant get at you i'll get at you through the children.

This puts the child or children in the middle and the other parent does not like the children to suffer so they walk away and get the blame for doing so because they cant fight the system. having children spend equal time with each parent is the only way and it can work it does work, the so called bodies that say it cant are looking at the way it will reduce the others income from the government and the amount of child support they loose they are afraid to get a job want to bludge on the working parent and the system..

The court said the marriage is dissolved but it is never over because your tied to the other parents do and don't its emotionally draining on the children and the other parent. this has to stop .

Children need both parents and I mean both till they are able to make up their own mind as adults, they also need to be herd more by the court as to where they wish to live and with whom not pushed around like fish in a pond. children need to feel that the courts are for them as well not being told they are a commodity to be played with till a certain age, and as a means of one parent getting back at the other and i tell you it does happen i have experienced it often enough .

Now parents fight over the house that can also stop too as the government can say no way the house will become the property of the court till the last child of this marriage is 18y.o the the house is sold and *80% is divided between the parents and 20% goes to the child to start life with . it stops who get what .

it need to be worked on but is can be very simple it take stress out of marriage because one parent will not loose in favour of the other money wise.

the access to the others supa has to also stop people work all their lives for a nest egg and the system said O well the other can have half too that the most degrading thing any person can have happen ..Again gets stress and emotional blackmail out of the divorce too and cuts down on legal costs too as solicitors cant force issues to be fought over and make more money for them selves.

Now here is another body of people that seem to be a system to them selves the child support body. they have been told and in my case by the family court that i only pay so much because of my living costs and im not a drinker or a gambler but a simple person with simple means.

This body ignores court orders and insist on taking all you have when you reply with phone calls or in person your told O we will look into it yet the family court has ordered them to to so and so they say to hell with it we are a body out side any system and we do as we please. I have battled with this system for years and have been unemployed for quite a while yet the still hit me for money i don't have or never earn.

Yet i put every thing i get into my child to provide and only get \$25 every two weeks to care for him , that only pays for two meals by todays standards i have to pay for the rest I don't mind as parent im looking after my child but what incentive do i get to provide for him and to build a nest egg for myself nothing what so ever the system wonders why fathers suffer depression and lack of funds to provide where as the other has 2 incomes in the house and all the government money to boot . its not a fare system at all its so one sided.

when a parent has quality time and HOLIDAYS WITH THEIR CHILDREN THEY WANT TO BE

ABLE TO GIVE THEM THE HOLIDAY THEY NEED TO HAVE FUN AS A FAMILY .

the committee looking at this to change the system has to look long and hard at a few facts.

1 the child support system need radical over haul ASAP .

2 the time with a parent needs to be spelt out in simple terms so each is told stuff around with the court orders and tell lies will land you in weekend detention , stop the parents fighting over how has rights to this.

Its the child rights and the Child's time not the parents to dictate where and when, unless the other parent is into drugs or legal things , 95% are good parents. give the parents a simple system of litigation keep assets out of it .

3 give the parents and children that want to spend equal time with each other a go at maintaining their relationship and helping the children to accept divorce as not an on going battle over them.

Sort out the child support agency that if rife with feminists or people that treat it as a 9-5 job give parents equal share of the money to raise the children .

doing so will give people the incentive to at least try for some sort of work help in the depression that taking so many lives both parents and children.

Lets give the Children help lets give the family court system to use weekend detention as a tool to prevent parents from saying because I've got the shits with you your not allowed to have the children or you cant do this for them or that for them.

you will be amazed at the number of fathers that what to put in the hard yacka for their children yer the system is playing into the other parents hands.

I myself have been forced to go on any depression pills and I hate them give the children the equal time with each parent week about maintain the same school environment the same friends and the love of both parents with out all the drams and confusion that =children suffer .

After all they are the next generation then need us as parents to teach them to live in society under its rules .

take that away and the next generation will have no or little guide lines to teach their children. the rate of growth family wise is dropping because many men now fear marriage because they don't want to loose what the have worked for or their children . in 20 top 30 years out divorce rate will be so high that no one will look at marriage and the less children to build our population up we as a nation will slowly die as it was when Australia was founded as a nation to be fare and free and a good place to raise children in.

Its time the Family court the child support system was changed to give parents and children equal rights before its to late and the suicide rate climes out of control, particularly in teenage children because they have not the input by both parents and the parents that suicide because of depression from loss of contact because of the systems

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Yours faithfully

Mr Kelvin Warburton