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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.

Dear Sirs,

It is somewhat inconceivable to this writer that the Government, indeed most if not all politicians, are not aware of the "attainder style antics" of the family court, legal aid commission and child support agency.

Accordingly, we must list the areas where the current legislation, or more importantly, its implementation fails to deliver outcomes which could be viewed by most reasonable persons as being in the interests of the child or ultimately, either parent or the federal welfare exchequer. These failures are;

1. A system seemingly intending, by any means legal or not, to prevent the primary income earner ( or person with the greatest income earning potential) from gaining custody/residency or meaningful contact. Vis-à-vis, the ingrained assumption that the parent with the least income or least earning potential is automatically deemed as being in possession of the better parenting skills.
2. Family court/legal aid stated employment policies of hiring known and committed activists ( primarily women's studies students and other new age Marxist sociology courses) at all levels. Persons belonging to activist organisations and groups with a public platform requiring the eradication of the heterosexual family unit are practising as separate representatives, Registrars, psychologist/court reporters, counsellors and social workers.
3. Legal aid appointment of psychologist court reporters is from a list of selected and known activists who routinely and regularly misquote, misrepresent and commit outright perjury against primary income earners, particularly Fathers. Similarly, there is little doubt legal aid representatives are frequently colluding with psychologist/court reporters to provide false and fabricated reports to the court with the knowledge and support of the judiciary.
4. Legal aid representatives appear to view themselves not as representing the child/ren but as extensions of the lesser income earners, usually the Mothers, legal team. Accordingly, legal aid representatives discard or ignore important evidence that does not favour the Mother( such as maternal child abuse, drug abuse, neglect of education etc) and fabricate or engage in contextual trump ups in evidence against the Father. Frequently abuse of child/ren by the Mother will be not only be concealed but falsely reported as paternal abuse.
5. The prejudice and bias of directions hearing registrars and counsellors in not only repeatedly asking ( indeed, prompting )Mothers if they have been subject to any form of violence but also using same to intimidate and threaten fathers. In all scenarios the Mothers unsubstantiated allegation is treated as fact.

6. The Judicial practice of seeking or pursuing outcomes, regardless of merit, as sought by the lesser income earner ( typically the Mother) and forcing the primary income earner to accept these conditions. In the event the primary income earner appears unwilling to accept such outcomes, the Judge, regardless of merit will employ a series of illegal or questionable legal devices such as; suspension of due legal process; placing an insurmountable burden of proof upon the primary income earner; preventing or obstructing cross examination of witnesses; Ruling, without stated cause, key evidence as inadmissible; Demanding father pay costs for witnesses called by other parties; Threatening father with costs for all parties unless father agrees to one sided outcome; Use of untested evidence as fact; Harassment and intimidation of Fathers, up to and including jeering and laughing of not only Judge but also court assistants; Fantastic interpretation of evidence. The enduring and seething bitterness of fathers so mistreated by the family court process cannot be overstated.
7. The family courts and associated apparatus' view that they must champion "coming out lesbians" as a cause celebre for which the most fantastic perjury and fabrication of evidence is routinely and energetically employed to guarantee new age Marxist family unit outcomes and to "protect" the lesbian mother from paternal heterosexual influences.
8. A system and process which encourages, supports and assists lesser income earners to pursue litigation ( even when a mutual agreement has been reached between the parties) until an outcome perceived as satisfactory to the state is achieved.
9. A consistent and unrelenting failure by the Family court Judiciary to hold accountable or punish in any way resident parents who actively flout contact orders with non resident parents using the well worn refrain " As the penalties for the Mother are so severe [ in disrupting contact] I cannot find in favour of the Father".
10. The child support agency employs a battery of arbitrary tactics, ploys and misrepresentations to increase the child support amount payable and/or false debt owed. Some of these arbitrary actions are; retrospective commencement dates, arbitrary use of imputed income or income earning capacity, permitting resident parents the unilateral right to retrospectively veto child support agreements already in place, demanding double payments complete with retrospective fines and penalties, agreeing to review and discussion whilst at the same time sweeping a payer parents bank accounts. Use of threats, intimidation and harassment against payer parents.

#### Proposed remedies;

- A. The family court be stripped of its common law facade and, through legislation, defined as a court of *social law* where the rules of evidence and due legal process can be clearly stated as being within the arbitrary realms of judicial discretion or state directed policies of attainder. It is vital for any rule of law democracy to protect common law due legal process and to maintain its respect within the community. Separating the blatantly activist Family court from common law courts by defining it as a social law court will prevent common law and basic democratic principles from being further undermined and falling into even greater community disrespect.

- B. Family court judicial officers must not be permitted to commence a hearing until parties to the hearing have presented their offers/plans to each other and the court in writing. Court may order parties to refine proposed agreements as many times as it takes until the parties agree on an outcome. This is effectively enforced arbitration.
- C. Family law legislation must be altered to permit a MAXIMUM of 50% of assets to be awarded to the lesser income earner or financial contributor..
- D. Family court judicial officers must have the power removed to completely prevent contact between children and non-resident parent. A minimum of 12 days per annum must be the legislated minimum contact. Only those non resident parents who have been convicted in a proper court of common law of physical or sexual child abuse may be denied contact.
- E. False allegations of violence by parties to litigation or abuse must carry a minimum penalty of 100 hours community service or alternate weekend detention.
- F. Child separate representatives lose legal client protection privilege and must be available for cross examination and must declare all contact written and verbal with any expert witnesses to litigation.
- G. Legal aid child representatives must be required to provide evidence upon which they have relied to take a position on any matter pertaining to litigation if such a position is taken BEFORE evidence has been tested.
- H. Legal aid must be prevented from claiming costs against any third party to litigation.
- I. All personnel employed in the court and ancillary services must be required to declare any activist associations to which they may belong or continue to support which may affect their capacity to act in an impartial manner.
- J. Court reporter expert witnesses ( social workers, psychologists, psychiatrists) if found to have produced reports containing substantial errors in fact must be required to refund any fees, costs or charges to the clients or parties affected by the report. In addition, such expert witnesses must be registered on a national family court data base so that litigants may view the existence of or frequency with which alleged experts have failed to produce factually accurate reports.
- K. Judicial findings must be produced 30 days BEFORE a special findings hearing is held. In addition, the legislation needs to be amended to require judicial officers to correct errors of fact and misquotations in the findings and re-issue a corrected copy. Should such corrections fail to materialise or are refused, litigants must be permitted to appeal without bearing costs to have such errors as may exist corrected.
- L. Child support practice and intent must be radically altered to produce practical outcomes as opposed to a dutiless tax free “prize” which is currently the case. For all children over the age of 6 years child support must be considered a co-payment along with Government benefits and a requirement for the custodial parent to earn an independent income. For the payer parent child support payments must not affect any income below the poverty line and must decline in percentage terms on above average incomes. Industrious payer parents must view child support as payable AND at the same time they can keep enough of their income to replace appropriated assets, improve their lifestyle and adequately provide for retirement. The current child support system ensures both parents will retire poor instead of one. The CSA must alter its practice of vulgar bullying and deceit to one of negotiating and facilitating the best all round practical outcome.

The purposes of these proposals are as follows;

To render divorce and its aftermath for families with reasonable financial assets as an unattractive option FOR BOTH PARTIES.

To prevent any party from considering divorce as an opportunity to claim a prize (real or imagined) within the context of a guaranteed outcome.

To prevent activist "hi-jacking" of the family law process.

To re-establish due legal process by limiting the failed concept and practice Of wide ranging judicial discretion.

To prevent the continued state practice of "criminalising" post divorce fathers.

Thank you.

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